

Case C-54/24 [Rabat] ⁱ**Summary of the request for a preliminary ruling pursuant to Article 98(1) of the Rules of Procedure of the Court of Justice****Date lodged:**

26 January 2024

Referring court:

Conseil du contentieux des étrangers (Belgium)

Date of the decision to refer:

22 January 2024

Applicant:

X

Defendant:

Commissaire général aux réfugiés et aux apatrides

Preliminary remark

- 1 The present reference for a preliminary ruling is one of a group of seven cases (bearing case numbers C-50/24 to C-56/24) received by the Court on the same day from the same referring court, the Conseil du contentieux des étrangers (Council for Asylum and Immigration Proceedings, Belgium), concerning the arrival by air at Brussels Airport (Belgium) of third-country nationals who all lodged applications for international protection at the border on the day of their arrival. In each of those cases, decisions to refuse entry followed by decisions ‘to detain in an assigned place at the border’ and then ‘to detain in an assigned place’ were adopted in respect of the applicants prior to the adoption of decisions ‘to refuse refugee status and refuse subsidiary protection status’, which are the contested decisions.

ⁱ The name of the present case is fictitious and does not correspond to the real name of any party to the proceedings.

Succinct presentation of the facts and procedure in the main proceedings

- 2 [The relevant facts are partly identical to those set out in the summary of Case C-50/24. The dates are slightly different.]
- 3 It should also be noted that, in the present case, the applicant was detained in the accommodation facility in Sint-Gillis-Waas, which is also legally treated as a place at the border.
- 4 Moreover, in the present case, a decision to carry out a subsequent examination was adopted on 26 October 2023.
- 5 According to the information provided by the applicant to the Council for Asylum and Immigration Proceedings, she was released on 29 December 2023.

Examination of the action and questions referred for a preliminary ruling

- 6 [The legal discussion, the reasons for the reference and the questions referred are essentially the same as those set out in the summary of the request for a preliminary ruling in Case C-50/24.]
- 7 Application of the urgent preliminary ruling procedure is not requested in the present case.
- 8 Moreover, the fifth question referred is very slightly different and is reproduced below:

‘(5) Must Articles 31, 43 and 46 of Directive 2013/32/EU, in conjunction with Article 47 of the Charter, be interpreted as meaning that the [Council for Asylum and Immigration Proceedings], when hearing an action against a decision taken in a procedure initiated at the border, must raise of its own motion a failure to comply with the four-week time limit?’