Introduction

It has been argued that refugee protection cannot be regarded as substantial without guaranteeing effective procedural safeguards and remedial mechanisms that enable refugees to exercise their right to seek asylum. This seminar aims at engaging the students into a discussion on the relevant European law provisions (EU Directives and Regulations, the Charter of Fundamental Rights of the EU as well as the European Convention on Human Rights) and the extent to which judicial assessment by the ECtHR and the CJEU has fostered protection.

Assignment

**Group 1** is assigned the *Khlaifia* case (ECtHR, Khlaifia and Others v Italy, 16483/12, 15 December 2016) which relates to procedural guarantees in cases of collective expulsions, and **Group 2** the *Alo and Osso* joint cases (CJEU, C-443/14 and C-444/14, Kreis Warendorf v Ibrahim Alo and Amira Osso v and Region Hannover, 1 March 2016) which deal with freedom of movement restrictions within the Qualifications Directive. The cases should be read and reflected upon by the groups under the light of the article by Den Heijer, Rijpma and Spijkerboer, ‘Coersion, Prohibition, And Great Expectations: The Continuing Failure of the Common European Asylum System’ (2016) Common Market Law Review, 53:607-642.

**Group 3** is assigned the *Ghezelbash* case (CJEU, C-63/15, Mehrdad Ghezelbash v Staatssecretaris van Veiligheid en Justitie, 7 June 2016) which concerns the right to an effective remedy in Dublin transfers, and **Group 4** the *Ilias and Ahmed* case (ECtHR, Ilias and Ahmed v. Hungary, 47287/15, 14 March 2017) relating to transfers based on safe third country rules. The cases should be read and reflected upon by the groups under the light of the article by Chetail, ‘Looking Beyond the Rhetoric of the Refugee Crisis: The Failed Reform of the Common European Asylum System’ (2016) European Journal of Human Rights, 584-602.

Focus

Groups are expected to identify the core issues raised in the Court cases and present them orally in a structured and coherent way. Students are not supposed to research in detail all aspects of the case or/and all legal provisions raised therein. It suffices if they briefly introduce the relevant facts, refer to how the Court reasons/interprets the applicable law in light of the facts, and explain the ways in which the case is related to issues discussed in the suggested literature.

Students are encouraged to critically reflect upon the Courts’ reasoning by, for instance, a) reflecting on the case’s relevance to the current situation of asylum in the EU, b) comparing it to earlier (or more recent) judgments on the same subject matter, or c) drawing on opinions put forward by concurring or dissenting Judges and Advocates General.
Each group’s presentation should not exceed 20 minutes. Students are encouraged to have an interactive approach to the seminar and try to engage the rest of the class to a fruitful discussion (i.e. by inviting or posing questions). The members of each group have to divide their research and presentation responsibilities so that each member takes an equal share.

**Formalities**

The European Court’s of Human Rights judgments are available at [hudoc.echr.coe.int/](http://hudoc.echr.coe.int/) and those by the Court of Justice of the European Union at [http://curia.europa.eu/jcms/jcms/j_6/](http://curia.europa.eu/jcms/jcms/j_6/). Students assigned with ECtHR cases may limit themselves to the most relevant parts of the judgments, as suggested below:


Detention of asylum seekers (on transit centres and on board ships) and the question of collective expulsions.


Border-zone detention and transfers of asylum seekers to safe third countries.

**Extended (optional) literature**


**Group division**

**Group 1** Solomonova Joseph Elena Yurievna, Mawire Innocent, Noto Atsutom, Nilsson Evelina, Drekoic Jasmina, Carchilan Lidia.

**Group 2** Musgrave Jack William, Tsurkan Olha, Burreta Edgar, Matthews Elzbieta, Isaksson Amanda, Chen Chen.

**Group 3** Jacob Kamila, Heikinen Tiia-Helinä, Kibar Ibrahim, Szemberg Linn Amanda, Abrha Bethelihem, Wan Lu.

**Group 4** Yavuz Can, Spathara Eva, de Bruijn Kimberly, Rantzer Malin, Schlueter Julia, Evenhuis Evelien.

Should you have any questions please contact me at eleni.karageorgiou@jur.lu.se

Good luck!

Eleni