



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

Dec. 2014
quarterly update

- 1. Regular Migration
- 2. Asylum
- 3. Borders and Visa
- 4. Irregular Migration
- 5. EEC-Turkey Association Agreement
- 6. Free Movement

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New cases and new judgments (or conclusions) not mentioned in the previous list are marked in red.

Judgments and pending cases are arranged in chronological order (oldest first).

Blue underscored references contain hyperlinks to the original documents.

1. Regular Migration

Family Reunification

Directive [2003/86](#)

	Date	Case nr	ECLI:EU:C:	Subject
<i>judgments</i>				
Parliament/Council Chakroun	27 June 2006	C-540/03	2006:429	right to family reunification
Imran (deleted)	4 Mar 2010	C-578/08	2010:117	income requirement
O., S. & L.	10 June 2011	C-155/11 PPU	2011:387	integration test abroad
Dogan (Naime)	6 Dec 2012	C-356 ... 357/11	2012:776	interest of the child; EU charter
Noorzia	10 Jul 2014	C-138/13	2014:2066	integration test abroad
	17 Jul 2014	C-338/13	2014:2092	minimum age of 21 years

pending cases

K and A		C-153/14	-	integration test abroad
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Long-Term Residents

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

<i>judgments</i>				
Ziebell	8 Dec 2011	C-371/08	2011:809	Art 12; expulsion = EEC-Turkey
Kamberaj	24 Apr 2012	C-571/10	2012:233	equal treatment; housing benefits
Com./Netherlands	26 Apr 2012	C-508/10	2012:243	fees for residence permit
Singh	18 Oct 2012	C-502/10	2012:636	Art 3(2)(e); formally restricted residence permit
lida	8 Nov 2012	C-40/11	2012:691	lodging application for LTR is essential
Mlalali	14 Nov 2013	C-257/13	2013:763	equal treatment; inadmissible
Tahir	17 Jul 2014	C-469/13	2014:2094	5 years residence also for spouse
Tümer	5 Nov 2014	C-311/13	2014:2337	LTR Dir not a contrario less rights for other TCN

pending cases

P. & S.		C-579/13	-	integration obligation after acquisition status
Van Hauthem		C-176/14	-	Art 14: access to jobs in public service
CGIL		C-309/14	-	amount of fee for LTR permit

Students, trainees & volunteers

Directive [2004/114](#)

<i>judgments</i>				
Payir	24 Nov 2008	C-294/06	2008:36	working Turkish student
Sommer	21 June 2012	C-15/11	2012:371	Art 17; standstill Accession Bulgaria
Ben Alaya	10 Sep 2014	C-491/13	2014:2187	non-discretionary right to a student visa

pending cases

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Social Security for TCN

Regulation [859/2003](#) and [1231/2010](#)

<i>judgments</i>				
Xhymshiti	18 Nov 2010	C-247/09	2010:698	child benefits; worker in Switzerland

pending cases

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2. Asylum

Qualification I and II

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

	Date	Case nr	ECLI:EU:C:	Subject
<i>judgments</i>				
Elgafaji	17 Feb 2009	C-465/07	2009:94	Art 15c
Abdulla a.o.	2 March 2010	C-175 ... 179/08	2010:105	revocation; new circumstances
Bolbol	17 June 2010	C-31/09	2010:351	Palestinian exception
B. & D.	9 Nov 2010	C-57/09	2010:661	terrorist acts organisation
Y. & Z.	5 Sep 2012	C-71/11	2012:558	Ahmadiyya in Pakistan
M.M.	22 Nov 2012	C-277/11	2012:744	duty of cooperation
El Kott	19 Dec 2012	C-364/11	2012:826	Palestinian exception
X., Y. & Z.	7 Nov 2013	C-199 ... 201/12	2013:720	homosexual orientation forms a social group
Diakite	30 Jan 2014	C-285/12	2014:39	internal armed conflict
H.N.	8 May 2014	C-604/12	2014:302	connectivity subs. protection and refugee status
Qurbani	17 Jul 2014	C-481/13	2014:2101	no interpr. Refugee Convention by CJEU
A., B. & C.	2 Dec 2014	C-148 ... 150/13	2014:2406	establishing homosexual orientation

pending cases

T.	AG: 11 Sep 2014	C-373/13	2014:2218	withdrawal of refugee status
Shepherd	AG: 11 Nov 2014	C-472/13	2014:2360	american soldier war in Iraq resister
M'Bodj	AG: 17 Jul 2014	C-542/13	2014:2113	right to medical treatment
Abdida	AG: 4 Sep 2014	C-562/13	2014:2167	QD applicable to admmiss. on medical grounds?
Alo a.o.		C-443 ... 445/14	-	Art 33+29; restriction of residence

Asylum Procedures I and II

Directive [2005/85](#) and [2013/32](#)

judgments

Parliament/Council	6 May 2008	C-133/06	2008:257	list of safe countries of origin
Diouf	28 July 2011	C-69/10	2011:524	accelerated procedure; remedies
H.I.D. & B.A.	31 Jan. 2013	C-175/11	2013:45	accelerated procedure; remedies

pending cases

Tall		C-239/14	-	effective remedy and multiple asylum claim
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Dublin II and III

Regulation [343/2003](#) and [604/2013](#)

judgments

Petrosian	29 Jan 2009	C-19/08	2009:41	transfer deadline; suspensive effect
N.S. & M.E.	21 Dec 2011	C-411+493/10	2011:865	conditions in Greece; no transfer
Kastrati	3 May 2012	C-620/10	2012:265	withdrawal asylum application
K.	6 Nov 2012	C-245/11	2012:685	Art 15; sovereignty and humanitarian clause
M. a.o. (deleted)	7 Jan 2013	C-666/11	2013:2	timely transfer impossible; absconding
Halaf	30 May 2013	C-528/11	2013:342	sovereignty clause; Art 18 EU Charter
Rajaby (deleted)	10 June 2013	C-158/13	2013:455	Art 15 dependency
M.A. a.o.	2 Sep 2013	C-648/11	2013:367	transfer of unaccompanied minor
Puid	4 Nov 2013	C-4/11	2013:740	responsible State in stead of Greece
Abdullahi	12 Dec 2013	C-394/12	2013:813	Art 19(2); meaning of First Member State

pending cases

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Reception Conditions I and II

Directive [2003/9](#) and [2013/33](#)

judgments

CIMADE & GISTI	27 Sep 2012	C-179/11	2012:594	reception conditions during Dublin procedure
Saciri	27 Feb 2014	C-79/13	2014:103	saturation of national reception structures

pending cases

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3. Borders and Visa

Visa Code

Regulation [810/2009](#)

	Date	Case nr	ECLI:EU:C:	Subject
<i>Judgments</i>				
Vo	10 Apr 2012	C-83/12	2012:202	Art 21+34; human trafficking
Dang (deleted)	18 June 2012	C-39/12	2012:359	fraud with and validity of visa
Koushaki	19 Dec 2013	C-84/12	2013:862	limited ground refusal visa; discretion MS
Air Baltic	4 Sep 2014	C-575/12	2014:2155	valid visa in cancelled travel document

pending cases

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Borders Code

Regulation [562/2006](#)

Judgments

Garcia & Cabrera	22 Oct 2009	C-261+348/08	2009:648	Art 11; no obligation to expel
Melki & Abdeli	22 June 2010	C-188 ... 189/10	2010:206	Art 21; internal border
Gaydarov	17 Nov 2011	C-430/10	2011:749	Art 27: criminal conviction in other MS
ANAFE	14 June 2012	C-606/10	2012:348	Art 5(4)+13 return visa;
Adil	19 July 2012	C-278/12 PPU	2012:508	Art 21; internal border
Parliament/Council	5 Sep 2012	C-355/10	2012:516	annulment implementing measure
Jaoo (deleted)	14 Sep 2012	C-88/12	2012:573	Art 21; internal border
Zakaria	17 Jan 2013	C-23/12	2013:24	appeal against refusal at the border
Air Baltic	4 Sep 2014	C-575/12	2014:2155	limited grounds for refusal at border

pending cases

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Transit through Switzerland

Decision [896/2006](#)

Judgments

Kqiku	2 Apr 2009	C-139/08	2009:230	TCN with Swiss residence permit
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pending cases

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Border Traffic

Regulation [1931/2006](#)

judgments

Shomodi	21 Mar 2013	C-254/11	2013:182	3 month period local border traffic
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pending cases

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Passports

Regulation [2252/2004](#)

judgments

Schwarz	17 Oct 2014	C-291/12	2013:670	use of finger prints for other purposes
Com./Belgium	13 Feb 2014	C-139/13	2014:80	failure to issue biometric passports
U.	2 Oct. 2014	C-101/13	2014:2249	forename, surname and birth name in passport

pending cases

Willems a.o.		C-446 ... 449/12	-	right to passport without finger prints
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4. Irregular Migration

Returns

Directive [2008/115](#)

	Date	Case nr	ECLI:EU:C:	Subject
<i>Judgments</i>				
Kadzoev	30 Nov 2009	C-357/09 PPU	2009:741	maximum period of detention
El Dridi	28 Apr 2011	C-61/11 PPU	2011:268	prison sentence; order to return
Achughbabian	6 Dec 2011	C-329/11	2011:807	sanctions non-compliance return order
Ettaghi a.o.	4 July 2012	C-73 ... 75/12	2012:410	manifestly inadmissible
Sagor	6 Dec 2012	C-430/11	2012:277	fine, home detention, expulsion prevails
Zhu a.o.(deleted)	6 Feb 2013	C-51 ... 54/12	2013:61	illegal residence be defined as crime?
Mbaye	21 Mar 2013	C-522/11	2013:190	fine, deportation, risk of absconding
Arslan	30 May 2013	C-534/11	2013:343	directive and detention asylum seekers
G. & R.	10 Sep 2013	C-383/13 PPU	2013:533	infringement rights of defence
Filev & Osmani	19 Sep 2013	C-297/12	2013:569	old unlimited entry bans incompatible
Mahdi	5 Jun 2014	C-146/14 PPU	2014:1320	scope judicial review; coop. with removal
Da Silva (inadmissible)	3 Jul 2014	C-189/13	2014:2043	penal sanctions on illegal entry
Bero & Bouzalmate	17 Jul 2014	C-473+514/13	2014:2095	absence from special detention centre
Pham	17 Jul 2014	C-474/13	2014:2096	separation of ordinary criminals
Mukarubega	5 Nov. 2014	C-166/13	2014:2336	right to be heard
Boudjlida	11 Dec 2014	C-249/13	2014:2431	right to be heard

pending cases

Zh. & O.	C-554/13	-	risk to public policy in Art 7(4)?
Zaizoune	C-38/14	-	Art 4+6: financial penalties and removal
Celaj	C-290/14	-	prison sanction, entry ban and removal
Mehrabipari	C-390/14	-	refusal to cooperate on expulsion

Mutual recognition expulsion decisions

Directive [2001/40](#)

Judgments

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pending cases

Orrego Arias	C-456/14	-	Does Art 3(1) require prison sentence?
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5. EEC-Turkey Association Agreement

Workers and Family Members

Decision [2/76](#) and [1/80](#)

	date	Case nr	ECLI:EU:C:	Subject: ref to Dec 1/80 unless stated otherwise
<i>Judgments</i>				
Demirel	30 Sept 1987	C-12/86	1987:400	Art 12 AO + 36 AP: no right to family reunion
Sevince	20 Sept 1990	C-192/89	1990:322	Art 6: direct effect; stable position labour market
Kus	16 Dec 1992	C-237/91	1992:527	Art 6: stable position labour market
Eroglu	5 Oct 1994	C-355/93	1994:369	Art 6: same employer/no loss; also qualifies under 7(2)
Bozkurt (Ahmet)	6 June 1995	C-434/93	1995:168	Art 6: belonging to labour market
Tetik	23 Jan 1997	C-171/95	1997:31	Art 6: voluntary unemployment after 4 years
Kadiman	17 Apr 1997	C-351/95	1997:205	Art 7(1): calculation period cohabitation as family
Eker	29 May 1997	C-386/95	1997:257	Art 6: same employer
Kol	5 June 1997	C-285/95	1997:280	Art 6: conviction for fraud
Ertanir	30 Sept 1997	C-98/96	1997:446	Art 6: analogous application Art 45 TFEU
Günaydin	30 Sept 1997	C-36/96	1997:445	Art 6: analogous application Art 45 TFEU
Akman	19 Nov 1998	C-210/97	1998:555	Art 7(2): Turkish worker has left labour market
Birden	26 Nov 1998	C-1/97	1998:568	Art 6: sheltered work not marginal & ancillary
Nazli	10 Feb 2000	C-340/97	2000:77	Art 6/14: no loss residence right during detention; analogous application Art 27(2) Dir 2004/38
Ergat	16 Mar 2000	C-329/97	2000:133	Art 7(1): no loss residence right application for renewal residence permit after expiry date
Eyüp	22 June 2000	C-65/98	2000:336	Art 7(1): obligation to co-habit as family
Bicakci	19 Sept 2000	C-89/00	-	Art 14: no preventive expulsion measure
Kurz (Yuce)	19 Nov 2002	C-188/00	2002:694	Art 6: rights following unjustified expulsion measure
Birlikte	8 May 2003	C-171/01	2003:260	Art 10: direct effect/analogous interpretation Art 45(2) TFEU; political trade union rights
Abatay & Sahin Com./Austria	21 Oct 2003	C-317/01+369/01	2003:572	Art 13: direct effect/scope standstill obligation
	16 Sept 2004	C-465/01	2004:530	Art 10: direct effect/analogous interpretation Art 45(2) TFEU; political trade union rights
Ayaz	30 Sept 2004	C-275/02	2004:570	Art 7(1) stepchild is family member
Cetinkaya	11 Nov 2004	C-467/02	2004:708	Art 7(1): family member analogous Art 10 Reg 1612/68
Dörr & Ünal	2 June 2005	C-136/03	2005:340	Art 14: procedural guarantees Dir 64/221
Aydinli	7 July 2005	C-373/03	2005:434	Art 7(1): long detention no justification loss
Doğan (Ergül)	7 July 2005	C-383/03	2005:436	Art 6: return labour market: no loss due to detention
Gürol	7 July 2005	C-374/03	2005:435	Art 9: right to education grant for study in Turkey
Sedef	10 Jan 2006	C-230/03	2006:5	Art 6: same employer/maritime shipping
Torun	16 Feb 2006	C-502/04	2006:112	Art 7(2): 2 reasons for loss residence right
Güzeli	26 Oct 2006	C-4/05	2006:670	Art 6(2): rights only after one year with same employer
Derin	18 July 2007	C-325/05	2007:442	Art 7: 2 reasons for loss rights/prison sentence
Polat	4 Oct 2007	C-349/06	2007:581	Art 14: multiple convictions for small crimes no expulsion
Payir a.o.	24 Jan 2008	C-294/06	2008:36	Art 6: reason admission not relevant (study/au pair)
Nihat Kahveci	25 July 2008	C-152/08	2008:450	Art 10(1): Turkish professional football player counts as national player
Er	25 Sept 2008	C-453/07	2008:524	Art 7(1): no loss right no paid employment
Altun	18 Dec 2008	C-337/07	2008:744	Art 7(1): rights family members of unemployed Turkish worker or fraud by Turkish worker
Sahin	17 Sept 2009	C-242/06	2009:554	Art 13: fees for residence permit
Bekleyen	21 Jan 2010	C-462/08	2010:30	Art 7(2): start training/parents not in host-MS
Genc	4 Feb 2010	C-14/09	2010:57	Art 6: part-time worker/real & genuine employment
Com./Netherlands	29 Apr 2010	C-92/07	2010:228	Art 13: fees for residence permit
Toprak & Oguz	2 Dec 2010	C-300...301/09	2010:756	Art 13: no going back on relaxation national rules
Bozkurt (Metin)	22 Dec 2010	C-303/08	2010:800	Art 7(1): divorce doesn't affect right
Pehlivan	16 June 2011	C-484/07	2011:395	Art 7(1): no retroactive withdrawal residence permit
Baris Ünal	29 Sept 2011	C-187/10	2011:623	Art 6: no retroactive withdrawal residence permit
Ziebell	8 Dec 2011	C-371/08	2011:809	Art 14: no analogous appl. Art 28(3)(a) Dir 2004/38
Kahveci & Inan	29 Mar 2012	C-7...9/10	2012:180	Art 7(1): worker dual nationality (Turkish & host-MS)
Dülger	19 July 2012	C-451/11	2012:504	Art 7(1): nationality family member irrelevant
Gülbahce	8 Nov 2012	C-268/11	2012:695	Art 6: no retroactive withdrawal residence permit
Demir	7 Nov 2013	C-225/12	2013:725	Art 13: legal residence; objective justification
Essent	11 Sep 2014	C-91/13	2014:2206	Art 13: not applicable if Turkish worker does not seek access to labour market of MS
<i>pending cases</i>				
Van Hauthem		C-176/14	-	Art 6 & 7: access to jobs in public service

Establishment and Provision of Services

Additional Protocol

	Date	Case nr	ECLI:EU:C:	Subject: ref to AP unless stated otherwise
<i>Judgments</i>				
Savas	11 May 2000	C-37/98	2000:224	Art 13 AO & 41: direct effect/scope standstill
Abatay & Sahin	21 Oct 2003	C-317/01	2003:572	scope standstill obligation
Yedas Tarim/Council	5 July 2007	C-255/06 P	2007:414	-
Tum & Dari	20 Sept 2007	C-16/05	2007:530	scope standstill obligation
Soysal & Savatli	19 Feb 2009	C-228/06	2009:101	standstill also applies to EU secondary law
Com./Netherlands	29 Apr 2010	C-92/07	2010:228	fees residence permits covered by standstill
Tural Oguz	21 July 2011	C-186/10	2011:509	definition fraud covered by standstill
Dereci a.o.	15 Nov 2011	C-256/11	2011:734	fraud
Demirkan	24 Sep 2013	C-221/11	2013:583	recipients of services not covered by Art 41(1)
Dogan (Naime)	10 Jul 2014	C-138/13	2014:2066	language requirement abroad; objective justification
Essent	11 Sep 2014	C-91/13	2014:2206	Art 41 requires economic activity between T. and EU

pending cases

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Social Security

Decision 3/80

Subject: ref to Dec 3/80 unless stated otherwise

Judgments

Taflan-Met a.o.	10 Sept 1996	C-277/94	1996:315	Dec 3/80 has entered into force
Sürül	4 May 1999	C-262/96	1999:228	Art 3: direct effect
Kocak & Örs	14 Mar 2000	C-102/98	2000:119	determination of date of birth
Öztürk	28 Apr 2004	C-373/02	2004:232	conditions early old-age pension
Akdas	26 May 2011	C-485/07	2011:346	Art 6: direct effect

pending cases

Demirci a.o.	AG: 10 Jul 2014	C-171/13	2014:2073	Art 6 and dual nationality
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6. Free Movement

EU citizens and Family members

Directive [2004/38](#) and Articles [20-21 TFEU](#)

Regulation [492/2011](#)

Subject, ref to:

Dir 2004/38 Reg 492/2011

Judgments

	Date	Case nr	ECLI:EU:C:	TFEU	Dir 2004/38	Reg 492/2011
Jipa	10 Jul 2008	C-33/07	2008:396	20	4+27	-
Metock	25 Jul 2008	C-127/08	2008:449	-	3(1)	-
Föster	18 Nov 2008	C-158/07	2008:630	18+20	-	-
Huber	16 Dec 2008	C-524/06	2008:724	18	-	-
Deniz Sahin	19 Dec 2008	C-551/07	2008:755	-	3+6+7	-
Vatsouras & Koupatantze	4 Jun 2009	C-22 ... 23/08	2009:344	18	24(2)	-
Wolzenburg	6 Oct 2009	C-123/08	2009:616	18	-	-
Rottmann	2 Mar 2010	C-135/08	2010:104	20	-	-
Ibrahim	23 Feb 2010	C-310/08	2010:80	-	12	-
Teixeira	23 Feb 2010	C-480/08	2010:83	-	12	-
Tsakouridis	23 Nov 2010	C-145/09	2010:708	-	28(3)	-
Lassal	7 Oct 2010	C-162/09	2010:592	-	16	-
Ruiz Zambrano	8 Mar 2011	C-34/09	2011:124	20	-	-
Runevič-Vardyn	12 May 2011	C-391/09	2011:291	21	-	-
McCarthy	5 May 2011	C-434/09	2011:277	21	-	-
Dias	21 Jul 2011	C-325/09	2011:498	-	16	-
Dereci	15 Nov 2011	C-256/11	2011:734	20	-	-
Gaydarov	17 Nov 2011	C-430/10	2011:749	-	4+27	-
Aladzov	17 Nov 2011	C-434/10	2011:750	-	4+27	-
Ziolkowski & Szeja	21 Dec 2011	C-424 ... 425/10	2011:866	-	16	-
P.I.	22 May 2012	C-348/09	2012:300	-	28(3)	-
Com./Netherlands	14 Jun 2012	C-542/09	2012:346	45	-	7(2)
Rahman a.o.	5 Sep 2012	C-83/11	2012:519	-	3(2)	-
Czop & Punakova	6 Sep 2012	C-147 ... 148/11	2012:538	-	16	10
Com./Austria	4 Oct 2012	C-75/11	2012:605	20+21	24	-
Byankov	4 Oct 2012	C-249/11	2012:608	-	27	-
Iida	8 Nov 2012	C-40/11	2012:691	20	-	-
O., S. & L.	6 Dec 2012	C-356 ... 357/11	2012:776	20	3(1)	-
L.N.	21 Feb 2013	C-46/12	2013:97	45(2)	7(2)+24	-
Alarape & Tijani	8 May 2013	C-529/11	2013:290	-	-	10
Ymeraga	8 May 2013	C-87/12	2013:291	20	3(1)	-
Z.Z.	4 Jun 2013	C-300/11	2013:363	-	30(2)	-
Hadj Ahmed	13 Jun 2013	C-45/12	2013:390	18	13(2)+14	10
Prinz & Seeberger	18 Jun 2013	C-523+585/11	2013:524	20+21	-	-
Brey	19 Sep 2013	C-140/12	2013:565	-	7(1)(b)	-
Alokpa & Moudoulou	10 Oct 2013	C-86/12	2013:645	20	-	-
Onuekwere	16 Jan 2014	C-378/12	2014:13	-	16	-
G.	16 Jan 2014	C-400/12	2014:9	-	28(3)(a)	-
Reyes	16 Jan 2014	C-423/12	2014:16	-	2(2)(c)	-
O. & B.	12 Mar 2014	C-456/12	2014:135	20+21	3+6+7	-
S. & G.	12 Mar 2014	C-457/12	2014:136	20+21	3+6+7	-
Pia Braun (deleted)	18 Mar 2014	C-603/12	2014:203	20+21	-	-
Rüffer	27 Mar 2014	C-322/13	2014:189	18+21	-	-
Saint Prix	19 Jun 2014	C-507/12	2014:2007	45	7(3)	-
Ogieriakhi	10 Jul 2014	C-244/13	2014:2068	-	16(2)	-
Haralambidis	10 Sep 2014	C-270/13	2014:2185	45(1)+(4)	-	-
Dano a.o.	11 Nov 2014	C-333/13	2014:2358	-	24(1)	4

pending cases

Sean McCarthy a.o.	AG: 20 May 2014	C-202/13	2014:345	-	5(2)+35	-
Martens		C-359/13	2014:341	20+21	-	-
Alimanovic		C-67/14	-	-	24(2)	4
Rendón Marín		C-165/14	-	20	-	-
Kuldip Singh a.o.		C-218/14	-	-	7(1)(b)+13(2)(a)	-
Eur Cie/NL		C-233/14	-	20+21	24(2)	-
CS		C-304/14	-	20	-	-
Cocaj		C-459/14	-	-	2(2)(b)+37	-

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

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