

**Update on the case law of the European Court of Human Rights
on migration and asylum, Judgments and Decisions
(March 2025 – June 2026)**

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i. Effective control of the state

S.S. and Others v. Italy (Application no. 21660/18) - Decision of 20 May 2025

A rubber dinghy transporting irregular migrants of Nigerian and Ghanaian nationality, including the seventeen applicants, set off from the Libyan coast and sent a distress signal on the high seas. The Italian maritime rescue coordinators received the signal and informed their counterparts in Tripoli. A Libyan ship reached the dinghy first and took control of the rescue activities, following which two of the seventeen applicants were sent back to Libya. The other applicants were transported to Italy aboard a Dutch ship.

The applicants argued that the events fell within Italy's jurisdiction within the meaning of Article 1 (obligation to respect human rights) of the Convention. They alleged violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 4 (prohibition of slavery and forced labour) and 13 (right to an effective remedy) of the Convention and of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens).

In the absence of any form of effective control by that State over the area in question (jurisdiction *ratione loci*), and given that the Italian authorities had not exercised power or control over the applicants (jurisdiction *ratione personae*), the Court found that the applicants had not been under the jurisdiction of Italy within the meaning of Article 1 of the Convention in respect of the facts complained of under Articles 2, 3 and 4 of the Convention and Article 4 of Protocol No. 4. Consequently, the same finding was reached as to the complaint under Article 13. The application was thus declared inadmissible.

ii. Right to life

Almukhlas and Al-Maliki v. Greece (Application no. 22776/18) – Judgment of 25 March 2025

On 29 August 2015 a vessel carrying over ninety irregular migrants was intercepted near the island of Symi, Greece. Following the use of firearms by a coast guard officer who was aiming at one of the skippers of the vessel, the applicants' son, a minor of an Iraqi origin, was fatally shot. Subsequently the Greek authorities instituted two sets of criminal proceedings concerning homicide and the use of arms against the coast guard who had fired the fatal shot; both cases were closed without any charges brought.

Relying on Article 2 of the Convention (right to life), the applicant complained about the manner in which the interception operation had been carried out, the excessive use of lethal force in its course, and the ineffectiveness of the investigation into their son's death.

The Court considered that the investigation by the Greek authorities had been plagued by serious omissions (only eight passengers out of ninety-three had been questioned as witnesses; the investigation lacked in independence; a key forensic expert examination had not been carried out) and had not allowed to establish the exact circumstances of the death

of the applicants' son; it thus found a violation of Article 2 in its procedural limb. The Court further found a violation of Article 2 in its substantive limb because the interception operation had not been conducted in such a way as to bring the use of lethal force and the risks to life and limb of the applicant's son to the minimum. In view of the lack of the elements sufficient to establish all circumstances of the incident beyond reasonable doubt, the Court considered that the use of lethal force had been no more than "absolutely necessary" and found no violation of Article 2 in its substantive limb on that account.

F.M. and Others v. Greece (Application no. 17622/21) – Judgment of 14 October 2025

The case concerns the sinking of a boat which occurred on 16 March 2018 off the coast of the island of Agathonisi (Greece). The applicants are two Afghan and two Iraqi nationals who were on board and survived, while all applicants lost close family members in that boat accident.

The facts surrounding the exact date and circumstances of the shipwreck were disputed between the applicants, who insisted the incident occurred on 16 March, and the Greek authorities, who argued it occurred on 17 March 2018. The applicants alleged multiple operational failures by the Greek Coast Guard, inadequate communication (especially regarding language barriers), and improper classification and handling of the situation by the authorities. They further alleged deficiencies in the subsequent investigation, including lack of independence and various procedural flaws.

Relying on Article 2 (right to life) of the Convention, both in its substantive aspect (failure to protect life) and procedural aspect (failure to conduct an effective investigation), the applicants claimed that the Greek authorities failed to conduct an effective search and rescue operation resulting in the deaths of their family members and did not carry out an effective investigation first into the incident and then into their allegations regarding the authorities' actions and omissions.

The Court held that the Greek authorities had sufficient, specific, and credible information on the morning of 16 March 2018 about a boat carrying individuals in grave danger near the island of Agathonissi but failed to take all reasonable and necessary measures to protect the lives of those on board. They also failed to provide adequate interpretation assistance, resulting in communication failures, ended the search operation prematurely and did not coordinate properly with other relevant authorities and did not conduct an adequately comprehensive or coordinated search and rescue operation despite credible indications of people in grave danger. Therefore, the Court found a violation of Article 2 in its substantive limb.

Additionally, the Court found a violation of Article 2 in its procedural limb, as the national authorities failed to perform an independent investigation, did not

The Court also found a violation of Article 2 in its procedural limb, for lack of effective investigation, noting that the subsequent investigation, did not sufficiently examine key evidence, including a crucial message from one of the victims and the question of the date

and time of the alleged boat incident and allowed deficiencies in medico-legal reports, which made it impossible to definitively establish key facts.

S.S. v Greece (Application no. [30221/21](#)) – Decision of 6 November 2025

On the night of 22–23 October 2019, the applicant, a Syrian national and her minor child were on a boat carrying other migrants crossing to Greece. However, the boat collided with a Greek coastguard vessel off the island of Kos, resulting in a shipwreck and the death of her child.

The Greek prosecutor ordered the arrest of the commander of the coastguard boat for involuntary manslaughter and other charges, but the case was closed due to lack of evidence of responsibility. Parallel proceedings against alleged traffickers went to trial.

Relying on the procedural part of Article 2 (right to life) of the Convention, the applicant complained of the failure of the national authorities to conduct an effective and impartial investigation into the incident, which resulted in the death of her child, particularly failing to consider her allegations regarding the actions of the coastguard and disregarded evidence, including her testimony.

The Court unanimously declared the application inadmissible for non-exhaustion of domestic remedies. After assessing the applicant's actions, it found that the applicant had only pursued remedies against the traffickers, not the coastguard, and if she had joined the proceedings against the coastguard, she would have had full procedural rights and access to case files.

iii. Protection from ill-treatment in the context of expulsion

Ali v. Serbia (Application no. [4662/22](#)) – Judgment of 25 March 2025

In 2021 the applicant, who had participated in the anti-governmental protests in Bahrain in 2007 and 2011, was arrested in Serbia, where he had come to seek asylum, on the basis of an international search warrant issued following his *in absentia* conviction for terrorist-related crimes in Bahrain. He applied to the Court alleging that if extradited he would be subjected to ill-treatment proscribed by Article 3 (prohibition of inhuman and degrading treatment) of the Convention and successfully sought the application of interim measures under Rule 39 of the Rules of Court to stay his extradition pending the examination of his application. In 2022 the Serbian authorities, relying on Bahrain's diplomatic assurances, extradited the applicant in spite of the interim measures applied.

The applicant complained that at the time of his extradition there had been substantial grounds for believing that he would be tortured if extradited and that the Serbian courts had failed to take his allegations into account when deciding on his extradition.

The Court found a procedural violation of Article 3 of the Convention on the grounds that the Serbian authorities had not examined the risks of the applicant being subjected to ill-treatment in the requesting country before extraditing him to Bahrain and had not assessed

his personal situation. Also, a violation of Article 34 of the Convention was found on account of the Serbian authorities' failure to comply with the interim measures indicated by the Court.

Mansouri v. Italy ([Application no. 63386/16](#)) – Decision of 29 April 2025

The case concerned the lawfulness and conditions of a Tunisian national's confinement on board the ship *Splendid*, which was being used to return him to his country of departure on the basis of a refusal of entry order issued by the border police on the ground that he was not in possession of an entry visa.

The Court dismissed the applicant's complaints under Article 5 (right to liberty and security) of the Convention. In particular, it considered that the applicant had failed to exhaust the available and effective domestic remedies put forward by the Government, namely a compensatory remedy and an urgent application for interim relief. He had therefore not taken appropriate steps to enable the national courts to fulfil their fundamental role in the Convention protection system, that of the Court being subsidiary to theirs. It observed that, had the applicant complied with the requirement to exhaust domestic remedies in accordance with the applicable rules and available procedures under domestic law, he would have given the domestic courts the opportunity to settle the question whether the impugned restrictions amounted to a "deprivation of liberty" and, if so, whether they were compatible with the Convention. In addition, assuming that he had subsequently pursued his complaint before the Court, it would have had the benefit of the national courts' factual and legal findings together with their assessment. Lastly, it found that, in the absence of proceedings before them, the Italian courts had not had the opportunity to examine any issue as to the interpretation of the provisions of the Schengen Borders Code and Annex V thereto or its compatibility with fundamental rights, while seeking, if appropriate, a preliminary ruling from the Court of Justice of the European Union.

The Court reiterated, moreover, that, in accordance with an established principle of international law, and subject to their treaty obligations, including those arising from the Convention, Contracting States had the right to control the entry, residence and removal of aliens. It took the view that, in this area, it was especially important to give the national courts an opportunity to interpret domestic law and prevent or put right Convention violations through their own legal system.

The Court also considered that the general accommodation conditions on board the *Splendid*, while they might have caused the applicant to experience frustration, had not attained the minimum level of severity required for the confinement in question to engage Article 3 of the Convention.

The complaints under Article 3 (prohibition of inhuman or degrading treatment) and Article 13 (right to an effective remedy) of the Convention were therefore manifestly ill-founded. The Court by a majority, declared the application inadmissible.

A.A. v. Belgium ([Application no. 55365/20](#)) – Decision of 2 May 2025

The applicant, an Iraqi national, lodged his application in relation to the effectiveness of remedies in Belgium regarding his third request for international protection based on the risk of persecution due to his sexual orientation. His first and second asylum applications had previously been rejected, the second citing risk due to homosexuality. His third application was again rejected after an evaluation that no new substantial elements had been presented. Appeals before the Belgian courts, including challenges to an order to leave the territory, were unsuccessful.

Relying on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), and 13 (right to an effective remedy) of the Convention, the applicant claimed that the Belgian asylum authorities had failed to properly and thoroughly examine his third asylum application, disregarding key evidence relating to his fear of persecution if returned to Iraq. He alleged that available remedies were ineffective.

The Court declared the application inadmissible as the applicant had not appealed to the Conseil d'État against the rejection of his third (or previous) asylum request, thereby bypassing a possible further review and he did not pursue any further legal remedies, such as suspension procedures. In that framework, the Court reiterated that the effectiveness of remedies, especially concerning removal of rejected asylum seekers, is judged with regard to available legal avenues and their adequacy, not whether a single remedy fulfils all requirements.

Also see similar Decision, ***D.L. v. Belgium*** ([Application no. 26229/22](#)) – 2 May 2025.

Demirci v. Hungary ([Application no. 48302/21](#)) – Judgment of 6 May 2025

The applicants are a married couple and their adult daughter. The first applicant is a Turkish national, and the second and third applicants are Hungarian nationals. In 2010 the first applicant obtained a Hungarian permanent residence status valid for ten years; in 2014 he was convicted of causing serious bodily harm. In 2020 his application for a national settlement permit was rejected as his presence in Hungary had been considered a risk to national security; his appeals were unsuccessful, and in 2021 he was removed from the Hungarian territory.

The first applicant complained before the Court that he had been expelled from Hungary without having been afforded the guarantees of Article 1 of Protocol No. 7 to the Convention (procedural safeguards relating to expulsion of aliens). The Court reiterated that Article 1 (1) of Protocol No. 7 requires in principle that the aliens concerned be informed of the relevant factual elements which have led the competent domestic authorities to consider that they represent a threat to national security and that they be given access to the content of the documents and the information in the case file on which those authorities relied when deciding on their expulsion. Having established that the first applicant had not been informed of the allegations against him to enable him effectively to exercise his procedural rights under Article 1 of Protocol No. 7, and that the restriction of the first applicant's procedural rights in

the proceedings relating to his expulsion had not been counterbalanced in the domestic proceedings in such a way as to preserve the very essence of those rights and to protect him against arbitrariness, the Court found a violation of Article 1 of Protocol No. 7 to the Convention.

The Court left the first applicant's remaining complaints under Articles 8 and 13 of the Convention unexamined. The second and third applicants' complaint under Article 8 about the separation of their family was rejected as being incompatible *ratione materiae* with the provisions of the Convention.

Y.K. v. Croatia (Application no. 38776/21) – Judgment of 17 July 2025

The applicant is a Turkish national of Kurdish ethnicity who left Türkiye in 2019 fleeing persecution for political activism.

In February 2021, following his clandestine entry into Croatia, the Croatian authorities ordered his removal and placed him in an immigration detention centre. On 25 March 2021 he was released from detention, given a bus ticket and 50 euros and put on a bus to North Macedonia.

The applicant complained under Article 3 (prohibition of inhuman or degrading treatment) of the Convention that the Croatian authorities had denied him access to the international protection and under Article 13 (right to an effective remedy) of the Convention that he had not had at his disposal an effective domestic remedy with automatic suspensive effect in respect of his complaint under Article 3.

The Court found a violation of the procedural aspect of Article 3 because the Croatian authorities had sent him to North Macedonia without examining whether it would be safe for him or whether he would have access to effective and adequate asylum procedures or be exposed to a risk of chain *refoulement* and ill-treatment. It further found a violation of Article 13 in conjunction with Article 3.

I.C. v Belgium (Application no. 8575/20) – Decision of 2 October 2025

The applicant, a Malian national, filed six applications for international protection in Belgium between 2013 and 2017, citing threats and persecution in Côte d'Ivoire, Burkina Faso, and later Mali, based on his sexual orientation.

His sixth application included supporting documents and evidence of participation in LGBTQ+ activities, but it was declared inadmissible for lack of new elements by the asylum authorities and confirmed by the asylum appeals court. He never appealed to the Belgian Council of State regarding the asylum rejection, nor did he challenge any expulsion orders.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant argued that the authorities failed to carry out a rigorous assessment of the risk he would face if returned to his country of origin, particularly alleging disregard for crucial documents.

The Court declared the application inadmissible as the applicant did not appeal to the Council of State, nor contest the expulsion orders, despite available suspensive and annulment remedies. Moreover, the Court noted that general allegations about the ineffectiveness of expulsion remedies were not substantiated with evidence or raised directly in the ECtHR application and therefore, the applicant's sole complaint about ineffective asylum remedies was manifestly ill-founded.

N.R. v Belgium (Application no. [63620/19](#)) – Decision of 6 November 2025

The applicant, an Afghan national, sought asylum in Belgium three times (2011, 2012, 2015), each time citing fear of persecution by the Taliban in Afghanistan.

His asylum applications were ultimately rejected by the Belgian authorities, largely based on findings that his account was not credible. Multiple orders to leave Belgium were issued; the applicant did not challenge these orders through available means.

In his third asylum request, he argued he was not able to access necessary medical care in Italy (where he held subsidiary protection) and submitted medical certificates. The Belgian Commissioner for Refugees and Stateless Persons dismissed the request, on grounds including lack of new elements and insufficient credibility. Appeals regarding both asylum and medical stay were unsuccessful or remained pending.

Finally, in September 2019 an order to leave the territory was issued, stating that he would not be expelled to Afghanistan, as he benefitted from international protection in Italy.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant claimed the Belgian authorities failed to conduct a thorough, rigorous, and serious assessment of the risk of persecution upon return to Afghanistan and that he was not availed an effective remedy regarding his asylum claims.

The Court reiterated established standards for effective remedies in expulsion cases and the principle of subsidiarity. On this basis, the national authorities' reasoning was found to be sufficiently substantiated, and new evidence (including medical certificates) was assessed, but did not change prior credibility findings. The Court underlined its subsidiary role and deference to national authorities in assessing credibility, especially where they have had direct contact with the applicant. Moreover, the Court found that the applicant failed to use available legal remedies against removal and any broader abstract challenge on the effectiveness of remedies was inadmissible. The application was dismissed as inadmissible.

Z and Others v. Finland (Application no. [42758/23](#))- Judgment of 16 December 2025, further referral to Grand Chamber.

The applicants, Mr Z and his two minor sons, X and Y, are Russian nationals who were born in 1983, 2011 and 2013 respectively.

In September 2022 Mr Z took X and Y from Russia to Finland without their mother's consent. The case concerns the Finnish courts' decision to order the return of X and Y, who have been granted asylum in Finland, to Russia under the Hague Child Abduction Convention.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicants complain that the Supreme Court's order for the return of the children was in breach of their right to respect for their family life. They also complain under Article 3 (prohibition of inhuman or degrading treatment) that, if returned to Russia, X and Y would be subjected to ill-treatment.

In its Chamber judgment of 16 December 2025, the Court unanimously held that there had been no violation of Article 8 to the Convention. At the same time, it decided that it was desirable to maintain the interim measure under Rule 39 of the Rules of Court indicating to the Finnish Government not to return X and Y to Russia until the judgment became final or until further notice.

On 11 May 2026 the case was referred to the Grand Chamber at the applicants' request.

E.F. and others v. France (Application nos. 2070/24, 3257/24, 6779/24, 7429/24) – Decision of 11 December 2025

The applicants, four Haitian nationals residing irregularly in Guadeloupe, were apprehended and placed in administrative detention in early 2024. Orders were issued requiring them to leave French territory and prohibiting their return.

While detained, they applied for asylum to the Office français de protection des réfugiés et apatrides (OFPRA) and eventually they were awarded subsidiary protection. They appealed to the Cour nationale du droit d'asile (CNDA) and filed annulment requests with the Guadeloupe Administrative Tribunal. Emergency applications to be released were dismissed without a hearing.

The removal orders were not suspended by pending appeals, leading the Court to grant interim measures, suspending their removal pending asylum decisions.

Ultimately, OFPRA and CNDA granted subsidiary protection to all applicants, recognising the risk of inhuman and degrading treatment in Haiti due to exceptional violence and applying the principle of non-refoulement.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicants complained about the risk of inhuman and degrading treatment if forcibly removed to Haiti amid intense violence, and the alleged lack of an effective remedy to challenge their removal.

The Court rejected the application as inadmissible, as subsidiary protection was granted to the applicants and hence removal to Haiti was no longer legally possible, applying the principle

of non-refoulement. The applicants were not at risk of removal and could not claim to be victims of a violation at the time of decision.

And also see similar Decisions:

- Application no [4527/24](#) O.J. v France
- Application no [7428/24](#) J.F. v France
- Application no [2337/24](#) J.J.G. v France

D.M. v. Sweden (Application no. [32694/23](#)) – Judgment of 26 March 2026

The applicant, D.M., is an Afghan national who arrived in Sweden in 2015 when he was a teenager/young adult. After two sets of asylum proceedings, ending unsuccessfully in 2018 and 2023 respectively, in which he claimed that he was at risk because of the general situation in Afghanistan, his Hazara ethnicity, area of origin (Mazar-e Sharif in Balkh province), and his conversion to Christianity or in any event his having turned his back on Islam, the Swedish Migration Agency and Migration Court concluded that he was not in need of international protection either because of the general security situation in Afghanistan or due to his personal circumstances.

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant alleged that his removal to Afghanistan would expose him to a real risk of being ill-treated.

The Court reiterated that, on the one hand, member States had the right to control the entry, removal and deportation of foreign nationals. On the other hand, States were obliged, under Article 3 of the Convention, not to remove or deport someone if substantial grounds had been shown for believing that they were at real risk of ill-treatment in the destination country, on account of the general situation and personal circumstances.

The Court, after carrying out its own assessment with a focus on the present-day situation, found that, although serious, the general security and human-rights situation in Afghanistan were not sufficient on their own to conclude that any removal to that country would necessarily breach Article 3. Furthermore, while the situation for Hazaras in Afghanistan was dire, it was not persuaded that this group was systematically exposed to ill-treatment in breach of Article 3.

Nevertheless, the Court stressed that while a number of individual factors might not, when considered separately, constitute a real risk, the opposite might be the case if those same factors were considered cumulatively and against the backdrop of the general situation in the country in question. Therefore, it was concluded that the applicant faced heightened risks due to his Hazara ethnicity and because he had adapted to a Western way of life in Sweden over the last ten years, during which, he had also engaged in behaviour which could be perceived as transgressing religious and moral norms in Afghanistan.

The Court concluded that the cumulative effect of his personal circumstances, against the background of the general human-rights situation in Afghanistan, created a real risk of ill-treatment if the applicant were deported and thus a violation of Article 3 of the Convention if the deportation order against the applicant is implemented.

D.D. v. Türkiye ([Application no. 57965/19](#)) – Decision of 25 June 2026

The applicant, a national of Uzbekistan, fled his home country for Kazakhstan in 2012 owing to his fear of persecution, and then he entered Türkiye in December 2013. In Türkiye he was granted a one-year humanitarian residence permit in 2015, which was not renewed. From 2018 until 2025, the Turkish authorities initiated four distinct sets of deportation proceedings against the applicant on different grounds, while the Court indicated an interim measure under Rule 39 preventing the applicant's removal during proceedings, which the Turkish authorities complied with. On 2 January 2026, proceedings for annulment against the fourth deportation order were initiated by the applicant before the Istanbul Administrative Court, which are currently pending.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant claimed that his deportation to Uzbekistan would expose him to a real risk of ill-treatment owing to his religious and political beliefs. The Court reiterated its jurisprudence that an applicant cannot claim to be the victim of a measure that is not enforceable, as the first three deportation orders had been annulled or lifted with final effect and the fourth deportation order was still under judicial review with automatic suspensive effect. The application was dismissed by the Court as inadmissible on the basis of failure to exhaust domestic remedies.

iv. Material conditions during reception procedures

E.A. and H.A.A. v. Greece ([Application no. 14969/20](#)) – Decision of 4 September 2025

The applicants, a Syrian mother, pregnant upon arrival in Greece, and her newborn son, complained about their living conditions, including a period spent in a tent outside the overcrowded Samos Reception and Identification Centre (RIC) in Greece, while seeking asylum. Despite identification as a vulnerable case due to pregnancy in 2019, the applicant alleged that she and her newborn suffered inadequate accommodation, poor nutrition, insufficient sanitation, and limited access to healthcare. After the birth and an interim measures order granted by the Court, the family was eventually transferred to mainland Greece and recognized as refugees in March 2021.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) and 34 (right of individual petition) of the Convention, the applicants alleged that the condition of living in and outside the Samos RIC centre amounted to ill-

treatment, violated their dignity, well-being and right to family life and that the Greek authorities failed to conform with the Court's interim measures.

The Court recalled that for a breach of Article 3, ill-treatment must reach a minimum level of severity, and that the context in this case, including the exceptional migration crisis and the Covid-19 pandemic, had to be taken into account. While the authorities did not provide ideal conditions, they had made efforts to recognize the pregnant applicant as vulnerable, provide referral to improved accommodation, and offer a place in a container within the RIC, which the applicant refused. Medical care, including prenatal and postnatal assistance, had been provided or made available with the help of NGOs and local hospitals.

Therefore, the Court declared the application as inadmissible as it determined that although the applicants endured undeniable difficulties and inconveniences, these did not attain the threshold of severity required by Article 3 and there was no violation of Article 8 either.

Sahiti v. Belgium ([Application no. 24421/20](#)) – Judgment of 9 October 2025

The applicant is a Kosovar national who was born in 1985 and lives in Verviers (Belgium). In 2010 the applicant, while seriously ill, applied for a residence permit in Belgium on medical grounds, according to national law. Over the next 15 years, his application gave rise to a protracted series of administrative and judicial proceedings, with repeated rejections by the Belgian Immigration Office ("OE"), several annulments of those rejections by the Aliens Litigation Council ("CCE"), and decision withdrawals. The applicant was frequently left without regularised status and access to social and medical assistance and often had to rely on court interventions for essential support.

Relying on Article 8 (right to private life) of the Convention, the applicant claimed that the authorities' failure to issue a final decision on his medical residence application for 15 years, despite numerous appeals and repeated judicial annulments, left him in a state of prolonged insecurity and vulnerability, particularly affecting his right to respect for private life.

Additionally, relying on Article 13 (right to an effective remedy) of the Convention, the applicant further complains that he is the victim of a "procedural ping-pong match" between the Aliens Office and the Aliens Appeals Board and alleged that his removal would put him at risk in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

The Court found a violation of Article 8, as the applicant had been subjected to recurring administrative rejections, orders to leave the territory which were later withdrawn or annulled, and an ongoing lack of a final decision on his application. While the Court recognised the State's right to regulate the entry and stay of non-nationals, it emphasised a positive obligation to ensure that the relevant administrative procedure is fair, effective, and concluded within a reasonable time, especially when health and fundamental social needs are at stake. The uncertainty and precariousness of the applicant's situation—accentuated by his serious

illness and lack of access to social and medical assistance—constituted a failure by the State to ensure a fair and effective process and to secure legal certainty, as required under Article 8.

The Court rejected the complaint under Article 3, as at the time of the judgment, there was no imminent expulsion order against the applicant.

M.V. and Others v. Belgium ([Application no. 52836/22 and 3 others](#)) – Judgment of 9 April 2026

The applicants are four individuals who arrived in Belgium in 2022 and applied for international protection. They allegedly lived and slept on the street in Brussels, in extremely precarious conditions, despite final decisions by the Brussels French-Language Employment Tribunal ordering the Belgian State to provide them with accommodation and material support in accordance with its legal obligations. The situation also persisted after the Court had issued interim measures indicating to the Belgian State that it should enforce the decisions of the Brussels Employment Tribunal and provide the applicants with accommodation and material support to meet their basic needs.

Relying on Article 3 of the Convention (prohibition of inhuman or degrading treatment), the applicants argued that the conditions in which they were forced to live for several months amounted to inhuman and degrading treatment. They also complained under Article 6 (right to a fair hearing) of the Convention that the decisions of the Employment Tribunal were not enforced and relying on Article 34 (right of individual application) of the Convention, they submitted that the Belgian authorities did not apply the interim measure indicated by the Court within a reasonable time.

The Court reiterated that Article 3 could not be interpreted as obliging the States Parties to provide everyone within their jurisdiction with a home and took note of the difficult situation the Belgian authorities were faced with at the time due to the saturation of the asylum-seekers reception network. Nevertheless, it stressed that in the case at hand there was an obligation to provide accommodation or decent material conditions to impoverished asylum-seekers under Belgian legislation, itself transposing European Union law. Since the Belgian authorities had breached this legal obligation, the applicants had thus been victims of degrading treatment that had entailed a lack of respect for their dignity. There had therefore been a violation of Article 3.

Moreover, the Court also found a violation of Article 6 (1) since the Belgian authorities did not enforce the decisions of the Employment Tribunal, something which was also acknowledged by the Government during the hearing, while committing to pursue all efforts to put an end to the systemic problem identified in the previous [Camara](#) judgment as quickly as possible. Lastly, since the Government had not shown that the authorities had taken all reasonable steps to comply with the interim measures indicated by the Court as quickly as possible, the Court concluded that the Belgian authorities had failed to fulfil their obligations under Article 34 of the Convention with respect to the applicants.

Mouelhi v. Belgium (Application no. 37336/23) – Decision of 21 May 2026

The case concerned a Tunisian applicant for international protection who complained that he had not been provided with accommodation or material assistance in Belgium, as required by law, despite the final judgment of the Brussels French-Language Employment Tribunal. He relied on Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair hearing) and 13 (right to an effective remedy) of the Convention.

The applicant arrived in Belgium on 1 September 2020 and upon application for international protection on 9 December 2020 he was allocated a place in a reception centre, from which he was transferred on several occasions for disciplinary reasons. He was later expelled temporarily three times for breaching the house rules.

On 18 August 2022 the Federal Agency for the reception of asylum seekers (Fedasil) decided to bar him permanently from the asylum network on disciplinary grounds. The applicant applied to the Brussels French-Language Employment Tribunal, which set aside the decision in question and ordered Fedasil to provide him with accommodation and material assistance.

On 13 October 2023 the applicant requested an interim measure from the Court to have the Belgian State provide him with accommodation and thereby enforce the Employment Tribunal's judgment, which was granted at the time. The measure was provided but then lifted on 15 June 2025. In the meantime, the applicant had lodged an application for international protection on 18 May 2023 in the Netherlands, where he currently lives.

The application was declared inadmissible by the Court since it found that the applicant's conduct amounted to abuse of the right of individual application. It noted that the applicant had deliberately attempted to mislead it by submitting false information in support of his request for an interim measure, in which he had stated that he was reduced to living on the streets in Belgium, when it could be seen from the documents submitted later by the respondent Government that he had been accommodated as an applicant for international protection in the Netherlands for nearly five months. Moreover, he had not corrected this information in the application form submitted after requesting the interim measure nor when he had updated his file at the Court's request. On the contrary, he had expressly reiterated that he was still having to sleep on the streets.

The Court emphasised the duties of applicants and their lawyers, reiterating that they were required to cooperate with the Court in a loyal and constructive manner and thus refrain from submitting requests on the basis of misleading information. Given their large number, cases of this kind brought against Belgium placed significant strain on the Court's capacity to administer justice effectively and carry out the tasks entrusted to it under Article 19 of the Convention, when other applications concerning proven facts simultaneously demanded its utmost attention. It was therefore important that proceedings before the Court were not diverted from their purpose.

v. Reception conditions of unaccompanied minors and age assessment

A.N. and Others v. Greece (Applications nos. 65267/19+) - Judgment of 22 January 2026

The case concerns seven unaccompanied minor asylum-seekers from Afghanistan who were accommodated at the Samos Reception and Identification Centre ("Samos RIC"), Greece, between February 2019 and May 2020.

The applicants alleged that their living conditions in the Samos RIC and a surrounding makeshift camp ("the Jungle") amounted to inhuman and degrading treatment, violating Article 3 (prohibition of inhuman or degrading treatment) of the Convention. In particular, they claimed that the Samos RIC and its surrounding area were severely overcrowded and unsanitary. Although it was designed to accommodate 648 persons, in practice it hosted several thousand, including families, single men and unaccompanied minors and a vast informal settlement—commonly referred to as "the Jungle"—had developed on the hillside adjacent to the Samos RIC.

Based on the evidence presented before the Court by the applicants and international and national bodies, previous case law of the Court and with an emphasis on the special protection needs of vulnerable persons, particularly unaccompanied minors, the Court found, *inter alia*, that Greece violated Article 3 of the Convention due to inadequate living conditions.

H.D. v. Italy (Application no. 41645/23) - Judgment of 9 April 2026

The applicant is a Burkinabe national who arrived in 2023 in Italy as an unaccompanied minor migrant. He was immediately placed in the adult reception centre and centre for asylum seekers, Sant'Anna C.A.R.A. Regional Hub in Isola di Capo Rizzuto, Crotone, where he was detained for about five months.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 (1) (right to liberty and security), 5 (2) (right to be informed promptly, in a language which the detainee understands, of the reasons for arrest), 5 (4) (right to have lawfulness of detention decided speedily by a court) and 13 (right to an effective remedy) of the Convention, the applicant complains that the conditions in which he was held were inadequate, unintended for minors, overcrowded and unhygienic, that there was no clear legal basis for his detention, and that he had no effective legal avenue for his complaints.

The Court, based on its previous case law regarding deprivation of liberty for migrants, declared a violation of Article 5 (1) and (2) as it found that there was a lack of clear and accessible legal basis for the applicant's detention and hence there was no way that the authorities could have provided him with sufficient relevant information. Moreover, the Court also found a violation of Article 5(4) since the domestic proceedings were not sufficiently expeditious to meet the standard of "speediness" of judicial review.

Based on the evidence provided by the applicant, several NGOs and the National Guarantor of the rights of people detained or deprived of their liberty, the Court noted that the minors'

material conditions within the Sant'Anna centre - accommodation, sanitary facilities, and daily routines – did not differ from those provided to the adult population, a situation further aggravated by the impossibility of leaving the centre. Taking into consideration that the applicant stayed in the centre for more than five months, the Court concluded that the applicant was subjected to inhuman and degrading treatment in violation of Article 3.

Regarding Article 13, the Court found that the applicant did not have at his disposal an effective domestic remedy for his grievances under Article 3 of the Convention, as his detention was ongoing and the Government did not indicate to him an alternative procedure than the one he had already used, and therefore there was a violation of Article 13 in conjunction with Article 3.

S.C. v. France ([Application no. 15457/20](#)) – Decision of 30 April 2026

The case concerns the French authorities' refusal in 2018 to recognise the applicant, a Malian national born in 2004, as an unaccompanied minor, with his age and documents being questioned during administrative and judicial procedures. The applicant presented multiple documents (birth certificate, passport, consular card) and underwent both documentary and medical assessments. While he was initially granted provisional child protection pending further verification, authorities ultimately found inconsistencies and declined to recognize him as a minor. This decision was upheld on appeal.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicant complained about the lack of a presumption of minority and the resulting absence of child welfare protection. He also claimed under Article 6 (1) (right to a fair trial) that the age determination procedure was unfair, and under Article 13 (right to an effective remedy), alone and combined with Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life), that he lacked effective remedies pending the children's judge's decision.

The Court rejected the application as inadmissible as the applicant was granted provisional protection while documentary and medical checks were conducted, in line with French law, and was able to contest these decisions. The authorities had tangible grounds to challenge his claimed minority and acted with reasonable diligence. Therefore, the claim under Article 8 was manifestly ill-founded.

J.T. v. France ([Application no. 5618/21](#)) – Decision of 30 April 2026

The applicant, a Cameroonian national born in 2004, arrived in France in September 2020. In January 2021, he applied for protection as an unaccompanied minor, presenting a Cameroonian passport as proof of age. The French authorities did not recognise him as a minor, based on his behaviour, speech and appearance which did not reflect the age of a minor, and initially denied him protection and accommodation.

The applicant submitted an appeal which was rejected on grounds of inconsistencies in his story and doubts about his passport's authenticity but following the interim measures ordered by he

Court, he was placed in emergency housing, pending further fact-finding. This was later confirmed by the Grenoble Children's Judge, who eventually ruled that the applicant should be protected as a minor until his 18th birthday.

Relying on Articles 1 (obligation to respect Human Rights), 3 (prohibition of inhuman or degrading treatment), 8 (right to respect for private and family life) of the Convention, the applicant claimed that he was forced to live in deprivation when denied recognition as a minor. Additionally, he claimed that he lacked effective procedural guarantees in the process of age assessment and in challenging the authorities' decisions, on the basis of Articles 6 (right to a fair trial) and 13(right to an effective remedy).

The Court rejected the application as inadmissible, as the complaint under Article 3 was not sufficiently substantiated. The applicant did not provide adequate evidence about his living conditions during the relevant period. The Court also mentioned that the French system provides procedural safeguards for unaccompanied minors contesting age assessments; and that the applicant was duly informed of reasons for refusal, appeal procedures, and could access his evaluation records.

M.N. c. France ([Application no 22460/21](#)) – Decision of 30 April 2026

The case concerns the French authorities' refusal to promptly recognise the applicant, an Afghan national, born in 2004, as an unaccompanied minor and his subsequent placement in administrative detention. In February 2021, the applicant received emergency child protection, which was, however, later withdrawn after the authorities questioned his story, age, and documents. Later in the same year, the applicant was arrested while attempting to cross the French British border and he was placed in administrative detention. Eventually, the Minor's Chamber of the Douai Court of Appeal recognised his minority, ordered his placement under child welfare, and he was later granted refugee status.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant complained about the lack of timely child protection and his placement in detention as a minor. He also complained under Article 13 (right to an effective remedy) in conjunction with Article 3 that there was no effective remedy available to challenge these issues.

The Court rejected the application as inadmissible, since the information regarding the lack of protection and detention were too general and insufficiently substantiated. The applicant did not provide specific, detailed evidence to show that the threshold of inhuman or degrading treatment was reached and his complaint under Article 3 was declared manifestly ill-founded.

vi. Detention in view of expulsion

Mansouri v. Italy (Application no. 63386/16) – Decision of 29 April 2025

The applicant, a Tunisian national born in 1976, lawfully resided in Italy for two years. While he was visiting Tunisia, his residence permit issued by the Italian authorities expired, and his application for a long-term stay in Italy was denied. On 1 May 2016, while travelling back to Italy on board a cruise ship flying the Italian flag, the applicant was issued with a refusal-of-entry order at the Palermo maritime border. The captain of the cruise ship received a request to “immediately take charge of a foreign national refused entry to Italy and to convey him or her to another State”, following which the applicant spent seven days of the ship’s return voyage to Tunisia confined to a cabin.

The applicant complained before the Court under Article 5(1), (2), (4) and (5) (right to liberty and security) of the Convention about various violations of his right to liberty, as well as under Articles 3 and 13 of the Convention about material conditions of his *de facto* detention in the cabin and the lack of effective domestic remedies in this respect.

The Court ruled that it had jurisdiction to decide on the case as the State responsibility of Italy was engaged and that the events complained of were attributable to the respondent State.

The Court did not examine the question whether the applicant had been deprived of liberty within the meaning of Article 5 (1) of the Convention while in the cabin on the way to Tunisia given that in any case the applicant had failed to exhaust domestic remedies; the complaints under Article 5 (1), (2), (4) and (5) were thus dismissed. The applicant’s complaints regarding the material conditions of his seven-day return voyage to Tunis on board of the ship and the alleged lack of domestic remedies in this respect were declared manifestly ill-founded.

The application was thus declared inadmissible.

Coulibali v. Belgium (Application no. 42975/19) – Judgment of 24 July 2025

The applicant, a national of Côte d’Ivoire, arrived to Belgium in 2007 and unsuccessfully sought asylum. Between 2007 and 2019 he was issued with several expulsion orders but refused to comply. In March 2019 he was placed in administrative detention with a view to removal; his appeals were unsuccessful. In May 2019 the applicant was returned to Côte d’Ivoire.

The applicant complained that he had not obtained a final judicial decision on the lawfulness of his administrative detention prior to his repatriation.

The Court found no violation of Article 5 (4) (right to liberty and security) of the Convention because he had no longer been detained and there had been no significant delays in the judicial proceedings.

B.F. v. Greece (Application no. 59816/13) – Judgment of 14 October 2025

The applicant is an Iranian national who was born in 1980.

The applicant entered Greece in August 2012. He was arrested immediately on arrival, subsequently released, then arrested again in July 2013 and placed in administrative detention for his irregular status. He applied for asylum first on account of his sexual orientation and then his religious beliefs. He was ultimately released again in September 2013 and granted refugee status.

Relying on Articles 3 (prohibition of inhuman and degrading treatment) and 13 (right to an effective remedy) of the Convention, the applicant complained of overcrowding, lack of hygiene and poor food when he was in administrative detention, which he alleged was not suitable for prolonged detention. He also alleged under Article 5 (1) and (4) (right to liberty and security) of the Convention that his detention was arbitrary and that the proceedings for judicial review of the lawfulness of his detention pending the examination of his asylum request were inadequate.

The Court found that the applicant's detention conditions for over two months while awaiting deportation amounted to degrading treatment, in violation of Article 3 of the Convention. The facility was unsuitable for prolonged detention, with poor hygiene, overcrowding, and inadequate conditions, especially considering the applicant's health issues. Additionally, the Court found a violation of Article 13 in conjunction with Article 3, holding that the applicant did not have an effective remedy to challenge his detention conditions as the Greek courts dismissed his complaints in a formalistic way without substantive review.

However, the Court found that there was no violation of Article 5 (1) as the applicant's detention was lawful under Greek domestic law and was not excessive in length, pursued with due diligence, and had a legitimate aim.

A.A. v. Serbia ([Application no. 50898/20](#)) – Decision of 14 October 2025

The applicant, an Afghan national born in 2002, arrived in Serbia from Afghanistan in 2018 while allegedly a minor, where he applied for asylum and was accommodated at the Krnjača Asylum Centre. His asylum application was refused in September 2019, but his legal status after this refusal was unclear.

During the COVID-19 pandemic, Serbia declared a state of emergency in March 2020 and imposed nationwide movement restrictions, including a temporary restriction on freedom of movement for asylum-seekers and irregular migrants accommodated in asylum and reception centres (March–May 2020).

Relying on Articles 5 (right to liberty) and 14 (prohibition of discrimination) of the Convention, the applicant claimed that COVID-19 restrictive measures at the centre amounted to unlawful detention and were discriminatory, based solely on his status as an asylum-seeker/migrant. He further alleged violations in respect of restrictions on movement (Article 2 of Protocol No. 4 of the Convention).

The application was unanimously declared incompatible *ratione personae* and inadmissible as the applicant failed to provide concrete details about his personal situation or show how the restrictions affected him individually, resulting in an insufficient factual link to substantiate personal victim status.

Z.A. and K.S. v. Türkiye (Application no. 36449/17) – Judgement of 5 May 2026

The applicants, Mr Z.A. a Kyrgyzstani and Mr K.S. a Russian national, moved to Türkiye because of an alleged risk of persecution in Tajikistan and in Russia on account of their religious and political opinions.

The case concerns their detention in various facilities in 2014 for approximately five and four months, respectively, in the context of immigration detention. They have since been released and live in Türkiye. They both complained to the Constitutional Court about the conditions and the alleged unlawfulness of their detention. While Mr. Z.A.'s claims were unsuccessful, Mr. K.S. obtained redress for his complaints except for those relating to his detention in police headquarters.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy), the applicants allege inadequate conditions of detention and a lack of effective remedies at national level to bring that complaint. Mr Z.A. also relies on Article 5 (1), (2) and (4) (right to liberty and security), alleging that his detention pending deportation was unlawful, that he was not promptly informed of the reasons for that detention, that he had no effective remedy to challenge its lawfulness and that he did not have an enforceable right to compensation under national law for the breach of his rights.

The Court declared the application inadmissible in respect of the second applicant on the basis of non-exhaustion of domestic remedies.

In respect of the first applicant, the Court found a violation of Article 3 on account of the conditions of his detention at the Adana Reception and Accommodation Centre and a violation of Article 5 (1) in respect of his detention on two occasions.

A.B.F. v. Italy (Application no. 3132/24) – Decision of 25 June 2026

The applicant, a Tunisian national, arrived without identification papers on the island of Pantelleria, Italy on 14 November 2023. Upon establishment of his identity, he refused to apply for international protection, and he was subsequently detained in the Trapani Return Centre (CPR- Centri di Permanenza per i Rimpatri) pending removal based on a “refoulement order” issued by the local police authorities. On 17 November 2023 the applicant claimed before the Trapani District Court that he had come to Italy to apply for international protection contradicting his earlier statements. The order of his detention was validated, and he remained in detention as the Palermo District Court dismissed his application for review.

Following a protest and fire at Trapani CPR, the applicant and others were forced to sleep outdoors with minimal provisions. He was later transferred to habitable areas of the CPR and

then to the Caltanissetta CPR, after the Court ordered an interim measure directing adequate accommodation. The applicant claimed that in both CPRs the living conditions failed to meet basic needs. In February 2024, the applicant alternately withdrew and renewed his asylum application. Ultimately, his application for international protection was declared inadmissible by the Trapani Territorial Commission and he was repatriated in April 2024. On 8 March 2025, the applicant returned to Italy and obtained a provisional residence permit.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 5 (1) (lawfulness of detention) of the Convention, the applicant alleged he had been arbitrarily detained at the Trapani and Caltanissetta CPRs, under inhuman and degrading conditions. Although the Court found that the applicant's detention was lawful, not exceeding statutory limits, and not arbitrary under Article 5 (1), it unanimously declared the application as inadmissible on the basis that the applicant failed to exhaust domestic remedies, as some appeals were still pending before national courts.

Y.F.C. and Others v. the Netherlands (Application no. 21325/19) – Judgment of 21 April 2026

The applicants, seven Venezuelan nationals, were intercepted in April 2019 attempting to enter the territorial waters of Curaçao (an island which is part of the Kingdom of the Netherlands in the southern Caribbean) on a small boat. They were taken ashore by the coast guard and served with decisions refusing them entry and ordering their detention pending removal. They lodged objections against those decisions, which were rejected and declared inadmissible in December 2019. In the meantime, five of the applicants had been released and ordered to report to the immigration authorities on a weekly basis, while the other two had left Curaçao.

The applicants complained in particular that the decisions and detention orders against them, as well as the conditions of their detention, had been in breach of Articles 3 (prohibition of inhuman and degrading treatment) and 5 (right to liberty and security) and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) of the Convention.

They also complained under Article 3, alleging excessive use of force by prison guards and police officers during an incident on 9 June 2019, regarding which the Court found that there had been a violation of Article 3 of the Convention concerning the use of force against three of the four applicants who had provided evidence of their injuries but no violation of Article 3 concerning an applicant who had been present during the incident but had provided no evidence of injury.

It should be noted that regarding this allegation, the Court found a violation of Article 3 (prohibition of inhuman and degrading treatment/investigation) with respect to the lack of an effective and independent investigation into the use of rubber bullets against four of the applicants.

The Court further found that there had been a violation of Article 5 (4) (right to have lawfulness of detention decided speedily by a court) in respect of all seven applicants because they had

had no access to legal assistance during the first week of their detention and could not therefore have reasonably brought legal proceedings to effectively challenge their situation.

The Court rejected all other complaints submitted by the applicants as inadmissible and adjudicated just satisfaction (Article 41) of non-pecuniary damage to the four applicants.

vii. Return to safe third country

J.B. v. Greece ([Application no. 54796/16](#)) – Judgement of 26 May 2026

The case of *J.B. v. Greece* concerned the potential return of a Syrian national from Greece to Türkiye under the EU-Türkiye Statement of 18 March 2016, which aimed at stopping the flow of irregular migration via Türkiye to Europe.

The applicant is a Syrian national who lives in Caen (France). He maintains that he left Syria in April 2015 because he was in danger from the Islamic State due to his being of Armenian origin and a Christian, and also because the country was at war. He reached Türkiye through Lebanon, where he stayed for approximately a year, having been given temporary protection status. In May 2016, he was arrested in Lesvos by the Greek authorities of the Central Port Authority of Mytilene because he had entered the country unlawfully.

Relying on Article 13 (right to an effective remedy) in conjunction with Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant complains of deficiencies in the removal process and in the examination of his asylum claim by the Greek authorities, based on the EU-Türkiye Statement of 18 March 2016. He also complains about the risk he might face if returned to Türkiye, including the risk of chain refoulement, as well as about the conditions of his detention in Mytilene police station.

The Court found that the authorities had conducted a thorough examination of the applicant's asylum claim. They had considered the conditions he would face in Türkiye and the specific risks he had alleged, had consulted a wide range of reports and statistics and had examined the coherent set of assurances and monitoring mechanisms forming part of the EU-Türkiye Statement. At the judicial stage, the applicant had benefited from legal assistance and had been able to challenge the finding that Türkiye was a safe third country for him. He had received a detailed reply to his arguments, including to the reports that he had produced before the national courts. Therefore, the Court found that there had been no violation of Article 13 (right to an effective remedy) in conjunction with Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

The Court also held, unanimously, that there had been a violation of Article 3 (conditions of detention) of the Convention as concerned his detention in Mytilene police station.

viii. Protection of family life in the context of expulsion

***Siles Cabrea v. Spain* (Application no. 5212/23) – Judgment of 17 July 2025**

The applicant is a Bolivian national who settled in Spain in 2005 and is the father of a child born in 2012 and living with a disability. His application for a Spanish residence permit under exceptional circumstances based on “social roots” was denied in July 2018 on account of the failure to submit proof that the applicant had his own means of subsistence; the domestic courts upheld the decision. In 2023 the applicant’s wife was granted a residence permit for exceptional circumstances for training purposes; the applicant and his family have remained in Spain.

The applicant complained under Article 8 (right to respect for private and family life) of the Convention about the refusal to grant him a temporary residence permit for exceptional circumstances.

The Court found no violation of Article 8 because the Spanish authorities had struck a fair balance between the interests of the applicant and those of the State in controlling immigration in the general interests of the economic well-being of the country.

***H.M. v. Sweden* (Application no. 10859/24) – Decision of 9 December 2025**

The applicant, a Syrian national together with his wife, and children arrived in Sweden in 2019, where they all applied for asylum. The applicant claimed past persecution in Syria, including imprisonment due to opposition activities and evasion of military service. The Migration Agency dismissed the applicant’s claim and ordered deportation for him and his family, later upheld by the Migration Court and Court of Appeal.

In subsequent proceedings, the applicant unsuccessfully sought a residence permit based on employment, as his passport lacked a signature.

After the application was communicated to the Government, the Assad regime in Syria was overturned (December 2024), leading to a period of suspension for deportation orders and decision-making on Syrian asylum claims by the Swedish Migration Agency, with evolving legal position papers on the assessment and enforcement of removals.

Relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for family life) of the Convention, the applicant alleged that his deportation from Sweden to Syria would expose him to a real risk of torture, inhuman or degrading treatment due to his political profile and identity, especially following regime change, as he was wanted by the Syrian authorities and it would disrupt his family life.

The application was unanimously declared inadmissible for non-exhaustion of domestic remedies, as a re-examination mechanism was available to the applicant, offering suspensive effect and the prospect of a full new assessment of relevant risks.

V.N. and Others v. Sweden (Application no. 42101/23) - Judgment of 19 February 2026

The applicants were a family of four Azerbaijani nationals: Mr V.N., his wife, now deceased, and their daughter and son. The family arrived in Sweden in May 2013 and requested asylum, which was refused.

The case concerns the authorities' subsequent refusal to grant Mr V.N. a residence permit because they considered him a threat to public order and security. Several deportation orders were also issued against him, which have never been enforced. His deportation to Azerbaijan was stayed by the European Court in December 2023 under Rule 39 (interim measures) of its Rules of Court.

Mr V.N.'s wife and children were, on the other hand, granted temporary residence permits in December 2021, after the mother was diagnosed with cervical cancer. She died in June 2024. Mr V.N. and his two children all apparently still live in Sweden.

Relying on Article 8 (right to private and family life) of the Convention, the applicant family complained about the migration authorities' decisions in 2023 refusing to grant Mr V.N. a residence permit or to suspend his deportation, while his wife was seriously ill.

The Court held that the domestic authorities struck a fair balance between the interests of the applicants and those of the State in controlling immigration, and that they did not overstep the margin of appreciation afforded to them in refusing to grant the first applicant a residence permit. Therefore, there had been no violation of Article 8 of the Convention in respect of the first, second and third applicants and decided to lift the interim measure indicated under Rule 39 of the Rules of Court.

Şener v. Poland (Application no. 53371/18) - Judgement of 7 May 2026

The applicant, Adin Şener, is a Turkish national who was born in 1971 and died in 2024. He entered Poland in 1989 and later married a Polish national, with whom he had a daughter, born in 2001. His daughter is pursuing the case in his stead.

The case concerns Mr Şener's expulsion on the grounds of national security. He had lived in Poland on temporary residence permits which had been repeatedly renewed and ran a small business. His last temporary residence permit was issued in 2015. In July 2016, on his way back to Poland from a holiday in Türkiye, Mr Şener was stopped at the Turkish Bulgarian border and refused entry to the Schengen area, despite his temporary residence permit for Poland still being valid. The Bulgarian authorities informed him that his name was on the Register of Undesirable Foreigners. In reply to his applications, the Polish authorities informed him that his entry in the Register had been made on grounds of national security and refused to disclose the underlying information, stating that it was secret. His attempts before the Polish authorities and courts to have his name removed from that Register were unsuccessful.

His claims relied on Article 1 of Protocol No. 7 (procedural safeguards relating to expulsion of aliens) and on Article 8 (right to respect for private and family life) of the Convention, as the applicant complained that he had never been informed about the reasons for his expulsion.

The Court found a violation of Article 1 of Protocol No. 7 as the domestic proceedings concerning the entry of the applicant's details into the Registers on national security grounds were not attended by appropriate and sufficient procedural guarantees and a violation of Article 8 underlining that the restrictions imposed on the applicant were significant and were not counterbalanced so as to preserve the essence of those rights.

Fal v. Spain (Application no. 25828/23) – Judgement of 12 May 2026

The case concerned an expulsion and re-entry ban imposed, as an administrative sanction, on a suspected jihadist recruiter.

The applicant, a Moroccan national lived lawfully in Spain since 2006, married to a Moroccan national with two daughters born in Spain. In 2019, the applicant was identified as having been a key member of a group which had sent several young people from Madrid to Syria and Iraq to enrol in jihadist terrorist groups. Administrative expulsion proceedings, based on police reports and intelligence, were initiated against him. He was not criminally charged or convicted. On 3 May 2019 the Secretary of State for Security ordered his expulsion from Spanish territory with a ten-year entry ban and on 18 June 2019 the applicant was expelled to Morocco.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicant complained, in particular, that the domestic authorities had authorised his expulsion without an adequate assessment of his family circumstances.

The Court found that the decision-making process had been fair. The expulsion decision had been subject to judicial review before the *Audiencia Nacional* in adversarial proceedings. While the absence of a criminal conviction was a relevant consideration, it was not decisive. The police information had given concrete and express references to the applicant's alleged involvement, in particular in the recruitment and indoctrination of individuals in Spain for the terrorist organisation DAESH and the *Audiencia Nacional* had found that information had been sufficient for the purposes of the administrative sanction.

The Court found nothing to suggest that the applicant, or his wife or daughters, would face any hardship in Morocco and that the domestic authorities had been entitled to attach weight to the limited evidence of his integration in Spain when carrying out their assessment. Having regard to, among other things, the principle of subsidiarity, the Court found no violation of Article 8.

ix. Family reunification

Dotani v. Greece (Application no. 31077/23) – Judgment of 23 June 2026

The case concerns the national authorities' failure to take a decision on an application for family reunification lodged by an Afghan national who has been granted refugee status in Greece. The applicant submits that he is unable to produce the supporting documents required by Greek legislation.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the Convention, the applicant complains that the Greek authorities asked him, without considering any alternatives, to provide documents certified by the competent consular office in order to benefit from family reunification. Maintaining that the consular office in Islamabad did not certify documents from his family in a timely manner, and now refuses to do so at all, he contends that his right to respect for his family life has been breached, and that he has been discriminated against on the ground of his nationality in the exercise of that right.

Relying on Article 13 (right to an effective remedy) of the Convention, he also alleges that there was no effective remedy available to him in respect of his complaint under Articles 8 and 14. The Court found a violation of Articles 8 and 13 in conjunction with Article 8.

Suji v. Greece (Application no. 13250/23) – Judgment of 23 June 2026

The case concerns the national authorities' failure to take a decision on an application for family reunification lodged by a stateless person living in Athens who has been granted refugee status in Greece.

The applicant submits that he is unable to produce the supporting documents required by Greek legislation.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), the applicant complains that the Greek authorities asked him, without considering any alternatives, to provide documents that he could not obtain in order to benefit from family reunification. He contends that this has breached his right to respect for his family life, and that he has been discriminated against on the ground of his statelessness in the exercise of that right.

Relying on Article 13 (right to an effective remedy), he also alleges that there was no effective remedy available to him in respect of his complaint under Articles 8 and 14.

The Court found a violation of Articles 8 and 13 in conjunction with Article 8.

T.N. v. Greece (Application no. 41855/23) – Judgment of 23 June 2026

The case concerns the national authorities' failure to take a decision on an application for family reunification lodged by a Burundian national who has been granted refugee status in

Greece. The applicant submits that he is unable to produce the supporting documents required by Greek legislation.

Relying on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination), the applicant complains that the Greek authorities asked him, without considering any alternatives, to provide documents that he could not obtain in order to benefit from family reunification. He contends that this has breached his right to respect for his family life, and that he has been discriminated against on the ground of the status of his family members (asylum-seekers in another country) in the exercise of that right.

Relying on Article 13 (right to an effective remedy), he also alleges that there was no effective remedy available to him in respect of his complaint under Articles 8 and 14.

The Court found a violation of Articles 8 and 13 in conjunction with Article 8.

x. Prohibition of collective expulsion

H.Q. and Others v. Hungary ([Application nos. 46084/21,+](#)) – Judgment of 24 June 2025

The applicants, two Afghans and a Syrian national, entered Hungary under different circumstances, spent some time there and then declared that they wished to seek asylum. The second applicant claimed to be a minor and was unaccompanied. Each of the applicants was eventually removed to the external side of the Hungarian border fence with Serbia. The first and third applicants initiated different proceedings against their removal.

The applicants complained under Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention and Article 13 (right to an effective remedy) of the Convention that they had been subject to a collective expulsion and had had no effective remedy in this connection. The first and third applicants also complained under Article 3 (prohibition of inhuman or degrading treatment) that they had been expelled to Serbia without any assessment of the consequences.

The Court considered separately the situation of the first applicant, who had overstayed his residence permit, and that of the second and third applicants, who had entered Hungary illegally, and found violations of Article 4 of Protocol No. 4 and Article 13 in both respects: the first applicant had received no individual assessment of his situation before his expulsion by the Hungarian authorities, and the second and third applicants had not been provided with “genuine and effective access to means of legal entry”. Moreover, all three applicants had had no access to an effective remedy.

The Court further found a violation of Article 3 because Hungary had failed to discharge its procedural obligation under this provision to examine whether the first and third applicants who had requested international protection would have access to an adequate asylum procedure in Serbia prior to their removal.

Under Article 46 of the Convention, the Court stressed the urgent need for the Hungarian authorities to take immediate and appropriate measures to prevent any further instances of collective expulsions and ensure genuine and effective access to the international protection procedure.

O.H. and Others v. Serbia ([Application no. 57185/17](#)) - Judgment of 3 February 2026

The applicants were 17 Afghan nationals who were born between 1962 and 2015. The case concerns the removal of the applicants to Bulgaria after they had expressed their intention of seeking asylum in Serbia. At approximately 12.15 a.m. on 3 February 2017, the Serbian authorities arrested the applicants on suspicion of having crossed the border illegally and placed them in detention. At 10.30 p.m. that day, misdemeanour proceedings against the applicants were discontinued and the police subsequently transported them to the Bulgarian border and forced them to cross.

Relying on Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention, the applicants alleged that the Serbian authorities had compelled them to leave the country without having conducted an individual assessment of their personal circumstances. They also made complaints under Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security), and Article 13 (right to an effective remedy) of the Convention.

The Court found for two of the applicants, inter alia, that there had been a violation of Article 3 when it came to the manner of their removal from Serbia and the circumstances surrounding it (ill-treatment) as well as regarding the respondent State's failure to examine whether they would have access to an adequate asylum procedure in Bulgaria (investigation). Moreover, there was a violation of Article 5 § 1 due to their unlawful and arbitrary detention from the discontinuation of the misdemeanour proceedings against the applicants until their expulsion from Serbia and of Article 5 § 4, since the applicants were not provided with legal assistance during this period depriving them of the possibility to challenge the lawfulness of their detention, but there was no violation of Article 5 § 2 as they were provided with information in a language they could understand. The Court also found a violation of Article 4 of Protocol No. 4 based on their arbitrary removal by police despite the domestic court's acknowledgment of their asylum claims, ordering the issuance of temporary residence permits and the facilitation of their accommodation.

M.H. v. Greece ([Application no. 38555/19](#)) - Decision of 25 June 2026

The application concerns the applicant's alleged "pushback" from the Evros region in Greece to Türkiye.

The applicant alleged that he was an Iranian asylum seeker in Türkiye and that, fearing for his life in Islamic countries, he had crossed the land border into Greece on Friday 31 May 2019. Subsequently, he was arrested by the Greek police, and he was detained with people from other countries in inhuman conditions, while his belongings were confiscated. After two days,

he was moved into a vehicle under suffocating conditions, then taken at night to the Evros River and thrown into the water (“pushback”). The applicant included these allegations in an email he sent to the Greek police communication centre on 7 June 2019.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the Convention, the applicant complained about his detention, alleged ill-treatment, and unlawful refoulement (“pushback”) to Türkiye. The Court dismissed the application as inadmissible and incompatible *ratione personae*, as the applicant did not produce detailed, specific, consistent accounts, supported by concrete and concordant evidence of his claims. Although the Court acknowledged strong indications of a systemic practice of “pushbacks” at the material time, it clarified that applicants should submit *prima facie* evidence supporting their own claim and not rely on external sources in order to claim victim status.