

Time for a database of case law relating to new EC migration law?

Feasibility study of the creation of a database of national case law relating to new EC migration law



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FORUM, Institute for Multicultural Development, Utrecht**

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1. INTRODUCTION

This study was conducted in cooperation with FORUM, Institute for Multicultural Development, in Utrecht. The aim of the study is to examine the possibilities, conditions and costs of setting up a web site that makes national case law from the EU member states accessible relating to the new EC rules on asylum and migration. The key question in the study is two-fold: firstly, the study concentrates on the question of whether a need exists for a database of case law from EU member states relating to the new EC rules on asylum and migration; secondly, the question targets the feasibility of setting up this kind of database.

The question about the need for a central on-line database relating to asylum and migration is discussed in part 2. The question of need has been submitted to various people and organisations active in the field of migration or asylum law. The answer to the question reflects the subjective need for the database. In order to chart needs more objectively, we looked at the existing databases and initiatives involving case law in the area of asylum and migration.

Part 3 looks at the question of whether creating a central web site for new EC migration law is feasible, examining in particular the possibilities, conditions and costs of setting up the database.

Part 4 provides a summary of the possibilities and some recommendations are made.

This study has to be regarded as an initial inventory of the possibilities and impossibilities for creating a database of case law relating to the new EC directives and regulations on asylum and migration.

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2. NEED

It is important to establish whether a need exists for a central database of case law relating to the new EC directives and regulations in the field of asylum and migration. We put the issue of need directly to various NGOs, lawyers, researchers and others working in the field of migration/asylum law.¹ We approached a total of over 40 people and organisations with this question. In addition, we examined whether similar (initiatives for) projects currently exist.

2.1 Subjective need

The question of whether a need exists for a central on-line database of national case law of the member states of the European Union relating to the new EC instruments was answered positively by all respondents.

2.1.1 Lawyers and academics

Case law from other member states relating to asylum and migration is currently not easily accessible, according to the lawyers and academics we approached. It takes a great deal of time and effort to find relevant case law from other member states. The poor accessibility of case law seems to mean that the search rarely extends beyond national borders. Most (Dutch and foreign) lawyers admit that they make little use of the case law of other member states because the difficult and time-consuming search only rarely leads or has led to usable results. The accessibility of case law also stands in the way of a more systematic inspection of the uniformity or, specifically, the diversity of case law, despite the fact that the case law of other member states can play an important role in explaining and applying EC directives.

2.1.2 Others

The need for a central database is perceived not only among lawyers and academics. A. Paladisingh, who works at the Department of Knowledge and Research of the Dutch Council of State, admits that conflicting case law can give rise to greater willingness to submit a question referred for preliminary ruling. If it appears that several member states have problems explaining one (or more) provision(s) of a directive, the Court of Justice – the body responsible for a uniform explanation of Community law – can examine a case earlier and thus bring clarity to the matter. This does mean that the database to be developed must also be easily accessible by judges. This is examined more closely in point 3.2.1, when discussing the target group. Mr. Paladisingh believes that the judiciary clearly has a need for a central, easily accessible database. The need for a central database also exists among all the NGOs consulted that are active in the field of migration or asylum.

2.2 Sources of foreign case law

As previously mentioned, the inaccessibility of foreign case law is an obstacle to its systematic consultation. In cases where use is made of the case law of other member states, the source is usually found in specialist legal literature or in national databases

¹ Appendix I includes a list of organisations and people whom we approached.

in the area of migration or asylum. This is particularly true for lawyers and academics. NGOs often make use of their network to obtain relevant case law. The national databases mentioned by the respondents are discussed in point 2.6. The problem with national databases is that they often contain only a limited number of cross-border judgements. Dutch databases have the additional disadvantage that they are only available in Dutch and are therefore in principle not accessible to other member states. Moreover, *Migratieweb*, *Migratierecht* and *Vluchtweb* all require the user to register and to subscribe to the service. These two problems are incidentally not only an issue in the Netherlands, but in other member states as well.

2.3 Objective need

The organisations and people we approached admit independently that a need does exist for a central database of case law relating to asylum and migration. The subjective need for an on-line database is clear from the above. However, we also need to look at this need in the objective sense. It is important to chart which databases and initiatives for setting up similar databases already exist.

2.3.1 Existing initiatives and projects

It is difficult to bring the desired information in this area into focus. It is a question of speaking to and reaching the right person within the right organisation. In order to obtain as full a picture as possible of the state of affairs concerning case law relating to asylum and migration, several lines are available via the European Commission, the Odysseus Network, the Dutch legal profession and other experts or organisations. The lines plotted have led to information on eight projects:

- University of Leiden
- *Vluchtelingenwerk Nederland*
- <http://www.refugeecaselaw.org>
- <http://www.iarlj.nl>
- <http://www.caselex.com>
- <http://www.unalex.eu/jurisdiction.aspx>
- Eurlex
- <http://www.juradmin.eu>
- <http://www.network-presidents.eu/?lang=en>

These projects are discussed below. A distinction can be made between initiatives (University of Leiden and *Vluchtelingenwerk*) and existing databases. The existing databases can be divided into databases covering one or more specific legal areas (Refugeecaselaw, IARLJ, Caselex, Unalex) and into general databases of case law (Eurlex, Juradmin, Network of Presidents).

I Initiatives

A. University of Leiden

Contact: Maarten den Heijer

The University of Leiden considered setting up a similar database relating to asylum and migration. It remained an initiative. It was fairly quickly decided not to continue

the project because of a lack of financial and personnel resources at the University of Leiden, at least at the Institute for Immigration Law. No feasibility study was performed. The fact that the project was not continued does not mean that the University of Leiden thinks that it is generally not feasible to set up this kind of database. The University of Leiden does not foresee a leading role for itself in setting up this kind of database but does want to participate and in any event wants to share with others the knowledge and ideas present in Leiden.

B. Vluchtelingenwerk Nederland

Contacts: Marc Janssen, Stefan Kok and Jessica Bowring

Vluchtelingenwerk Nederland is currently working on two projects: an information portal for NGOs and a project about the qualification directive.

Vluchtelingenwerk wants to set up an information portal for NGOs in the form of a European Refugee Web (ERW). It was initially the intention for the modality to be developed to contain much jurisprudence. However, it soon became clear that language and access to case law in the member states pose problems. The new plan is for only interesting judgements to be included and then in the form of summaries. Financing for the ERW seems to be a major problem. It looks as if the ERW will not become reality for the time being. A request for a European grant was rejected because the application focused too much on technology rather than content. Consideration is being given to whether it is still possible to set up the ERW using the NGOs' own funds. The ERW is primarily intended as a portal to relevant information.

In addition to the ERW, *Vluchtelingenwerk Nederland* is busy developing a project relating to the qualification directive. It has received money for this from the European Refugee Fund. The web site should be operational in April. The arrangement is that the information is publicly and freely accessible. The intention is to create a separate web site, not linked to *Vluchtweb*. The project concerning the qualification directive is confined to five areas in the directive. Case law is gathered by NGOs in the member states. *Vluchtelingenwerk Nederland* cooperates with ECRE/ELENA, In-foasyl (Germany), Swera (Sweden), CIR (Italy), CERA (Spain), Helsinki Committees (Poland and Bulgaria) and CNRR (Romania). The intention is that the NGOs will make a brief summary and perform a small-scale analysis.

Given its experience with the aforementioned two projects, *Vluchtelingenwerk Nederland* is an interesting partner. Willingness to cooperate is high within *Vluchtelingenwerk Nederland*.

II Specific legal areas

In any event, two databases exist of case law from various countries regarding asylum and/or refugees. The aforementioned databases are: <http://refugeecaselaw.org> and the database of the International Association of Refugee Law Judges (referred to below as IARLJ).

It is notable that only one (Dutch) lawyer refers to <http://www.refugeecaselaw.org> as a source of foreign case law. None of the lawyers or academics approached made reference to the database of the IARLJ as a source of foreign case law.

A. <http://www.refugeecaselaw.org>

Refugeecaselaw distinguishes between two selections: a “core selection” and national sites. The web site was set up by the University of Michigan (US). It currently contains 999 judgements in the area of asylum law and is freely accessible. The database is not confined to judgements by European courts, but contains judgements by courts all over the world. The emphasis is on Anglo-Saxon countries. The “core collection” contains judgements from seven supreme courts in Australia, Canada, Germany, New Zealand, Switzerland, the United Kingdom and the United States. Judgements for the core collection are selected by Professors Hathaway and Kälin. In addition to the core collection, “national sites” also exist. Judgements for the national sites are selected by teams of decision-makers and academics all over the world. The problem with the database is that you have to be familiar with English specialist terminology since a full-text search system is used. The disadvantages of a full-text search system are more closely examined in point 3.3.3.



B. <http://www.iarlj.nl>

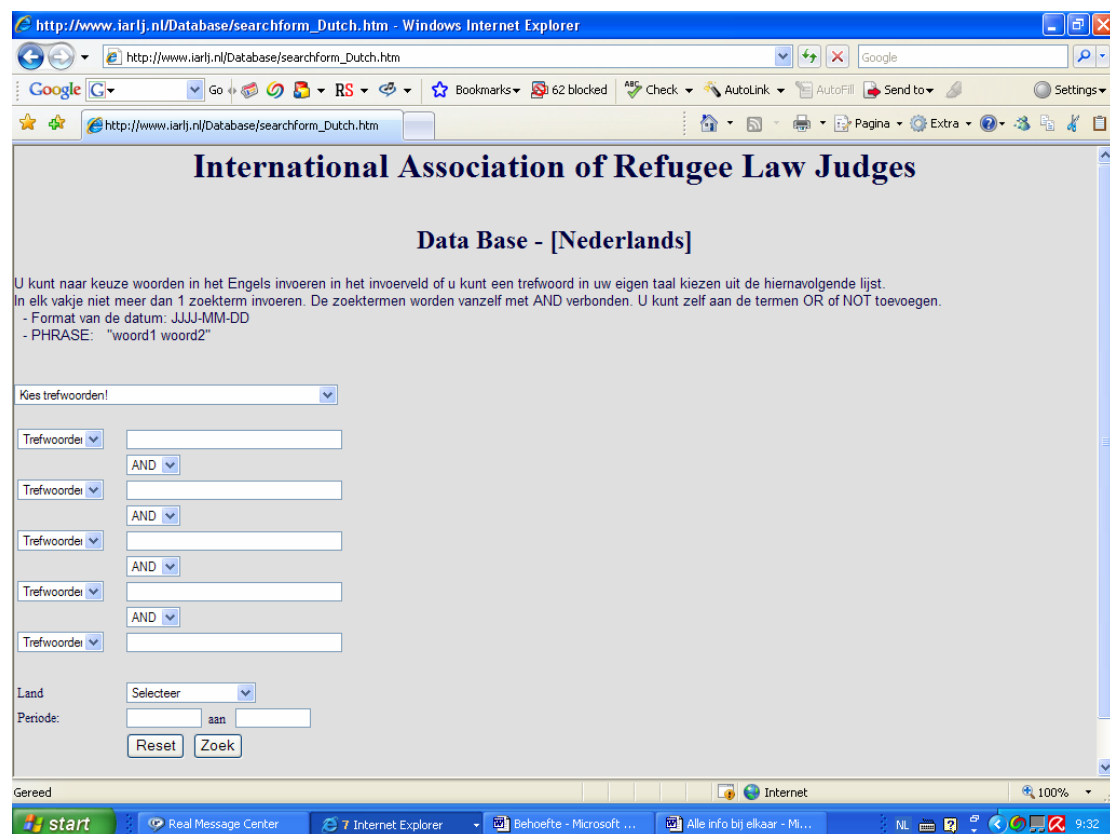
In 2003 the IARLJ felt the need to develop a freely accessible database. The database has been freely accessible since April 2005 via the web site of the IARLJ. In April 2005 the database was available in five languages (Dutch, English, French, German and Polish). It is now available in eight languages, with the addition of Finnish, Slovenian and Spanish, and work is underway to make the database available in Czech as well. As is the case for the refugeecaselaw.org database, the case law is not limited to case law from Europe. The database contains asylum-related case law from 17 countries (Austria, Belgium, Finland, France, Germany, Hungary, Ireland, the

Netherlands, Poland, Slovenia, Sweden, Switzerland, the United Kingdom, Australia, Canada, New Zealand and the United States). Case law for the database is provided by contact points (courts) in the relevant countries. It is possible to search by fixed keywords. The database includes a summary of each judgement in English and in the source language. The judgement can be downloaded in the original language (as a .pdf file). It is not clear how many judgements the database currently includes. We are still waiting for information about this from the IARJL.

The database has been set up in collaboration with the *Deutscher EDV-Gerichtstag E.v.*² Dr. Paul Tiedemann has written an article about the IARJL database. The article gives a clear and detailed summary of the structure of the database. The article can be accessed at https://www.edvgt.de/media/doc/Multilinguale_Datenbanken.pdf. As a member of the Council of the IARJL, Dr. Tiedemann has been involved in the development of the database. Since the IARJL database can be very important in (releasing information for) the database we envisage, it is worth recommending that the article be consulted. The database is designated by Dr. Klaus Dienelt of Migrationsrecht.net as a potential model for the database we are to create. It is perhaps worth considering working in tandem with the database.



² <https://www.edvgt.de/>



In addition to the two aforementioned databases, another two databases also exist containing cross-border case law: Caselex and Unalex. The databases are not (specifically) geared towards case law regarding asylum or migration.

C. <http://www.caselex.com>

Caselex is a commercial database. It was set up to serve large law firms and is financed using European money. Caselex is confined to five “commercial” legal areas: corporate law, consumer protection, intellectual property and cartel law/competition law. In addition, labour law, health law and social security law are included as one legal area. In order to gain access to the database, a person is required to subscribe. The plan is to expand the database into several “commercial” legal areas. Migration law and asylum law are not included here and, according to Marc de Vries, Chief Editor, there are no plans to include case law relating to migration and asylum. The structure of Caselex is discussed further in part 2 within the context of the feasibility of setting up a database of jurisprudence.

D. <http://www.unalex.eu/jurisdiction.aspx>

Unalex is a project currently being set up by a network of specialists in International Private law. The web site does not provide much of an explanation of the project. The organisation has been approached but we are still waiting for a response. Given the fact that the project was set up by a network of specialists in International Private law, it is not likely that they will (specifically) concentrate on asylum and migration case law. We will not consider this project further.

III General databases of case law

In addition to the aforementioned databases targeted at one or more particular legal areas, four more general databases exist which are interesting in responding to the question of need (Eurlex, Dec.Nat, Jurifast and Network of Presidents of Supreme Courts). The four projects are discussed below.

A Eurlex

The Publications Office of the Court of Justice is working on a project to create a new sector of documents. This project is known as project number 8, “National Case-Law related to Community Law”. It is clear that the database to be created is targeted at national case law in general and is not confined to case law relating to migration and asylum. If the project gets the green light, it may be that the need for the database we have in mind will decline or even cease to exist. However, this depends on many (as yet) uncertain factors. In any event, it will be some time before the project actually gets off the ground. Contact has been established with the publications office. The Publications Office cannot report any news on the project until the end of 2008.

B <http://www.juradmin.eu/>

Juradmin is the web site of the association of Councils of State. The association of Councils of State is a joint venture between the highest legal administrative boards of the member states of the European Union. The Court of Justice is also a member of the association, which is an international non-profit organisation.

The web site of the Association of Councils of State is available in two languages – French and English. The web site provides access to two databases: the first is Dec.Nat. The case law in Dec.Nat is provided by the Publications Office of the Court of Justice. Dec.Nat currently contains over 19,200 references to national judgements regarding Community Law from 1959 to the present day. Dec.Nat was last updated on 20 June 2007. The judgements themselves are not included in the databases. The data from the judgement are included in the original language of the country. The summary and keywords of judgements from before 24 May 2006 are available in English and French. Summaries of judgements from after 24 May 2006 are currently only available in French.

The second database on Juradmin is Jurifast. Jurifast currently contains approximately 350 judgements. The judgements for Jurifast are provided (directly) by the members themselves. The problem with Jurifast is lack of obligation for the boards. Moreover, the information influx is not consistent. Activity levels vary widely. Germany and the Netherlands are very active, while some other countries never contribute at all. Unlike in Dec.Nat, the judgements in Jurifast are self-included and a summary is also given in English and French together with a link to the relevant provisions of Community Law. Jurifast contains both questions referred for a preliminary ruling and decisions by national courts concerning the interpretation of Community Law. The boards themselves determine which judgements are included in Jurifast. Courts are free also to include judgements by lower administrative judges in the database. If a question referred for a preliminary ruling is involved, a link is also included to the response from the Court of Justice. The decision made following the question referred for a preliminary ruling is also included, if available. Juradmin has included a link to http://curia.europa.eu/fr/coopju/apercu_reflets/lang/index.htm; the aforementioned

web site provides information about how many questions referred for a preliminary ruling are put forward (per member state) in a given year, as well as information about the institutions per member state and portals to case law per member state.

For more information about the web site of the Association and both databases, see the Association's newsletter (www.juradmin.eu/en/newsletter/pdf/Hr_17-En.pdf). The newsletter has been produced using money from the European Union.

The aim of the Association of the Councils of State is to promote mutual knowledge and harmonisation in interpreting and applying Community Law. The databases are not only intended for members of the Association, but for any interested parties. Dec.Nat and Jurifast are both targeted at Community Law in general and are not limited to one or more specific legal areas. The databases are perhaps interesting for opening up case law. We have looked at how many hits we obtain for the search term *gezinsherenigingsrichtlijn* (family reunification directive) and "2003/86". We did not get a single hit in Dec.Nat; in Jurifast we scored one hit: a judgement by the Dutch Council of State from 6 March 2007.

C <http://www.network-presidents.eu/?lang=en>

The Network of the Presidents of the Supreme Judicial Courts maintains a database. Use is made of the portals of the (civil) courts themselves, which means that case law is not confined to one or more legal areas.

2.4 Accessibility of case law

As far as we have been able to ascertain, no initiatives or projects currently exist for setting up an on-line database of EC migration and asylum directives. As we have seen above, several databases exist of case law relating to asylum or case law in general. These databases can perhaps be used to release case law, thinking ahead to potential cooperation. In particular, the database of the IARLJ and the Dec.Nat and Jurifast databases (Association of Councils of State) can be interesting. With regard to the Jurifast database, it should be mentioned that the database contains primarily case law of the Councils of State. The database only offers limited access to lower case law while, if we look for example at Belgium, the most important case law will come from the Council for Alien Disputes (*Raad voor Vreemdelingenbetwistingen* - RVR). The RVR is after all the only body competent in alien affairs. In principle, no higher appeal is possible against judgements of the RVR. The Belgian Council of State only acts in alien affairs as a court of cassation. It is important to have an understanding of the legal system of the member states in order to make a selection of important judgements.

2.4.1 Distinction between asylum and regular alien law

With regard to the accessibility of case law regarding asylum and migration, a distinction should be made between the two domains. Asylum seems to be much better organised. Point 2.3.1 discusses the initiative of *Vluchtelingenwerk* and the IARJL database. However, *Vluchtelingenwerk* and the IARJL are not the only organisations involved in releasing case law regarding asylum. The ECRE/ELENA³, UNHCR⁴, Am-

³ Contacts: Chris Nash, Head of Policy and Advocacy, and Magdalena Kwak, legal officer.

⁴ Contacts: Rene Bruin, Netherlands department, and Mignon van der Liet-Sanders, Protection Information Officer Geneva.

nesty⁵ and OSCE Office for Democratic Institutions and Human Rights⁶ (referred to below as OSCE ODIHR) are involved to a greater or lesser extent in releasing case law regarding asylum and/or migration. Some organisations release case law only for internal use (Amnesty), other organisations maintain a database which is freely accessible through their web site (UNHCR⁷ and OSCE ODIHR⁸), while still others only work with observations or newsletters within their network (ECRE/ELENA). The Red Cross is not involved in releasing case law regarding asylum and migration, nor does it have any plans to do so.⁹

2.4.2 *Future plans*

Only one organisation (OSCE ODIHR) indicates that it plans to release case law more systematically to a wide audience regarding the new EC migration law. OSCE ODIHR is the organisation behind <http://www.legislationline.org/>. Legislationline.org tries to release as much information as possible in the field of migration, including case law. Legislationline.org does not currently include a separate case law database. The problem with OSCE ODIHR is that it lacks capacity at present. Consideration is being given to hiring an external person. This person could also work towards releasing case law in a more systematic manner. OSCE ODIHR would like to be kept informed of developments regarding this project and is prepared to collaborate.

2.4.3 *Joining forces*

As previously stated, OSCE ODIHR is the only organisation which plans to release case law regarding the new EC migration directives in a more systematic manner. Although the other organisations do not have (firm) plans to set up a database of case law regarding the new EC migration directives or asylum directives, several organisations are willing to join forces and to share knowledge. This is in any event the case for *Vluchtelingenwerk* and is also an area for discussion within ECRE/ELENA.

2.5 National databases

In addition to the aforementioned European/international databases, most member states have one or more national web sites of case law. A distinction must be made between official web sites run by the judiciary and web sites owned by other people or organisations in the field of asylum and/or migration.

2.5.1 *Official judiciary web sites*

Most courts have their own official web sites.¹⁰ In addition to the official web sites of the individual courts, central databases sometimes also exist. This is the case in the

⁵ Contact: Alessandra Ricci Ascoli, legal advisor, Amnesty Nederland.

⁶ Contact: Marta Achler-Szelenbaum, Legal Officer of the Legislative Support Unit.

⁷ www.refworld.org.

⁸ www.legislationline.org.

⁹ Contact: Hans Lederer.

¹⁰ Appendix II contains a list of web sites of the supreme administrative courts. The list is taken from the web site of the Association of Councils of State. A list is also provided of web sites of lower courts and web sites comparable to rechtspraak.nl.

Netherlands (<http://www.rechtspraak.nl>), Belgium (<http://www.juridat.be>¹¹) and France (<http://www.legifrance.org>). A comment should be made concerning Belgium. As we have seen, since the reform of the Alien Act, only a limited role is reserved for the Council of State in the area of alien law in Belgium. The most important judgements in Belgium since 1 June 2007 have come from the Council for Alien Disputes (RVV). Case law from the RVV is not however included in the Juridat.be database. Case law of the RVV can be consulted via the RVV's own web site.¹² The web site can be accessed in both French and Dutch. Judgements are available in either Dutch or French. Germany does not have a database similar to rechtspraak.nl although the supreme courts do have their own web sites where their judgements are published. The lack of a federal database is related to the federal structure of the country and the costs of setting up this kind of database. Case law is *Ländersache* and nobody wants to pay the high costs of setting up this kind of database. In the United Kingdom, the web site of Her Majesty's Court Service (HMCS) refers to the freely accessible database <http://www.bailii.org>.

2.5.2 Other national databases

As well as the official case law sites, most member states also have one or more national web sites run by other persons/organisations related to asylum and migration. Some national databases are also known to contain foreign case law on a limited scale. The time frame of this study does not allow all national web sites to be systematically checked. Appendix III does contain an overview of national databases regarding asylum and migration.

A number of databases are discussed in more detail below. With regard to accessibility in terms of language, this part of the study concentrates on databases related to asylum and migration in Belgium, France, Germany, the Netherlands and the United Kingdom. Various contacts within the Odysseus Network were asked whether case law in their member states is easily accessible and which digital sources exist.

2.6 Accessibility of case law in Belgium, France, Germany, the Netherlands and the United Kingdom

The respondents indicate that case law relating to asylum and migration is easily accessible in Belgium, Germany, the Netherlands and the United Kingdom. Case law seems less easily accessible in France. In particular, comparing the case law of lower courts seems to be a challenge. Our French respondent from the Odysseus Network refers to the *Dictionnaire permanent droit des étrangers* as a source of case law. A subscription to the *Dictionnaire* entitles the subscriber to receive a (monthly) update to the *Dictionnaire* in the form of a bulletin. The bulletin includes (a reference to) current case law. For an sample of the bulletin, see http://www.editions-legislatives.fr/portail/pub/droit_specialise/droit_des_etrangers/dictionnaire_permanent.do. A subscription to the *Dictionnaire* costs €31 per month or €123 per year, paid in advance.¹³ As well as the *Dictionnaire*, the web site of the *Groupe d'Information et de Soutien des Immigrés* (GISTI) also contains case law on a limited scale (<http://www.gisti.org>). GISTI refers

¹¹ <http://www.adde.be> gives access to the same database.

¹² <http://www.cce-rvv.be/>.

¹³ Indication of 2007 subscription costs (http://www.editions-legislatives.fr/portail/pub/droit_specialise/droit_des_etrangers/dictionnaire_permanent.do).

on its web site to <http://www.dequeldroit.net/find.php>. This database contains case law relating to aliens and is freely accessible. The web site is currently only available in French but work is underway to make the web site available in German and English as well. The database was set up in 2003 by GISTI in collaboration with the *Centre pour l'Initiative Citoyenne et l'Accès au(x) Droit(s) des Exclus* (CICADE). The database contains both a summary and the full text of judgements. In addition, it contains comments on the judgements. It is possible to search the database by (fixed) keyword or subject, as well as to search for full text in summary or comments. It is also possible to search by date.

2.6.1 Existing national databases relating to asylum and migration

In Belgium, Germany, the Netherlands and the United Kingdom, various databases exist of case law relating to asylum and/or migration. The databases in question are:

In Belgium:

<http://www.vreemdelingenrecht.be> (Flemish Minorities Centre)

<http://www.jura.be> (Kluwer Belgium)

<http://www.adde.be> (*L'Association pour les droit des étrangers*)

In Germany:

<http://www.migrationsrecht.net> (Klaus Dienelt)

<http://www.westphal-stoppa.de> (Westphal and Stoppa)

<http://www.asyl.net> (Informationsverbund Asyl E.v.)

In the Netherlands:

<http://www.migratieweb.nl> (Forum Utrecht)

<http://vluchtweb.nl> (*Vluchtelingenwerk Nederland*)

<http://www.migratierecht.nl> (SDU Uitgevers)

In the United Kingdom:

<http://www.ein.org.uk>

<http://www.bailii.org>

The aforementioned web sites are discussed below. With the exception of Forum Utrecht and *Vluchtelingenwerk*, the organisations approached as yet have no plans systematically to collect or publish foreign case law relating to asylum and migration in general or case law regarding the new EC migration directive in particular. Several organisations do however seem willing to cooperate. We will return to this in point 3.2.4.

I Databases in Belgium

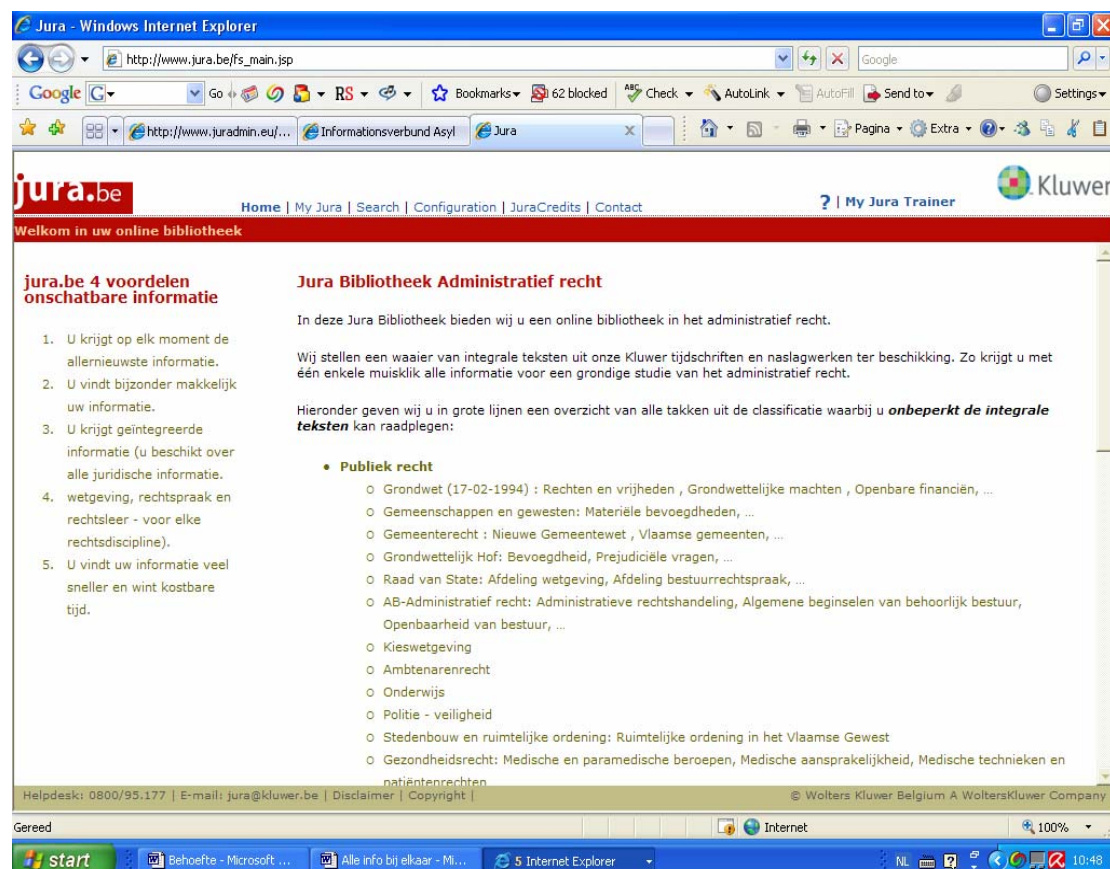
We saw in point 2.5.1 that the case law of the Council for Alien Disputes is available via the web site of the Council for Alien Disputes. Case law of the Council of State can be consulted via the web site of the Council of State as well as through the central database, <http://www.juridat.be>. In addition to the aforementioned web sites, three web sites also provide access to case law relating to alien law.

A. <http://www.jura.be>

Contact: editorial board [jura.be](http://www.jura.be), specifically Benny Averhals and Ann Piret.

Jura.be is an on-line library from Kluwer Belgium. <http://www.jura.be> is a commercial web site. In order to gain access to the on-line library, a subscription is required. This also includes alien law. For each of the disciplines, an extensive range of legislation, case law and jurisprudence is available. Jura.be contains summaries of published judgements with a reference to the journal in which they are published; the full texts of the decisions of the Court of Cassation and of the Court of Arbitration are also available. The full text of a number of Kluwer publications is available via the “pay-per-document” system. As far as the case law is concerned, a distinction is made depending on whether Belgian, European/international or other foreign case law is involved. All Belgian and foreign case law in Belgian journals is analysed. Belgian case law is only analysed in exceptional cases (for example if an innovative judgement is involved). The case law of the most common European and international legal boards, including the Court of Justice and the Court of the First Instance, is analysed in Belgian and foreign journals.

The internal editors of [jura.be](http://www.jura.be) screen approximately 250 legal journals (Belgian, international, European and foreign journals from domestic and foreign publishers). However, these journals are not only in the field of alien law. It is not yet clear which journals are consulted in the area of alien law. The question has been put to the editors and the question has also been raised as to whether possibilities exist for a kind of sponsorship. We have not obtained a result in this matter either.



B <http://www.vreemdelingenrecht.be>

Contact: Bart de Wolf, webmaster

The web site <http://www.vreemdelingenrecht.be> is an initiative by the Flemish Minorities Centre (<http://www.vmc.be>). The Flemish Minorities Centre does not publish case law on its own web site. <http://www.vreemdelingenrecht.be> only contains case law in so far as this has been published in the *Tijdschrift voor Vreemdelingenrecht* (Journal of Alien Law). The case law is supplied by lawyers and courts. The editors of the *Tijdschrift voor Vreemdelingenrecht* has contacts here. The most important judgements are selected for the journal. Initially, the web site only included a reference to the journal; now, the judgements themselves are included. The Flemish Minorities Centre also maintains an entire archive of case law. The Flemish Minorities Centre is willing to make this case law available.



C <http://www.adde.be>

In addition to Kluwer and the Flemish Minorities Centre, the French-speaking organisation the *Association pour les droits des étrangers* (Association for the Rights of Foreigners - ADDE) is also involved in collecting case law. The web site of ADDE does not include a database. New, important judgements are included in summary form in the newsletter which is published monthly. The newsletter includes a link to the judgement (Word document). You can subscribe to the newsletter free of charge. As well as the newsletter, since 1982 ADDE has published the journal entitled *Revue*

du droit des étrangers (Review of Alien Law). The journal is published five times annually and discusses current case law, among other things. A subscription to the journal costs 130 euros per year for subscribers from within the European Union.

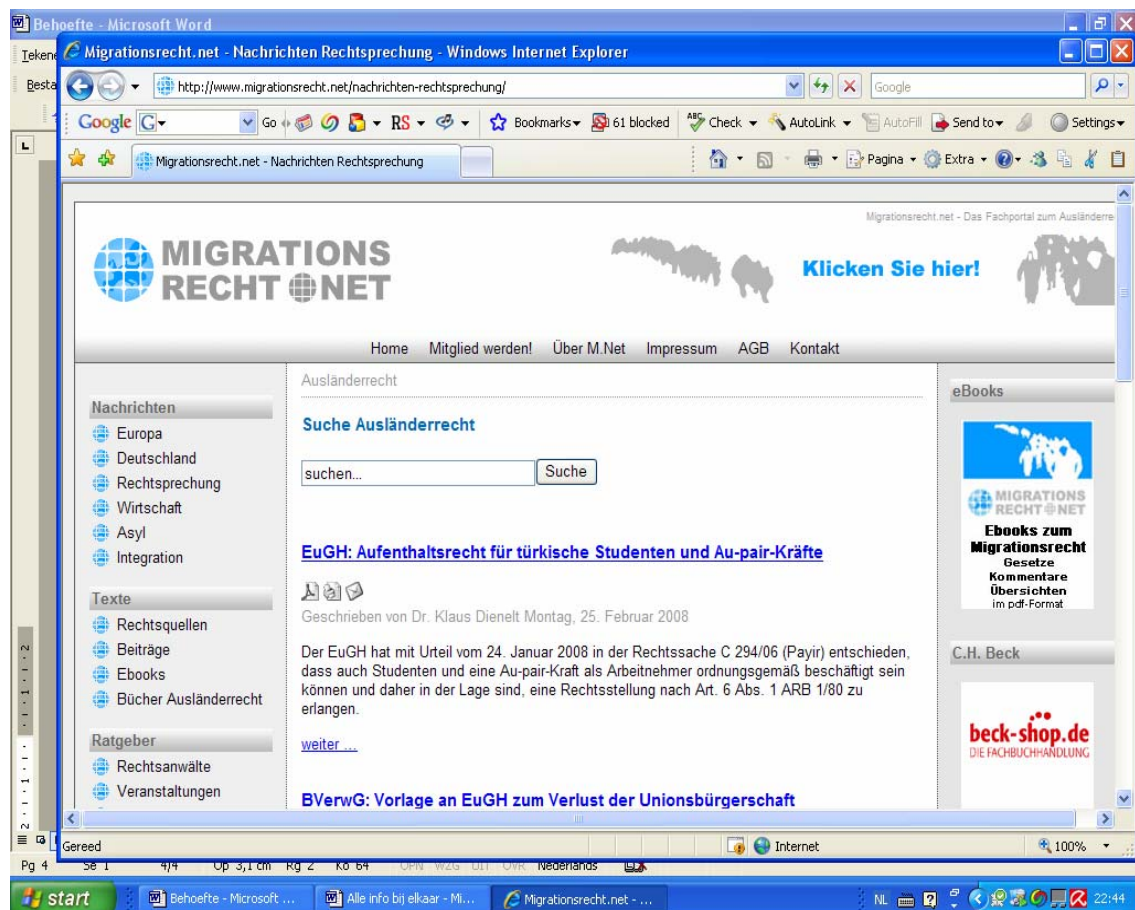


II Databases in Germany

A <http://www.migrationsrecht.net>

Contact: Klaus Dienelt

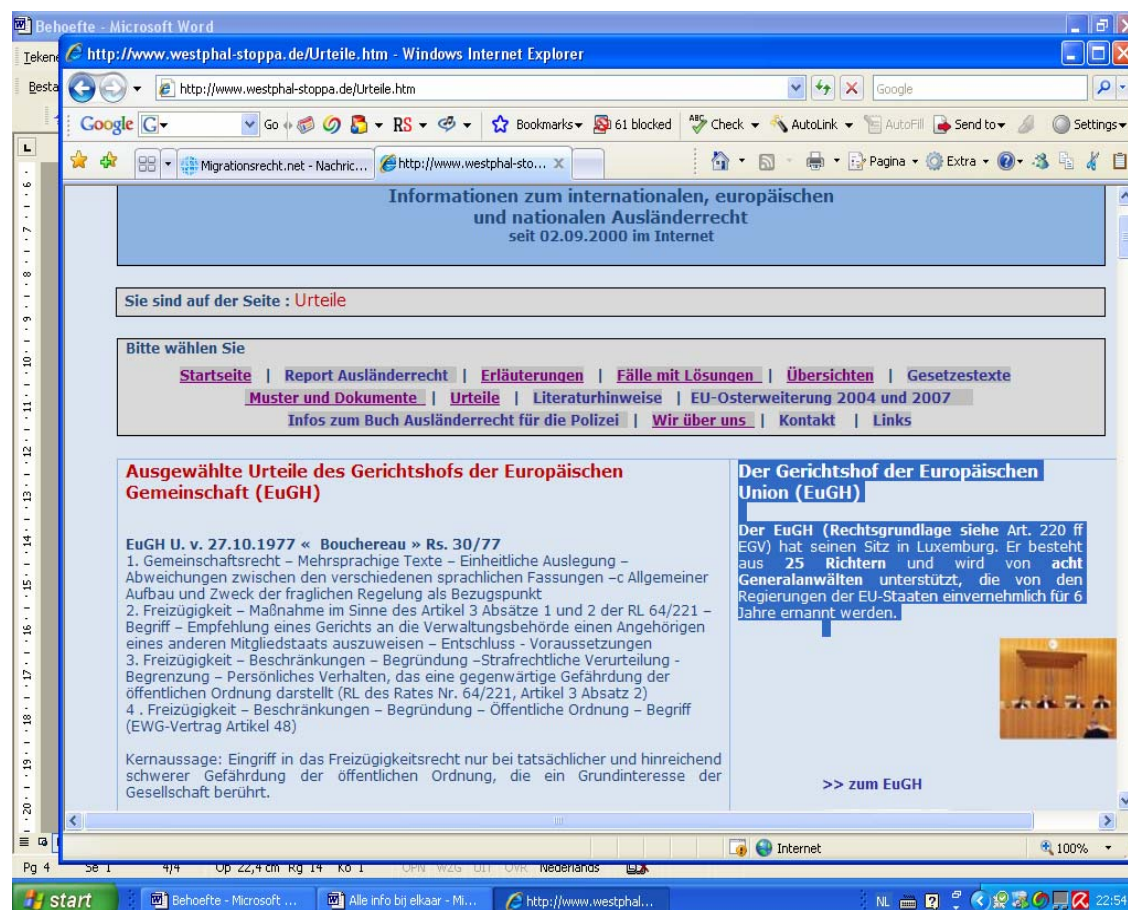
The web site <http://www.migrationsrecht.net> is managed by Dr. Klaus Dienelt. It is updated every couple of days and is therefore up-to-date and attractive. The web site contains case law, but only on a limited scale. The case law is not included in a separate database. In order to gain access to full-text case law, it is necessary to take out a subscription, which costs 5 euros per month. Migrationsrecht.net currently has approximately 50 subscribers.



B <http://www.westphal-stoppa.de>

Contact: Volker Westphal

The westphal-stoppa.de web site is a private web site. It is managed by two police chiefs at the *Bundespolizei* (formerly the *Bundesgrenzschutz*), Volker Westphal and Edgar Stoppa. The web site is intended not only for the police but also for foreigners, students, courts, lawyers and anyone else interested in alien law. The web site only contains case law from the Court of Justice.



C <http://www.asyl.net>

Contact: Ekkehard Hollmann, Chief Editor, *asyl.net*

Asyl.net currently contains approximately 9000 judgements from 1998 to the present day. Approximately 1200 judgements are added each year, relating to asylum law, alien law and social law. The latter are included if they concern aliens. This means in particular judgements from German courts but the database also contains case law from the Court of Justice and the European Court of Human Rights. Mr. Hollmann indicates that increasing numbers of decisions relate to European directives, particularly in the field of asylum. Asyl.net has several sources of case law. Judges and lawyers submit judgements to *asyl.net* and the web sites of the courts themselves are also monitored; (specialist) journals are also used. Hollmann himself selects the relevant judgements. The most important judgements are included in the *Asylmagazin*. The *Informationsverbund Asyl* has no plans to collect and publish case law from other member states in a systematic manner. However, the *Informationsverbund Asyl* would like to collaborate with organisations in other member states. The *Informationsverbund Asyl* also participates in the *Vluchtelingenwerk* project regarding the qualification directive. The database of *asyl.net* is accessible free of charge. If a person also wants to receive the *Asylmagazin*, a subscription is required. *Asylmagazin* is published 10 times per year. Subscription costs 62 euros per year, for which a subscriber receives Asyl-info from Amnesty International as well as the *Asylmagazin*.

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Länderrechtsprechung und -materialien

Allgemeine Rechtsprechung

Rechtsprechungsdatenbank

Arbeitsmittel und Tipps

Links und Adressen

Termine

Länderinformationen von

ecoi.net

Werbliche Anzeige

Asyl-Fachliteratur bei

www.Ariadne.de

Inhalt

Die Beiträge bis Ende 2004 finden Sie unter [Ausländerrecht nach AusG bis 2004](#).

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- [Inlandsbezogene Abschiebungshindernisse](#)
- [Aufenthaltsstatus von Asylberechtigten, Flüchtlingen und subsidiärem Schutz, humanitärer Aufenthalt](#)
- [Altfallregelung](#)
- [Familie, Ehe, Partnerschaft: Familienzusammenführung und Abschiebungsschutz](#)
- [Sonstige Aufenthaltsw Zwecke, Niederlassungserlaubnis, Aufenthaltsrecht EU](#)
- [Allgemeine Erteilungsvoraussetzungen, sonstige Aufenthaltstitel, Aufenthaltsrecht EU](#)
- [Erwerbstätigkeit](#)
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hier können die Begriffe differenziert und in den Suchfeldern abgefragt werden. Erklärungen zu den eingesetzten Suchlogiken finden Sie in der [Hilfe](#). Die [FAQ](#) decken typische Fragestellungen ab. Die [Schlagwortliste](#) gibt Orientierung im Dickicht der Rechtsbegriffe.

Bitte beachten: die Zeichen & (? \$ dürfen für Suchzwecke nicht verwendet werden.

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| Aktenzeichen: | <input type="text"/> (z.B. "13 LA 118/03") |
| Normen: | <input type="text"/> (z.B. "AusG § 53 Abs. 6 S. 2") |
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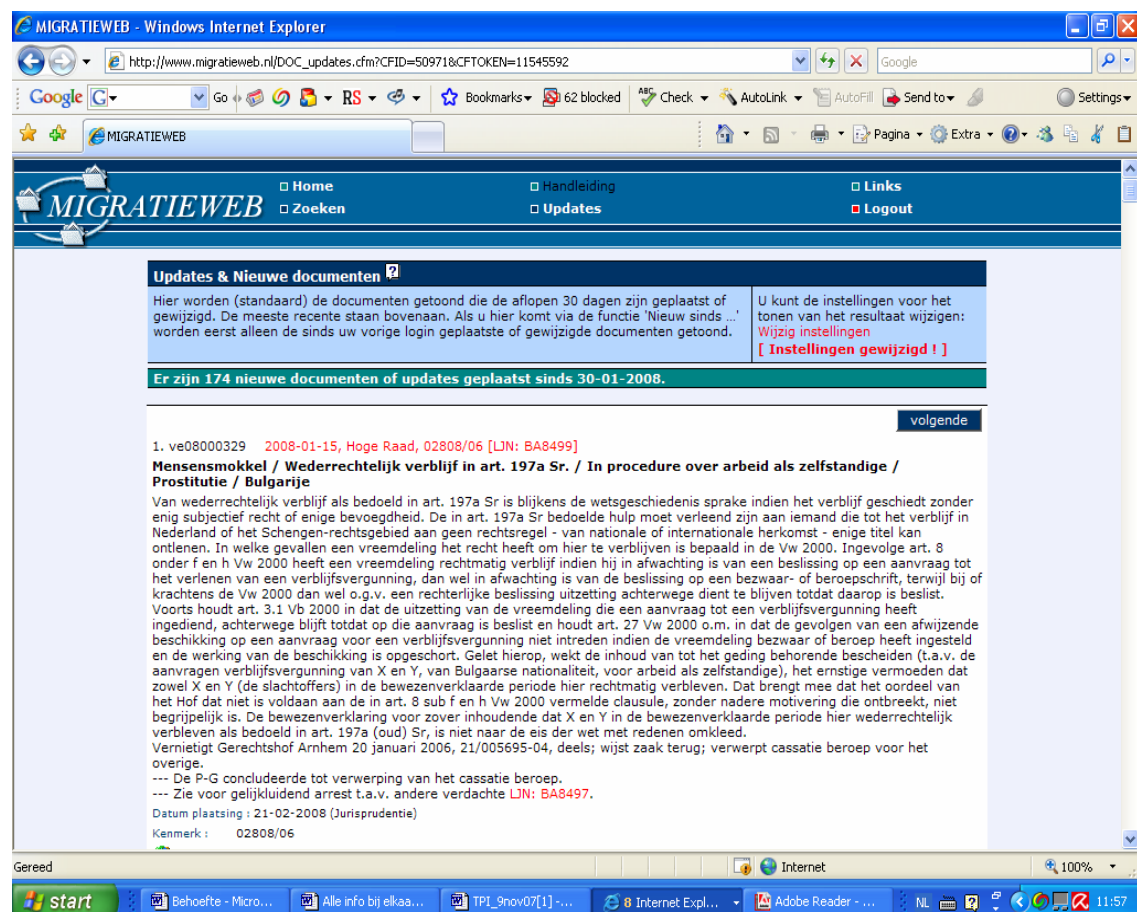
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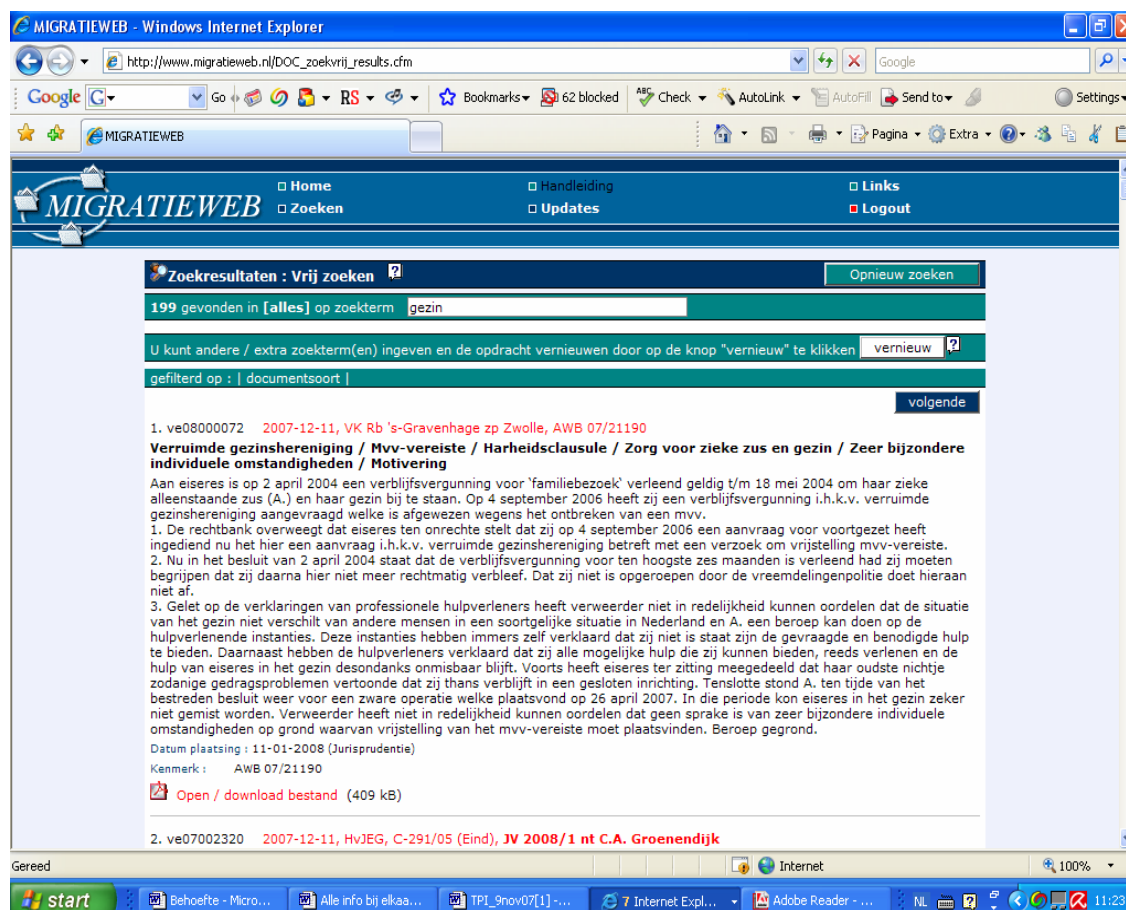
III Databases in the Netherlands

A <http://www.migratieweb.nl>

Contact: Wim Verberk

Migratieweb is an on-line databank from Forum Utrecht. Access to Migratieweb is only open to members of the *Werkgroep Rechtsbijstand in Vreemdelingenzaken* (Legal Aid in Alien Affairs Working Group – WRV). Membership granting access to Migratieweb costs €1100 per year. Migratieweb contains primarily Dutch jurisprudence and jurisprudence from the Court of Justice and the European Court of Human Rights and, since summer 2007 and on a small(er) scale, foreign case law. Migratieweb currently contains approximately 8000 judgements. Migratieweb gives a summary of the judgement. The judgement itself is accessible via a link to the relevant judgement on rechtspraak.nl or is made directly available on Migratieweb (in .pdf or Word format). A link is also included to related documents. Since the study is being conducted on behalf of Forum, it is assumed that sufficient knowledge of the Migratieweb databank is present. Forum is the only organisation which has firm plans to set up a database of European case law geared towards new EC migration law (i.e. not confined to asylum). Possibilities exist for adopting the software used for Migratieweb and structuring it for a database of European case law. For this reason, Forum has commissioned the present study.





B <http://www.migratierecht.nl>

Contact: Peter Frissen

Migratierecht.nl is an on-line databank from SDU Uitgevers. In order to gain access to Migratierecht, a subscription is required. The costs of the subscription start at €1,750 per year excluding 19% VAT. Migratierecht.nl contains various databases including a database of case law. The database includes case law from the following journals: *Jurisprudentie Vreemdelingenrecht*, European Human Rights Cases, *Jurisprudentie Bestuursrecht*, *Nieuwsbrief Strafrecht* and *Uitspraken Sociale Zekerheid*. The entire archive of *Jurisprudentie Vreemdelingenrecht* is included in the database, only a selection from other journals is included. Within migratierecht.nl no plans exist to chart European case law extensively. Currently, occasional judgements are included if they are relevant to the Dutch situation. Peter Frissen is willing to make available the judgements that are published in his journals. Possibilities for sponsorship may also exist.



C <http://www.vluchtweb.nl>

Contacts: Marc Janssen, Stefan Kok and Jessica Bowring

Vluchtweb.nl is the databank of *Vluchtelingenwerk Nederland*. Vluchtweb is intended for anyone whose work involves counselling asylum-seekers and refugees. The databank contains a database of jurisprudence, as do Migratieweb and Migratierecht. The jurisprudence is confined to case law in the field of asylum and refugees. The database includes both Dutch and European/international jurisprudence. It is possible to view the case law per court and it is possible to search by case law. In addition, a database of new jurisprudence is also available.

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| 8 Items | Centrale Raad van Beroep | 8 Items | 16/01/2008 15:43 |
| 9 Items | Commissie Gelijke Behandeling | 9 Items | 04/11/2005 12:58 |
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| 44 Items | Hoge Raad | 44 Items | 18/02/2008 16:05 |
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IV Databases in the United Kingdom

A <http://www.bailii.org>

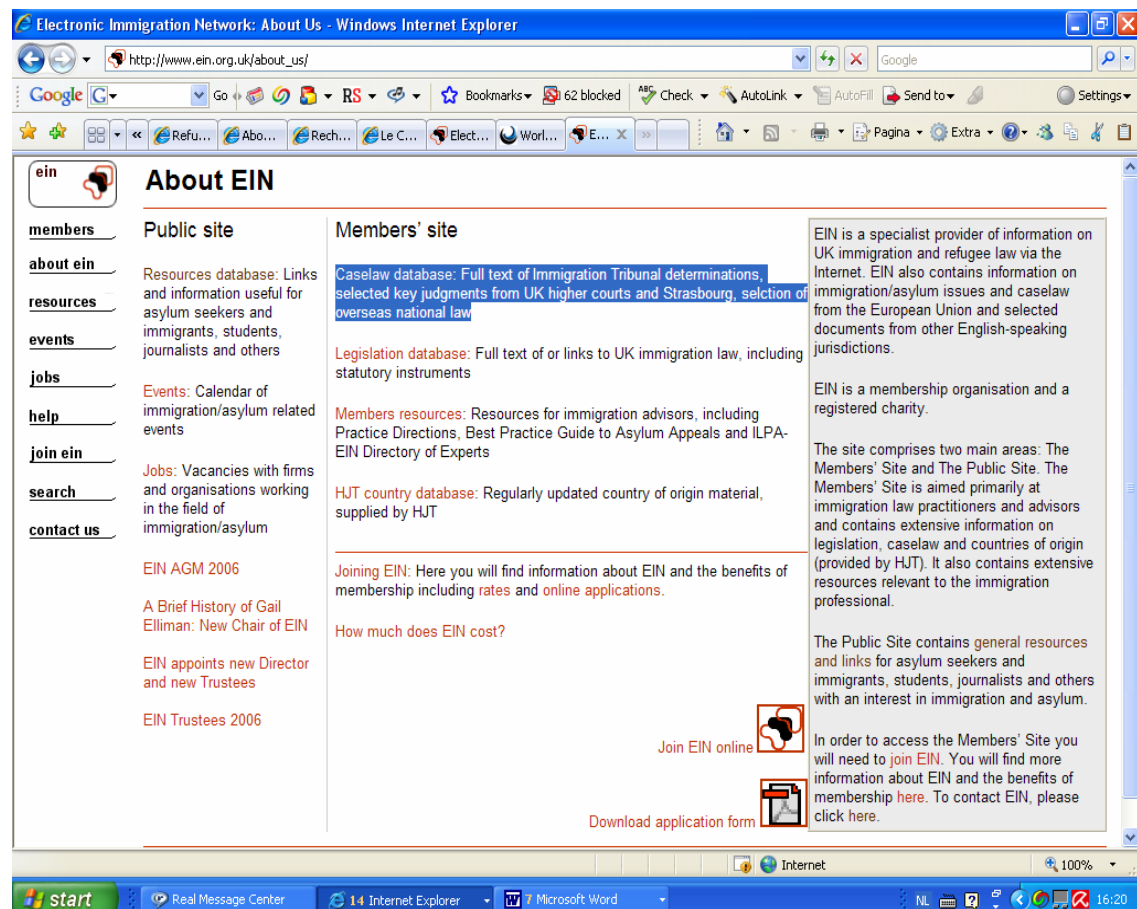
The organisation behind bailii.org is the British and Irish Legal Information Institute. Bailii.org has been in existence since 2000 and contains case law from the United Kingdom (England, Wales, Scotland and Northern Ireland), Ireland, the Court of Justice and the European Court of Human Rights. Bailii.org was set up to make case law centrally and freely accessible in particular to smaller legal firms. Bailii.org contains judgements from the Asylum and Immigration Tribunal and from other courts. The Asylum and Immigration Tribunal also has its own database of full-text case law (in Word) on its web site (<http://www.ait.gov.uk/>). Bailii.org is not aimed specifically at case law relating to asylum and migration. Point 2.5.1 has already mentioned that Her Majesty's Court Service (HMCS) refers to the freely accessible database <http://www.bailii.org>.

A publication in the Journal of Information, Law & Technology in 2000 is interesting (1): http://www2.warwick.ac.uk/fac/soc/law/clj/jilt/2000_1/free_the_law/transcript/. The article describes the motives for setting up <http://www.bailii.org> and <http://www.AustLii.org> (Australasian Legal Information Institute) and how copyright is handled.



B <http://www.ein.org.uk/>

It seems that most lawyers in the United Kingdom use the web site <http://www.ein.org.uk> as a source of case law. The database is geared specifically towards migration and asylum. In order to gain access to the database of case law, registration is required. The database is intended for professional use. It contains judgements (full-text) by the Immigration Tribunal, important judgements by higher courts in the United Kingdom, of the Court in Strasbourg and a selection from overseas national law. Unfortunately, we were not able to gain access to the web site. We could not therefore access the database ourselves. We sent an e-mail to the organisation behind the database (the Electronic Immigration Network) requesting more information but we are still waiting for a response.



2.6.2 Conclusion

It is clear from the above that several sources have to be investigated for foreign case law relating to asylum and migration. Foreign case law relating to asylum is still fairly centralised (the IARL database and refugeecaselaw.org), as well as the *Vluchtelingenwerk* initiative. However, this initiative is aimed at information exchange between NGOs. Foreign case law relating to regular alien law is currently not centralised at all. Some databases of case law in general do exist. These databases can play a role in releasing case law but do not meet the need for a central on-line database of case law relating to the new EC directives in the area of migration and asylum.

The importance of releasing case law is acknowledged by various instances. Various organisations are willing to provide case law. If the database is created, it is of the utmost importance that the web site be publicised since it is clear that many organisations and people do not know which European databases exist in the field of asylum and migration.

3. FEASIBILITY

Part 2 describes the need. It is clear that a need exists for a central database of case law relating to the new EC directives in the area of asylum and migration. The fact that several organisations are currently working on collecting case law relating to asylum or migration does not alter this fact. The fact remains that no central, easily accessible database currently exists. In so far as we can ascertain, no plans currently exist to set up this kind of specific database.

Now that the need has been identified, it is time to look at the second question: is it feasible to create this kind of database? We have looked at whether previous feasibility studies have been conducted into setting up similar databases. It was not easy to find this information. However, we were able to find a feasibility study for setting up a database of case law relating to international criminal law. The aforementioned feasibility study was conducted on behalf of the T.M.C. Asser Institute. This study is discussed in the next section.

The question of whether it is feasible to create a database relating to the new EC directives in the field of asylum and migration depends on various factors. In this section, we examine the (im)possibilities, conditions and costs of setting up the proposed database.

3.1 Possibilities

What are the possibilities relating to setting up a database of case law? Setting up a database requires good preparation and must not be underestimated. The fact that it is possible to set up a European database is clear from the many current projects in the field of asylum and in other areas of EC law. The databases of the IARLJ and Caselex have already been discussed in point 2.3.1. This point discusses four projects by way of illustration, targeted at an entirely different field from migration/asylum law. The projects discussed are targeted at the field of the effects of international law (ILDC), competition law (European Commission), consumer protection and international criminal law.

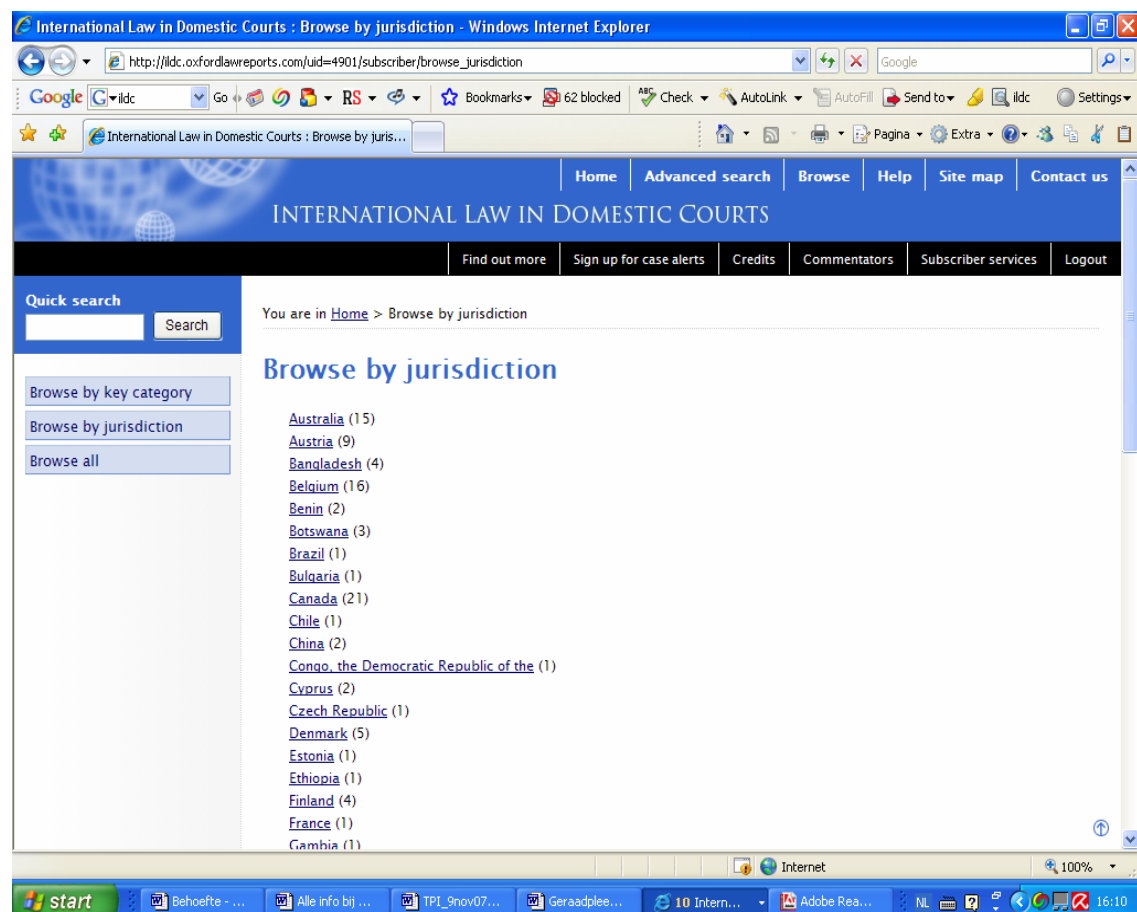
A <http://ildc.oxfordlawreports.com/public/login>

2 editors-in-chief¹⁴, managing editor: Edda Kristjansdóttir (ACIL), seven editorial board members, 10 associate editors, 6 student editors, 8 persons on advisory editorial board, 57 rapporteurs.

International Law in Domestic Courts (ILDC) is a joint project by the University of Amsterdam (Centre for International Law) and Oxford University Press (OUP). In order to gain access to the database, a subscription is required. A trial subscription grants access to the database. The database is intended for lawyers, courts and academics. The judgements are summarised in English and accompanied by an analysis. The database not only contains case law from courts in Europe but also contains worldwide case law. The database includes judgements that are relevant to the inter-

¹⁴ Professor André Nollkaemper (Professor of International Law at the University of Amsterdam and Director of the ACIL) and Professor Erika de Wet (Professor of International Constitutional Law).

pretation and application of international law. The database currently contains approximately 1000 judgements. These are supplied and in the first instance selected by the rapporteurs. The network of rapporteurs is composed from personal contacts of the editorial members. The rapporteurs have a contract with Oxford University Press are paid per judgement supplied (in money or in the form of books). The rapporteurs are expected to submit relevant judgements as quickly as possible. The editorial board, consisting of experts from China, Israel, the Netherlands, Austria, the United States and South Africa, then examines whether a judgement is indeed relevant. If the judgement is relevant, the rapporteur is asked to complete the template. Editorial guidelines have been compiled in order to complete the template. These have been changed several times. Technical maintenance is carried out by Oxford University Press, the contact is John Louth. A commercial database was chosen because it was not financially feasible to set up a publicly accessible database. The case law in ILDC is categorised and can be consulted by country, keyword or name of parties. In addition, full-text can be searched, or by keyword, date of judgement, instance or quotation.



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February 2008

The Government Prosecution Service (Anklagemyndigheden) v T1, T2, T3 Denmark
2006
Whether two journalists and the editor-in-chief of a major newspaper were entitled, under Article 10 of the European Convention on Human Rights, to publish secret information concerning national security, derived from the Danish Military Intelligence Service.

Federal Republic of Germany v Miltiades Margellos and o's Greece
2002
1 Whether international law provides for an exemption from State immunity in cases of compensation for damage

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User Account Authentication: [semantic](#)

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B Database of jurisdiction relating to Articles 81 and 82 EC Treaty

Another example of a database of (European) case law is the database relating to Articles 81 and 82 of the EC Treaty. Based on Article 15 of Regulation (EC) 1/2003, member states are obliged to send the European Commission a copy of judgements which refer to the application of Articles 81 and 82 of the EC Treaty. Judgements that are not confidential are placed in a database. The database can be found on the web page <http://ec.europa.eu.comm/competition/elojade/antitrust/nationalcourts/>. The judgements are listed in chronological order by member state. The database does not have a search function. A list is maintained of new judgements. The name of the court and the parties are shown in the original language of the relevant member country. Only the nature of the procedure is shown in English. No summary of the judgement is posted. If available, the judgement is attached. Making case law relating to Articles 81 and 82 of the EC Treaty easily accessible is clearly not the main aim of the database. The database seems to have a very limited target group.

The screenshot shows a web browser window displaying the European Commission's Competition website. The page is titled "National courts judgments - Netherlands" and lists judgments from 2007. The browser's address bar shows the URL http://ec.europa.eu/comm/competition/elojade/antitrust/nationalcourts?ms_code=nld. The website's navigation menu includes "HOME", "Policy areas", "Sectors", "About", "Information", "Contacts", and "Key Issues". The "In this section:" menu lists "Overview", "What's new?", "Official Journal", "Legislation", "Cases", "National courts", "Sector inquiries", "Art 82 review", and "Actions for damages". The "National courts" section is selected, showing a list of judgments for 2007. The first judgment is dated 11.09.2007, from the court of Gerechtshof Arnhem, with reference number 2005/771. The parties are Keytech Personeelsdiensten BV, and the type of proceeding is up-holding NCA decision. The sector is Other services. The second judgment is dated 07.09.2006, from the court of Gerechtshof Amsterdam, with reference number 1129/03. The parties are Waterboot Amsterdam B.V., and the type of proceeding is Private litigation. The sector is Water transport.

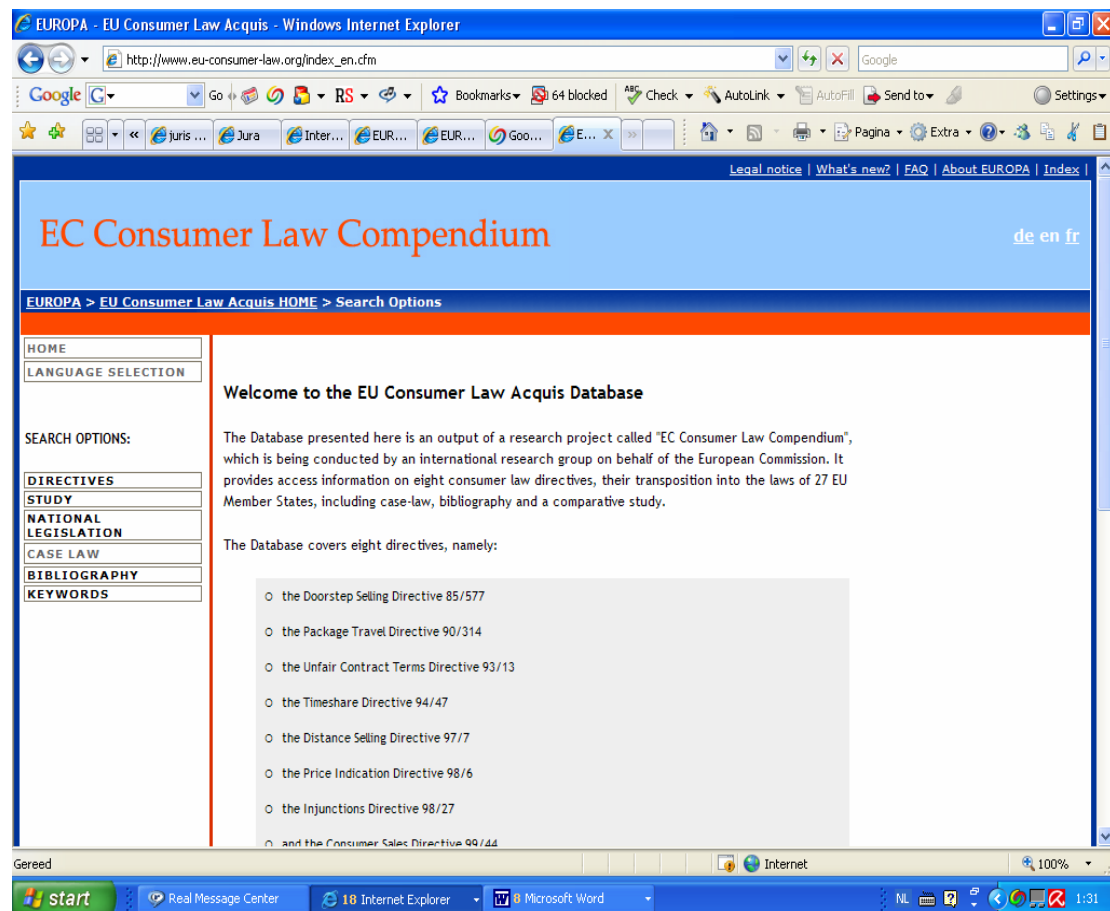
| Judgment date: | 11.09.2007 |
|---------------------|-------------------------------|
| Court name: | Gerechtshof |
| Court town: | Arnhem |
| Reference number: | 2005/771 |
| Parties: | Keytech Personeelsdiensten BV |
| Type of proceeding: | up-holding NCA decision |
| Sector: | Other services |
| Decision: | [1] |

| Judgment date: | 07.09.2006 |
|---------------------|--------------------------|
| Court name: | Gerechtshof |
| Court town: | Amsterdam |
| Reference number: | 1129/03 |
| Parties: | Waterboot Amsterdam B.V. |
| Type of proceeding: | Private litigation |
| Sector: | Water transport |

C http://www.eu-consumer-law.org/impressum_en.cfm

This database refers to the implementation of eight directives in the field of consumer law. The project was implemented on behalf of the European Commission. The database is available in English, French and German. It has been an enormous project. Case law is only one component of the project. The project was financed using European money. It seems that the database of case law is no longer being maintained, which is probably related to the fact that the project relates to older directives. The

information is obtained from national rapporteurs. Hanneke Spath and Professor Carla Sieburgh (Radboud University Nijmegen) were the rapporteurs for the Netherlands.



D Database relating to international criminal law

Contact: Jan de Jong, Head Information Services and Information Technology, T.M.C. Asser Institute

In June 2007 Erik van Koppe conducted a feasibility study on behalf of the T.M.C. Asser Institute into setting up an on-line database of case law from international, hybrid and national courts in the field of international criminal law. Erik van Koppe reaches the conclusion that a need does exist for a new web site. Case law in the field of international criminal law is currently difficult to access. The intention is that the database to be created should be freely accessible. The feasibility study includes a budget. The required budget is estimated at 6.5 million for five years. It is assumed that the number of cases will gradually increase. For the first two years, the number of cases is estimated at 100 per year. After the first two years, 300 cases per years are assumed. The highest costs are estimated for editing and for translation and language corrections (27 and 30 percent respectively). For the network of rapporteurs, the percentage is estimated at 19 percent. In addition, it is expected that 14 percent will be spent on IT, staff and outsourcing. It is not yet clear whether the project will take place. The T.M.C. Asser Institute is currently trying to pull the financing together. Mr. de Jong admits that he is certain that interest for a central web site exists in the field of

the new EC directives. Possibilities for collaboration with the T.M.C. Asser Institute may perhaps be forthcoming.

Four different projects

Four projects have been discussed above. Each of these projects has an entirely different structure. For example, in order to gain access to the ILDC database, the potential user has to take out a subscription. As well as a summary of the judgement, the database also contains a summary of it. It takes a great deal of time to check every judgement. It takes some time before a judgement can be included in the database. Detailed editorial guidelines are used, which have been modified several times.

If we look at the database of the European Commission relating to competition law, its simplicity is immediately noticeable. The database is not user-friendly at all. The database of the European Commission and the database of the ILDC are the two extremes.

3.2 Conditions for creating web site

3.2.1 Target group

It is important to consider the target group. The target group determines the modality (to be developed) and thus the development picture. The user group determines which requirements have to be imposed on a system. If the target group consists of academics, other (less far-reaching) requirements can be imposed on a system than if the target group (also) consists of judges and lawyers. If the target group consists of large firms of lawyers, according to Chief Editor of Caselex, Marc de Vries, this means that even the best is not good enough. It is important to think about this. Whom do we want to serve with the database? When writing the present feasibility study, the starting point used was that of a broad target group consisting of judges, lawyers, academics and anybody else interested in the (national) explanation of (provisions of) the new EC migration and asylum directives. This means that the starting point is that a simple and user-friendly search system should be set up. It is important that the web site be kept up-to-date in order to encourage end-users to consult the web site on a regular basis.

3.2.2 Definition of case law

If the target group is established, it is important to define which case law is to be included in the database. It is neither possible nor desirable to include all case law relating to asylum and migration from all member states; firstly, because it would no longer be possible to see the wood for the trees and, secondly, the release of case law is not equally easy in all member states. We return to this point in the next section. For the time being, we confine ourselves to defining the problem

Starting with some kind of pilot is recommended, in which the case law to be included can be defined in three ways:

1. in the first instance, by “only” including case law from large member states and member states whose case law is easy to release;
2. by “only” including case law relating to the new migration directives and regulations, supplemented with case law relating to the Union Citizens di-

rective, possibly supplemented with case law relating to the association agreements;

3. by “only” including important/innovative case law.

1. Selection of member states

If we look at existing databases, we can distinguish two types: databases of case law from all countries (ILDC, Juradmin, Caselex) and databases that only include case law from a (limited) number of countries (IARLJ, Refugeecaselaw.org, *Vluchtelingenwerk* initiative and the national databases such as bailii.org). Whether a definition in the form of a selection within the countries is necessary depends on the available budget and the method of collecting the case law. We examine this further in point 3.2.4. It goes without saying that a selection within the member states reduces costs.

2. Which directives/regulations?

It is important to think about which case law is included in the database. Professor Groenendijk is thinking of case law, including questions referred for a preliminary ruling, relating to Directive 2004/38/EC, the directives/regulations created based on Articles 62 and 63 EC Treaty, the Schengen *Acquis* and the case law relating to the association agreements, specifically the association agreement with Turkey and possibly also the Euro-Mediterranean association agreements reached with Morocco, Algeria and Tunisia.¹⁵

3. Important/innovative case law

None of the existing databases claims to be exhaustive. The most important aspect is that important or innovative case law be released and made accessible to a wide user group. It is important that a selection be made in this respect. Who makes the selection depends on the collection method. We examine this later in this report.

3.2.3 Continuation of project

It is important to guarantee the continuity of the database that is to be created. The question that has to be asked in this context is: within which organisational setting should this project be set up? Marc de Vries, Chief Editor of Caselex, doubts whether an academic setting (research institute) is suitable for setting up the planned database. According to de Vries, a postgraduate student is often attached to the creation of such projects by universities, which jeopardises the continuation of a project. What happens if the student gives up the project? De Vries believes that it is important for the success of the project for somebody to remain involved in the project. This means that money and time have to be available so that work can be devoted full-time to the project. The latter two points are particularly important. However, an academic does not necessarily have to be unsuitable. This is evident from the various projects that have been set up by universities (including ILDC and Refugeecaselaw). It is however important that money and time be available for the project.

In order to guarantee continuity, it is also important that an independent project be set up, separate from existing projects. This does not mean that collaboration is not possible. The issue of collaboration is discussed further below.

¹⁵ For more information about the agreements, see: <http://europa.eu/scadplus/leg/nl/tyb/r14104.htm>.

3.2.4 Release of case law

It is important to think about the question of how collection and selection of case law will take place.

The release of national case law is possible in three different ways:

1. by an editorial board performing its own case law research (examples include *migratierecht.nl*, *jura.be*);
2. by collaborating with organisations that are already involved in collecting case law relating to asylum and/or migration (including *Vluchtelingenwerk*, Amnesty, IARLJ, *Informationsverbund Asyl E.v.* and the Flemish Minorities Centre);
3. via national rapporteurs (examples include ILDC and Caselex).

I Own case law research

Two obstacles exist to performing case law research of one's own: the language in which case law is available and the accessibility of case law. Collecting case law from Western European countries, particularly the English, French and German-speaking countries will generate fewer problems than collecting case law from Eastern European countries. Nonetheless, a problem still exists with English, French and German-speaking countries; general knowledge of foreign languages is inadequate. Some legal linguistic knowledge is required in English, French and German, simply to gain access to the relevant case law. It is important to search by the correct (key)words. In addition to language, the problem of accessibility is also relevant. In the Netherlands, we have a central database of case law from all courts (<http://www.rechtspraak.nl>) which means that it is much easier to search for case law. A similar database exists in France (<http://www.legifrance.org>). Legifrance.org provides access to the case law of the administrative courts (*Tribunaux Administratifs*), the higher courts of appeal (*Cours Administratives d'Appel*) and the Council of State (*Conseil d'Etat*). The judiciary in Belgium also has a database (<http://www.juridat.be>). Juridat.be does not however contain case law from the Council for Alien Disputes. The case law of the Council for Alien Disputes is listed on a separate web site (<http://www.cce-rvv.be?0>). Germany does not have a central database for the judiciary. This means that the web sites of the individual (higher or supreme) courts have to be consulted.

II Collaboration with other organisations

In the Netherlands, alongside *rechtspraak.nl*, we also have various databases aimed specifically at asylum and migration (*Migratieweb*, *Migratierecht* and *Vluchtweb*). This means that Dutch case law relating to asylum and migration is fairly easily accessible – barring one obstacle. The aforementioned databases are only accessible for a fee. In order to make use of the sources of information, the potential user has to take out a subscription. However, consultation has taken place with the organisations behind the databanks and several of them seem willing to make case law available in the databases. This is true in any event of *Migratierecht* and *Vluchtweb*. The release of Dutch case law relating to asylum and migration does not therefore seem to pose major problems. Case law is also fairly easily accessible in Belgium, Germany, France and the United Kingdom; these member states have several databases available, both

commercial and non-commercial. The Flemish Minorities Centre has already indicated its willingness to make case law from its archives accessible. The question has also been submitted to jura.be, although no answer has yet been forthcoming. As far as German case law is concerned, Asyl.net is also willing to collaborate. We are still waiting for a reply from bailii.org, the Electronic Information Network (both in the United Kingdom) and from juris.de (Germany), GISTI and CICADE (France). Various organisations (also) distribute newsletters or observations. We can look at the extent to which it is possible to collect case law via this route.

III National rapporteurs

It is important to join forces and to avoid an overlapping of activities. For this reason, it is important for further consultation to take place with the organisations active in the area of migration or asylum. A distinction should be made between the release of case law relating to asylum and case law relating to regular alien law. Case law relating to asylum is collected by various organisations (IARLJ, UNHCR, *Vluchtelingenwerk*). It must be possible to release this information fairly simply. Working with contacts therefore seems superfluous. Case law relating to regular alien law however seems less easily accessible. With regard to case law relating to regular migration, working with national rapporteurs can be considered. The best way is to join up with an existing network. The Centre for Migration Law of the Radboud University of Nijmegen participates in two networks: the Odysseus Network and the Network of Free Movement. We can examine the extent to which both networks can be used to release case law relating to regular alien law and case law regarding Directive 2004/38/EC. The T.M.C. Asser Institute sees possibilities for collaboration; perhaps possibilities also exist within the network of the T.M.C. Asser Institute. The possibilities for collaborating with the European Migration Network (EMN) should also be discussed. The EMN is examined in more detail in point 3.4.

If national rapporteurs are used, any remuneration must also be considered as well as costs of discussions with the rapporteurs. In addition, it is important in that case to draw up a good template and editorial guidelines.

IV Language

Language is a major obstacle to setting up a European database. The chief editor of ILDC, the chief editor of Caselex and the empirical experts from *Vluchtelingenwerk Nederland* themselves admit that they encounter language problems. The ILDC for example works with (external) translation agencies. The problem with translation agencies is that they are often not familiar with legal terminology. If you work with rapporteurs, the rapporteurs not only have to have sufficient expertise in the area of asylum or migration, but they also have to be able to translate the legal terminology of their country into the correct English legal terminology. The advantage over ILDC, Caselex and the *Vluchtelingenwerk* initiative is that the database we envisage will contain case law relating to EC directives and regulations. Since EC directives and regulations are available in all the languages of the European Union, this facilitates translation into English. The English directive can be compared to the directive in the language of the relevant country. This aspect also makes it easier to include a search function in several languages.

V Copyright

The fact that case law is publicly accessible on the Internet does not mean that case law may automatically be transferred. The extent to which case law may be used once it is accessible on the official web sites of courts and other web sites must be examined. The former is explicitly referred to by Marc de Vries of Caselex. However, not all organisations are interested in copyright questions. Copyright questions are dismissed by <http://www.AustLii.org> as irrelevant: *“In order to operate a free access service, if you cannot obtain a steady flow of the legal data in computerised form from the official source, then you have no hope of providing anything. It is no solace to know that the data is in theory in the public domain if you do not have any access to it in computerised form. We are not in the business of scanning judgments or re-keying legislation or anything like that. If we do have access to the stream of data because of co-operation from the court, tribunal or office of parliamentary counsel, then we clearly are getting that on the basis of an implied licence to re-publish (and in some cases but not many, formal licence agreements). In the five years AustLII has operated, we have never entered into any discussions about copyright issues with courts, tribunals or offices of parliamentary counsel, other than providing whatever notice they request on the front of the data they provide to us indicating their view of the matter, or signing a standard formal licence agreement. The moral of our experience is that copyright issues should not be allowed to be used as a distraction from providing free access. Access is simply a policy issue.”*¹⁶

3.3 Costs

Is it financially feasible to set up a database of case law from the member states relating to the new EC migration law? This question cannot be answered by a simple “Yes” or “No”. The answer depends on various factors. The two most important factors are the available budget and the costs of setting up and managing the database. Since it is not known whether a budget is already available for setting up this kind of database, no answer can be given to the question of whether the database is financially feasible. Whether setting it up is feasible will depend on the already available budget or on the possibilities for obtaining a grant, taken together with the setting-up costs.

It is difficult to indicate what the costs are of setting up this kind of database. Various factors also play a role with respect to costs. Factors which are decisive for costs include:

- Does new software have to be developed or can an existing modality be adopted (point 3.3.1)?
- The target group (point 3.3.2);
- Structure of the web site (point 3.3.3);
- Domain name (point 3.3.4);
- Hosting (point 3.3.5);
- Service Level Agreement (SLA) (point 3.3.6);
- Actual costs of web site management (point 3.3.7);
- Costs of collecting relevant case law (point 3.3.8).

¹⁶ The Journal of Information, Law & Technology of 2001 contains more information about AustLii.org (http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2000_1/austin/#a2.3.5).

3.3.1 *Software*

A major share of the costs of setting up a database is determined by the software (application). It is difficult to estimate the costs since the costs depend on various factors: does new software have to be developed? Can use be made of free software or can existing software be transferred? A considerable sum of money is involved in developing software. Caselex for example has developed its own software, which is also true of the ILDC project. Free software can possibly be used. However, it is important to bear in mind that the adaptation of free software also costs a considerable amount of money. *Vluchtelingenwerk Nederland* currently makes use of free software. Marc Janssen, coordinator of Vluchtweb, also refers to the high costs associated with adapting free software and making it suitable.

The costs of setting up a database of case law are estimated by the empirical experts at between €15,000 and €50,000. However, this is a rough estimate. In order to obtain a firmer picture, quotations have to be requested from companies that produce software. If it is possible to link up with an existing modality, the costs will of course be lower. The application used for Migratieweb can, according to the software designers, be simply copied and can be structured in such a way that it is suitable for European case law. In order to give some indication of the costs of setting up a database, discussions have taken place with several empirical experts. Attempts have been made to visualise the costs of the software used by the empirical experts. This is difficult since most databases have a completely different structure.

Setting up <http://www.migrationsrecht.net> is estimated to have cost €15,000. It is not clear what the software for Migratieweb cost because Migratieweb was developed within a huge project. The intention was for the project to encompass all legal areas but, as a result of editorial problems, only Migratieweb remained intact. Forum was able to make use of the Migratieweb software free of charge. The application has undergone 2 or 3 relatively major conversions. The total costs of this are estimated by Wim Verberk at €10,000 to €20,000. *Vluchtelingenwerk* has recently studied the potential cost of setting up a new web site. The costs of this were estimated at €50,000.

3.3.2 *Target group*

As described in point 3.2.1, the target group defines the modality (to be developed) and thus the development picture.

3.3.3 *Structure of web site (system)*

It is indicated above that the structure of the database is determined specifically by the target group. For example, Caselex was developed to serve large firms of lawyers, which has consequences for the structure of the database. If a broad target group is assumed, this automatically means that the database must be user-friendly.

Metadata

User-friendliness benefits if case law is categorised. Good metadatering is of inestimable value in this respect. Good metadatering makes it possible (also) to present judgements by member state, judicial body, directive, provision of directive, etc.. Metadata are data that describe characteristics of certain information. They are in fact

data about data. The metadata of a judgement can be, for example, the judicial body, the date of the judgement and the language in which the judgement was passed. The explicit storage of metadata for the judgements to which they relate has the advantage that relevant judgements can be found more easily.

Search system

In addition to good metadatering, the search system is also very important. Serious consideration has to be given to the search system used. Is the search system to be full-text or using keywords (metadata). or a combination of both? A full-text system has advantages as well as many disadvantages. One advantage of a full-text search system over a search system using keywords is, for example, that you can search by any word and by a certain sentence fragment. A disadvantage of a full-text search system is that spelling mistakes are a problem; moreover, too many (irrelevant) hits are often found, which is not beneficial for user-friendliness. The advantage of a full-text search system is also that you have to be familiar with legal terminology in the language in which the judgement is listed. If you are a Dutch lawyer or academic and want to search for judgements by German courts, you will have to know exactly which German legal terms are used in the judgements if you are using full-text. For international information exchange, the use of a full-text search system is therefore not recommended. The same applies to large collections of documents.¹⁷ A search machine that uses keywords/metadata seems to be preferable. Using a search system based on keywords/metadata, it is possible for example to search for judgements relating to a particular directive, while this is somewhat more difficult using full-text searching, i.e. without using metadata, because every judgement in which the directive is mentioned is presented. This may be many more than the judgements which actually deal with a particular directive.

In a search system by keywords, a distinction can be made between a search system of free keywords and a search system of fixed keywords. A search system of free keywords has many disadvantages. Users have to know which keyword is used; in addition, distortions of keywords are often not found and a keyword can be used in several different meanings.¹⁸ Empirical experts prefer a system of fixed keywords. This system is also used for most databases (including <http://www.migratiweb.nl>, <http://www.vluchtweb.nl> and <http://www.iarlj.nl>). Keywords can be derived from the source document (i.e. the directive/regulation) or can be based on the content of the judgement or possibly a standard list. Good indexing is important in order to release information.

You will often see that web sites make a distinction between two search systems: one search system for “dummies” and an advanced search system for the more experienced user (see, for example, <http://www.legifrance.org>).

Working in the system

The structure of the web site depends not only on the target group, but also on the method of collecting the case law and its placement in the database. From discussions

¹⁷ K. van de Meer, *Documentaire informatiesystemen*, NBD Biblion Publishers, 2002, pp. 137-138.

¹⁸ K. van de Meer, *Documentaire informatiesystemen*, NBD Biblion Publishers, 2002, p. 140.

it seems that two systems are used. The difference between the more nationally oriented web sites and the European/internationally oriented web sites is clear. In the nationally oriented web sites, such as Migratieweb, Vluchtweb, Migratierecht, vreemdelingenrecht.be, jura.be, migrationsrecht.net, westphal-stoppa.de and Asyl.net, the selection and placement of case law is carried out by an (internal) editorial board. If we look at the European/international databases, it is noticeable that the selection and placement of case law usually takes place at the level of the network or contacts. This is the case for IARJL, Dec.Nat, Jurifast, Caselex and, indirectly, also for the Network of Presidents of the supreme courts because they include links to the official court web sites. One exception is the project relating to the effects of international law (ILDC). In the ILDC project, selection takes place on two occasions. The contacts first determine whether a judgement is important because they only submit important judgements. Then the managing editor determines whether the judgement is included in the database.

A joint editorial team is behind most databases. This is true in all cases involving European/international databases. This is related to the fact that you have to be familiar with the source languages. For instance, Caselex has about 80 editors and 15 people who are involved exclusively in quality control. The ILDC project uses 57 commentators.

It may be clear that the extensiveness and sophistication of a database help determine the level of the costs.

3.3.4 *Domain name*

In order for a web site to be visited, it needs an address. The address of a web site is known as its domain name. A domain name is formed of various parts: one part before the dot, the actual name and the part after the dot ("country extension"). Given the fact that in this case we are dealing with a European database, an English-language domain name ending in .eu would be preferable. Wim Verberk has claimed three domain names for personal use which can possibly be adopted (for a fee). These are the domain names <http://www.migratieweb.eu>, <http://www.migrationweb.eu> and <http://www.migrationlaw.eu>. In any event, it is important for the domain name to be recognisable and easy to remember. If, for example, it is decided to adopt (the model of) Migratieweb, it is recommended that the database be incorporated under its own (European) domain name. This increases accessibility. *Vluchtelingenwerk Nederland* is doing the same with the database relating to the qualification directive. The database is not being incorporated into Vluchtweb, but is being given its own domain name/web site.

3.3.5 *Hosting*

In order to place a web site on the Internet, space (on a hard disk) has to be rented. This is also known as hosting. Costs are involved in hosting. The costs vary per hosting provider. Hosting via the Radboud University Nijmegen (via the University Centre for Information Provision – UCI) is fairly expensive. Commercial hosting is generally cheaper. Hosting possibilities may also be available within the European Union. Jules van Horen, ICTO Coordinator of the RU, is examining this option.

3.3.6 *Service Level Agreement (SLA)*

Where hosting is provided, certain arrangements are often made concerning the (minimum) service to be provided. These arrangements are laid down in a Service Level Agreement (SLA). The SLA determines, for example, the percentage of time a site has to be operational and within what period incidents have to be resolved. It is very important to make good (customised) arrangements.

3.3.7 *Actual costs of managing the web site*

The development and setting up of a web site are not enough. Management is just as important. In order to ensure that the web site is used in practice, it is important for the web site to be user-friendly. The user-friendliness of a database is determined on the one hand by the structure of the web site and, on the other hand, by the management of the web site.

It seems that many projects that initially seem promising eventually run aground because the web site is not well managed. I understand from Ulrike Brandl, one of the respondents from the Odysseus Network, that the *Informationsverbund Asyl* (Germany), together with the UNHCR, set up or wanted to set up a similar project at the beginning of the 1990s. This project was not successful. An attempt was made to obtain more information about the project from *Informationsverbund Asyl* and the UNHCR. Unfortunately, the current staff of both the *Informationsverbund Asyl* and the UNHCR are not aware of this initiative.

From conversations with empirical experts, it appears that managing a database takes a great deal of time. It is estimated that it costs at least 1 FTE to manage the database and the question is whether you can do it or not. Jules van Horen, ICTO coordinator at the faculty office of the Law Faculty of the Radboud University, thinks that 1 FTE is not enough.

It is important for the web site to be kept up-to-date. This takes time and, therefore, money. In addition, the costs of technical support/technical management also have to be considered. Management costs also depend on the method of collecting case law. Who is responsible for placing and checking judgements in the database?

3.3.8 *Costs of collecting relevant case law*

The costs of gathering relevant judgements do of course depend on the method of collection. Is case law collected by an (internal) editorial board or by contacts within a network? ILDC and Caselex both work with national rapporteurs. The rapporteurs are paid per judgement delivered. The payment is small, not even enough to cover costs. The payment which the Caselex rapporteurs receive differs by country. The highest payment is 100 euros, which seems a small amount. However, when you think that the European Union has 27 member states, times x judgements per year, this works out at a hefty sum. Assuming 10 judgements per year, the above works out at a cost item of 27,000 euros per year. In addition, costs are also incurred for checking the judgements.

Point 2.3.1 discusses the project by *Vluchtelingenwerk Nederland* relating to the qualification directive. The intention is for case law to be supplied by NGOs. The NGOs receive a fee for four hours per week, up to a total of 24 days. This is a one-time fee. If the ERW becomes a reality, it is assumed that no fee is paid to the NGOs for supplying case law.

Collecting case law oneself is only an option if case law is collected from a limited number of member states to begin with.

3.3.9 Translation costs

In order to make the database accessible to as wide an audience as possible, it is important for the web site to be available in English. Offering the web site in a second or perhaps even a third language can also be considered. The IARLJ offers the possibility of searching the database in eight languages. This offers clear added value.

Given the costs involved in translating documents, it is virtually impossible to translate judgements into English in their entirety. Virtually all databases contain only a summary in English. The judgement itself is usually available in full text in the language of the country in question.

3.4 Possibilities for collaboration

Forum has firm plans to set up a European database of case law relating to the new EC migration law. Possibilities also exist for converting Migratieweb. Moreover, various organisations are prepared to join forces. This can keep the costs of the project down. The people or organisations behind vluchtweb.nl, migratierecht.nl, Asyinfo.net, legislationline.org and vreemdelingenrecht.be have already indicated that they are willing to make case law available. The University of Leiden has indicated that it wants to take part in the project. Possibilities also exist at the T.M.C. Asser Institute and ECRE/ELENA. If it is decided to go ahead with the project, it is important to make a decision about the method of releasing case law. If it is decided, regarding case law relating to asylum, to make use of existing knowledge within other organisations, it is important to make contact with the IARLJ and the organisations involved in collecting case law in the member states. Possibilities for collaboration may also exist with the European Migration Network and the IND. The Centre for Migration Law is willing to find out, at the next meeting of the Network Free Movement of Workers and the Odysseus Network, whether any interest exists in supporting this type of initiative.

European Migration Network/IND

Contact: Joanieke Snijders, Senior Policy Officer

Various respondents mentioned a potential role for the European Migration Network (EMN) and the IND (Indiac). At present, neither the EMN nor the IND has any plans to set up this type of database of case law relating to migration and asylum. The EMN and the IND are also not known to have any structural databases in this field. The EMN does always take part in short-term projects which also involve collecting case law. Possibilities for collaboration may exist.

“The European Migration Network (EMN) is a European Commission initiative. The aim of the EMN is to provide the institutions of the EU, its member states and, in the longer term, the public, with objective, reliable and comparable information concerning migration and asylum issues at European and national level. The mission of the EMN is to improve information exchange between policy-makers, state institutions, non-governmental organisations and the academic world by bringing together those who are professionally involved in migration and asylum. With this aim in mind, the EMN has national contact points (NCPs) who all in turn have a national network. In the Netherlands, the NCP is part of the “Information and Analysis Centre” department (INDIAC) of the IND. This newsletter is distributed to the Dutch national network and to other interested parties.”¹⁹

The EMN and the IND are very curious to learn the results of the feasibility study and would like to be kept informed of developments in this field.

3.5 In conclusion

Various empirical experts point out that setting up this type of project should not be underestimated. If we look at similar databases in other legal fields, we see that setting up a database takes a great deal of time and money. Caselex has currently already cost 2 million euros. The ILDC project has also cost a considerable sum of money. It is clear that the costs of the project depend on the format chosen for the database. ILDC and Caselex, for example, work with rapporteurs. The rapporteurs receive a fee for their efforts. ILDC and Caselex work with very detailed editorial guidelines. The rapporteurs are expected to be familiar with these editorial guidelines. The judgements that are supplied are critically inspected. Other databases choose to have case law included directly by contacts. This is true, for example, of Jurifast and the IARLJ. The question is how far you want to go with checking. How perfect does the database have to be? This brings us back to the choice of a Formula 1 racing car, a BMW or an old banger.

In addition, a choice has to be made between a structure that is paid for using contributions from clients and one financed by a commercial company (publisher). In both cases, a start-up grant will have to be available from a company, a legal or private organisation, a university, professional group, the European Commission or a combination of the above. The scope of this start-up subsidy depends mainly on the question of whether the project is to start first of all with the case law of a limited number of member states where the relevant judgements are already relatively easily accessible and the language problem is relatively limited, or whether the aim is for immediate “coverage” for all 27 EU member states. The European Commission will probably make the latter a condition for providing grants.

¹⁹ See newsletter for EMN Dutch Contact Point (http://www.ercomer.eu/downloads/EMN_6.pdf)

4. POSSIBILITIES AND RECOMMENDATIONS

It is clear that a need exists for a database of case law relating to the new EC migration law. The database can be structured in two ways. We could choose the Formula 1 racing car. This means that the project is set up on a large scale from the start: a database of case law relating to the new EC migration law from 27 member states. The above implies that a network of experts has to be set up in the 27 member states. Consideration has to be given to paying the experts. If rapporteurs are used, one major problem arises. The languages spoken in the smaller member states, in particular the Eastern European member states, are not easy to check because adequate knowledge of these languages will not be available within the editorial board. The problem has three potential solutions:

1. Trust the expert;
 2. Form an international editorial board in which all member states are represented;
 3. Have the work checked by another expert from the relevant member state.
- The first is a cheap solution and the other two are expensive, time-consuming solutions.

4.1 Structure I

Setting up a database of case law from all 27 member countries is a huge project. If we look at similar databases in other fields, we can assume one million euros start-up capital for the first year (Caselex, T.M.C. Asser Institute initiative). It should be possible to obtain a start-up grant. However, it takes a lot of time to apply for a grant. If a commercial database is set up, a business plan needs to be written. Marc de Vries of Caselex indicates that he and his partner allocated one year for drawing up a business plan/grant application. Once a start-up grant has been obtained, further financing of the project should be examined. At some point, the money tap will run dry. This means that the project has to be financed some other way. Financing is possible in several ways. Possibilities include recruiting subscribers (for example, ILDC, Caselex, Migratiweb and Migratierecht). The subscription fee must be kept as low as possible so that smaller firms of lawyers and organisations can also gain access. In addition to subscribers, it is possible to sell advertising space to large firms of lawyers (such as Migrationsrecht.net).

4.2 Structure II

Our preference is for setting up a less prestigious project which initially only includes case law from countries with accessible national case law. This structure also appeals to users in all member states.

Case law in Belgium, Germany, the Netherlands and the United Kingdom is easily accessible. Various ways also exist of obtaining French case law. In addition to the above case law, Austrian case law is also readily accessible. If this structure is chosen, the case law of five larger countries is absent: Finland, Italy, Poland, Spain and Sweden. We understand from our Polish respondent that case law in Poland is currently not easily accessible. Case law is not digitally available in Poland. Additionally, it is likely – at least in the near future – that little case law will be available relating to the new EC migration law. We understand from our Spanish respondent that case law from the supreme court is easily accessible via the official web site of the court, but

this is not true for minor case law. We have no information about the accessibility of case law in Finland, Italy or Sweden.

4.3 Gradual expansion

If a structure is chosen which starts on a small scale, with case law from a number of member states, this does not rule out the inclusion of case law from other member states. It may be that people from other member states spontaneously submit interesting judgements themselves. They can be asked to write a brief summary, possibly signed, so that they are responsible for the content. Once the project is up and running, we can look at whether expansion is possible. During the project, a network of respondents can slowly be built up. If this structure is chosen, consideration has to be given to the costs of setting up the database. It is worth considering adopting the Migratieweb modality. In this case, an amount of between 15,000 and 20,000 euros should go quite some way.

4.4 User-friendliness

It is important for the web site to be up-to-date. For example, this can be by including the latest judgements on a weekly basis. Or, a newsletter may be chosen, including a reference to new case law. The user-friendliness of the web site is very important.

Finally, the most important questions listed in brief:

- What is the target group of the database?
- What definition is there in case law?
- What is the organisational context of the project?
- How is the case law selected and collected?
- How is the system organised?
- What are the collaboration possibilities?
- What is the available budget?
- What are the grant possibilities?
- Is it aimed at making a profit?

APPENDIX I: ORGANISATIONS/PEOPLE WHO HAVE CONTRIBUTED TO THIS STUDY

I Concerning the existence of similar initiatives and projects

- *European Commission:*
Lauri Hollmen
Michaela Zarosska
- *Colleagues at Radboud University Nijmegen, European law specialist group:*
(Piet Hein van Kempen, Johan van de Gronden, Henri de Waele, Karel Wellens, Looijstein, Simon Tans)
- *Dutch lawyers:*
Altadvocaten, Amsterdam
Advocatenkantoor Younge, Amsterdam (Joan A. Younge, Lawyer)
Luscuere & de Jong advocaten, Rotterdam (Julien Luscuere, Lawyer)
Hamerslag van Haren advocaten, Amsterdam (Neal Blomjous, Lawyer)
- *Contacts within Odysseus Network:*

| | |
|-----------------|------------------------------------|
| Austria: | Ulrike Brandl |
| Belgium: | Sylvie Sarolea |
| Bulgaria: | Zhivka Georgieva |
| Cyprus: | Michaelidou Koulla |
| Czech Republic: | Natasa Chmelickova, Vera Honuskova |
| Estonia: | Lehte Roots |
| France: | Yves Pascouau |
| Germany: | Gisbert Brinkmann |
| Latvia: | Kristine Kruma |
| Luxembourg: | François Moyse |
| Poland: | Michal Kowalski |
| Slovakia: | Martin Skamla |
| Slovenia: | Samo Bardutzky |
| Spain: | Mariona Illamola |
| United Kingdom: | Bernard Ryan |

II Concerning existing projects (broader or different field)

- Council of State of the Netherlands concerning juradmin: Neal Paladsingh
- Council of States Association concerning juradmin: Yves Kreins
- Court of Justice Publications Office concerning Eurlex: Nuno Mesquita
- Caselex: Marc de Vries
- ILDC: Edda Kristjansdóttir (University of Amsterdam)
- Consumer law project: Hanneke Spath (Radboud University Nijmegen)

III Concerning current activities and future plans of organisations working in the field of asylum or migration

- Amnesty Nederland: Alessandra Ricci Ascoli
- Asyl.net: Ekkehard Hollman
- ECRE/ELENA: Chris Nash and Michaela Kwak
- European Migration Network: Joanieke Snijders
- IARJL: Liesbeth van de Meeberg (secretariat)
- Indiac: Joanieke Snijders

- Jura.be: Benny Averhals and Ann Piret
- Legislationline.org: Marta Achler-Szelenbaum
- Migratierecht.nl: Peter Frissen, SDU Uitgevers
- Migratieweb.nl: Wim Verberk
- Migrationsrecht.net: Klaus Dienelt
- Red Cross: Hans Lederer (ecoi.net Coordination)
- UNHCR Nederland: Rene Bruin
- UNHCR Geneva: Mignon Van der Liet-Senders
- University of Leiden: Maarten de Heijer
- Vluchtelingenwerk Nederland: Stefan Kok, Marc Janssen, Vluchtweb coordinator, and Jessica Bowring)
- Vreemdelingenrecht.be/Flemish Minorities Centre: Bart de Wolf

IV Empirical experts for setting up web site

- Bart de Wolf, <http://www.vreemdelingenrecht.be> and <http://www.vmc.be> (Belgium)
- Klaus Dienelt, <http://www.Migrationsrecht.net> (Germany)
- Volker Westphal, <http://westphal-stoppa.de> (Germany)
- Ekkehard Hollman, <http://Asyl.net> (Germany)
- Wim Verberk, <http://www.Migratieweb.nl> (The Netherlands)
- Marc Janssen, <http://www.vluchtweb.nl> (The Netherlands)
- Marc de Vries, <http://www.caselex.com> (The Netherlands)
- Jules van Horen, Radboud University (The Netherlands)

APPENDIX II: LINKS TO CASE LAW

I Official web sites of supreme administrative courts^{20 21}

| | |
|-----------------|---|
| The Netherlands | http://www.raadvanstate.nl/ |
| Belgium | http://www.raadvst-consetat.be/ |
| France | http://www.conseil-etat.fr |
| Germany | http://www.bverwg.de |
| United Kingdom | http://www.courtservice.gov.uk/ |
| Austria | http://www.vwgh.gv.at/ |
| Bulgaria | http://sac.government.bg/ |
| Cyprus | http://www.supremecourt.gov.cy/ |
| Czech Republic | http://www.nssoud.cz/ |
| Denmark | web site unknown |
| Estonia | http://www.riigikohus.ee/ |
| Finland | http://www.kho.fi/ |
| Greece | http://www.ste.gr/ |
| Hungary | http://www.lb.hu/ |
| Ireland | http://www.courts.ie |
| Italy | http://guistizia-amministrativa.it |
| Latvia | http://www.at.gov.lv/ |
| Lithuania | http://www.lvat.lt/ |
| Luxembourg | http://www.jurad.etat.lu/ |
| Malta | web site unknown |
| Poland | http://www.nsa.gov.pl/ |
| Portugal | http://www.stadministrativo.pt/ |
| Romania | http://www.scj.ro/ |
| Slovenia | http://www.sodisce.si/ |
| Slovakia | http://nssr.gov.sk/ |
| Spain | http://www.poderjudicial.es/ |
| Sweden | web site unknown |

²⁰ Source: <http://www.juradmin.eu>.

²¹ It is important to be familiar with the legal system in order to be able to select the most important judgements from a member state. For example, in Belgium the most important judgements in the area affecting refugees do not come from the Council of State, but from the Council for Alien Disputes (<http://www.rvv-ccce.be>).

II Central web sites (portals) for case law in general

| | |
|----------------|---|
| Netherlands | http://www.rechtspraak.nl |
| Belgium | http://www.juridat.be ²² |
| France | http://www.legifrance.org |
| Germany | no central web site |
| United Kingdom | http://www.bailii.org |

III Web sites for (selected) case law specific to the field of migration law or asylum law

| | |
|----------------|--|
| Netherlands | http://www.migratierecht.nl (subscription required) http://www.migratieweb.nl (subscription required) http://www.vluchtweb.nl (subscription required) |
| Belgium | http://www.rvv-cce.be . (web site of Council for Alien Disputes, free access) http://www.vreemdelingenrecht.be (free access) http://www.adde.be (free access) |
| France | http://www.gisti.org (free access) http://dequeldroit.net (free access) |
| Germany | http://www.Migrationsrecht.net (access partly free, partly by subscription) http://www.Aufenthaltstitel.de (free access) http://www.westphal-stoppa.de (free access) http://www.Fluchtlingerratberlin (free access) http://www.Asylnet.de (free access) |
| United Kingdom | http://www.ait.gov.uk (web site of Asylum and Immigration Tribunal, free access) http://ein.org.uk (subscription required) |

IV Web sites of case law in other countries

| | |
|---------|---|
| Austria | http://www.asylanwalt.at (free access) http://www.asylum-online.at (free access) http://www.migralex.at/ |
| Cyprus | http://www.cylaw.com.cy (free access) http://www.leginetcy.com (payment required) |

²² <http://www.adde.be> gives access to the same database.

| | |
|----------------|---|
| Czech Republic | http://www.nssoud.cz/anonymous.php http://www.concourt.cz http://www.nalususoud.cz/Search/Search.aspx |
| Hungary | no relevant web sites seem to exist in Hungary |
| Ireland | http://www.bailii.org (free access) http://www.courts.ie (free access) |
| Latvia | http://www.at.gov.lv/index.php?a=20&v=en (free access) |
| | http://www.lursoft.lv/en/db_ur.html (payment required) http://www.satv.tiesa.gov.lv (payment required) |
| Poland | http://www.prawaczlowieka.edu.pl/ ²³ |
| Slovenia | http://www.sodnapraksa.si (free access) http://www.ius-software.si (payment required) |

²³ The aim of the project is to disseminate knowledge and raise awareness about human rights issues through the Internet. Recognising the advantage of Internet communication, we establish the Internet-based collection of the most important courts' decisions in order to make them more accessible to the legal profession and the general public. General familiarity with the human rights standards may have a broader impact on their effective implementation in the Polish legal system. The collection includes judgements of the Constitutional Tribunal, the Supreme Court, the Supreme Administrative Court and lower national courts, as well as the European Court of Human Rights in cases against Poland. The judgements are commented and analysed by recognised legal authorities, theorists and practitioners. At the same time, we invite all registered users to post their comments or to take part in the debate on human rights issues. We hope that the project will create a new forum of professional exchange or opinions on human rights case law in Poland.