

Case C-925/19 PPU

Summary of the request for a preliminary ruling under Article 98(1) of the Rules of Procedure of the Court of Justice

Date lodged:

18 December 2019

Referring court:

Szegedi Közigazgatási és Munkaügyi Bíróság (Administrative and Labour Court, Szeged, Hungary)

Date of the decision to refer:

18 December 2019

Applicants:

SA

SA junior

Defendants:

Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság (National Directorate-General for Aliens Policing, Dél-alföld Directorate-General, Hungary)

Országos Idegenrendészeti Főigazgatóság (National Directorate-General for Aliens Policing, Hungary)

Subject matter of the case in the main proceedings

Identical to the subject matter in the main proceedings in Case C-924/19 PPU.

Subject matter and legal basis of the request for a preliminary ruling

Identical to the subject matter and legal basis of the request for a preliminary ruling in Case C-924/19 PPU.

Questions referred

Identical to those referred in Case C-924/19 PPU.

Provisions of international law, EU law and national law relied on

Identical to those relied on in Case C-924/19 PPU.

Succinct presentation of the facts and procedure in the main proceedings

- 1 On 5 December 2018, the applicants, SA and her son, a minor, both Iranian nationals, submitted a joint application for recognition of refugee status in Hungary, which they had reached via Turkey, Bulgaria and Serbia. SA did not consider Turkey to be a safe country, she had submitted an application for asylum in Bulgaria and she had stayed in Serbia with her son for over two years without either of them submitting an application for asylum. She relied on the dissolution of her marriage as the ground for her application for asylum submitted in Hungary. In addition, she had not suffered persecution, discrimination, harm or atrocities in Iran.
- 2 The competent asylum authority designated the Röszke transit zone (Hungary) as the place of accommodation for the benefit of the applicants and in its decision of 12 February 2019 declared the applicants' application to be inadmissible and ordered their return to the territory of the Republic of Serbia. The authority justified its decision of inadmissibility on Article 51(2)(f) of the Law on the right to asylum, relying on the fact that the applicants had reached Hungary via countries where they were not exposed to a risk of persecution justifying the recognition of refugee status or to a risk of serious harm which could serve as a ground for granting subsidiary protection or they were guaranteed an adequate level of protection in the countries via which they transited to reach Hungary.
- 3 The action brought by the applicants was dismissed by the competent court without any examination of the merits of the case.
- 4 Subsequently, by its decisions of 27 March 2019, the Aliens Policing Authority ordered the applicants to stay at a designated place, namely the Aliens Police sector in the Röszke transit zone.
- 5 After Serbia refused to readmit the applicants, the Aliens Policing Authority adopted decisions on 17 April 2019 amending the decision of 12 February 2019 and designated the Islamic Republic of Iran as country of return. The objection to that amending decision was rejected without judicial review.
- 6 The applicants currently stay in the Röszke transit zone, which is an area surrounded by a high wall with barbed wire and in which metal containers are located. The applicants can leave their sector only exceptionally (for example for

medical check-ups or when their presence is required for the purposes of procedural acts) and are therefore almost isolated from the outside world. Asylum applicants accommodated in other sectors are also not allowed to visit them and contact with the outside world, including their legal representative, is only possible with prior authorisation and under police escort, in a container provided for that purpose in the transit zone. On 29 March 2019, at the applicants' request, the ECtHR adopted an interim measure requiring Hungary to provide them with food in the transit zone.

- 7 The applicants filed two applications. In the first, they seek the annulment of the decision concerning the objection to the enforcement of the decision amending the country of return and the conduct of a new procedure. In the second application, they seek a declaration that the competent asylum authority failed to act in that it did not designate a place of stay located outside the transit zone. Those two sets of proceedings have been joined.

Essential arguments of the parties to the main proceedings

- 8 Identical to the arguments in Case C-924/19 PPU.

Succinct presentation of the grounds for the request for a preliminary ruling

- 9 Identical to the grounds presented in Case C-924/19 PPU.

WORKING DOCUMENT