Box 2. Focus on jurisprudence related to international protection

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icon Jurisprudence of the Court of Justice of the EU

The EUAA Case Law Database contains over 4,500 judgments delivered by European and national courts on international protection. The most recurrent topics in 2025 concerned minors, detention, returns and the assessment of applications, including claims related to political opinion, medical conditions and military service.

On the Dublin procedure, the CJEU clarified that the concept of 'rejection' in Article 18(1d) of the Dublin III Regulation does not include the non-extension or non-renewal of a residence document previously issued to an applicant. The Czech Supreme Administrative Court referred a question to the CJEU on the application of the discretionary clause when the responsible Member State was determined under Article 3(2). At the UN level, the Committee against Torture found that alleged mistreatment at Croatia's borders did not necessarily apply to individuals subject to a Dublin transfer, while the Committee on the Elimination of Discrimination against Women (CEDAW) recommended to refrain from transferring a survivor of gender-based violence with serious mental health conditions to Greece. Courts' interpretations of key provisions of the Dublin III Regulation are outlined in the EUAA's Analysis of Jurisprudence on the Implementation of the Dublin Procedure, Fact Sheet No 33.

Following referrals from Italian tribunals, the CJEU clarified that under the recast APD no exceptions may be made for specific categories when designating a safe country of origin *(see Jurisprudence Related to Asylum Pronounced by the Court of Justice of the EU in 2025, Fact Sheet No 42)*. The judgment had direct implications in Italy, where several courts declined to validate detention orders under the Italy-Albania Protocol, and the Supreme Court of Cassation and the Rome Court of Appeal referred questions to the CJEU on the protocol's compatibility with EU law. Detention also featured in Dutch case law, especially on the Schiphol Judicial Complex (JCS): the Council of State confirmed that it qualifies as a specialised detention facility under Article 10(1) of the recast Reception Conditions Directive (RCD), and the District Court of the

Hague seated in Amsterdam referred questions to the CJEU on the standards and conditions applicable to such facilities.

Case law on applicants with medical conditions increased in 2025. The CJEU ruled that a first-instance court reviewing a negative asylum decision must be able to order a medical examination if necessary. The ECtHR clarified that a real and immediate risk to life for applicants with mental health conditions must be assessed and the burden on the authorities must not be disproportionate. National courts highlighted the need for adequate medical assessments and consideration of medical conditions at all stages of the procedure. The District Court of the Hague seated in Roermond referred questions to the CJEU on the assessment of an applicant's health in the context of a Dublin transfer.

Following the fall of the Assad regime, courts reassessed the security situation in Syria. The ECtHR refused to extend an interim measure preventing the removal of a Syrian national from Austria, finding no risk of irreparable harm upon a return in light of the security situation and his individual circumstances. In Austria, Bulgaria and Croatia, courts found that a widespread risk of conscription and punishment for refusal of military service could no longer be presumed in Syria. Risks linked to military conscription were also frequently assessed in cases concerning Russian applicants, with national courts reaching divergent conclusions depending on the applicant's circumstances, credibility and evidence of likely mobilisation. For further analysis, see Military Service and International Protection in Europe: Jurisprudence on applicants invoking compulsory military service, draft evasion and desertion as protection ground by Comillas Pontifical University under a grant project funded by the EUAA.

Claims based on (imputed) political opinion were increasingly examined by national courts through detailed credibility assessments and COI analysis, including EUAA COI reports and country guidance. The most recurrent applicant profiles included Russian nationals with anti-government views, Iranian nationals linked to opposition movements, Turkish nationals of Kurdish ethnicity associated with Kurdish political movements, Afghan nationals fearing persecution by the Taliban, and Burundian nationals at risk from the ruling party or the Imbonerakure.

As regards lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) applicants, the CJEU held that Member States cannot require a proof of gender reassignment surgery to rectify gender identity data. Several national courts recognised that in Cameroon, Guatemala, Sri Lanka and Togo homosexual persons qualify as a particular social group. The Austrian Federal Administrative Court reiterated that the late disclosure of sexual orientation should not undermine the applicant's credibility. Relevant case law on this topic was compiled in the EUAA's Jurisprudence on LGBTIQ Applicants in International Protection, Fact Sheet No 39.

In 2025, case law also notably concerned minors, with courts addressing the best interests of the child across different stages of the asylum procedure, including age assessments. The ECtHR affirmed that medical examinations for an age assessment must be used only as a measure of last resort, after less intrusive methods are explored. In line with this principle, national courts mainly in Belgium, Italy and the Netherlands scrutinised the use of bone testing and X-ray examinations, and undue reliance on the principle of mutual trust in age assessments. The EUAA's Jurisprudence on Age Assessment (forthcoming) presents relevant case law on

standards and safeguards before, during and after the assessment.

For the first time, the CJEU ruled on the compatibility of CEAS with mandatory civic integration examinations, establishing that while Member States may require beneficiaries of international protection to take such examinations, they may not systematically penalise them for failure. In light of this ruling, the Dutch Council of State found that the Civic Integration Act 2013 conflicted with Article 34 of the recast QD.

Collective expulsions remained a focus for the ECtHR, which found for the first time that Greece carried out systematic pushbacks from the Evros region and Greek islands to Türkiye in 2019 and 2020. It also ruled that a 2015 maritime interception operation involving a vessel transporting migrants to Greece was not conducted in a manner that minimised the use of lethal force and the risk to life. The ECtHR further held that the 'embassy procedure' precluded access to the asylum procedure, requiring Hungary to prevent further collective expulsions.

The CJEU delivered three judgments on returns, clarifying the effects of refusing to grant a voluntary departure period, the duty of courts to assess *non-refoulement ex officio* in detention pending a removal, and the obligations of Member States and Frontex in joint return operations. The Finnish Supreme Administrative Court departed from its previous case law, holding that a spouse and child do not have an independent right to appeal a return decision issued against the child's father. The Dutch Council of State referred questions to the CJEU on whether, following exclusion from protection, a return decision must still be issued when a removal is precluded by *non-refoulement*, with explicit confirmation that its enforcement is postponed.

Temporary protection featured less prominently in national case law, while the CJEU delivered its second and third rulings on the topic, clarifying that multiple applications alone cannot render a residence request based on temporary protection inadmissible and beneficiaries of temporary protection who apply for asylum are entitled to a full examination of their claim.

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