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Judgment of the Court in Joined Cases C-50/24 to C-56/24 | [Danané and Others] ¹

A detention centre holding an asylum applicant whose application is processed in accordance with the border procedure does not necessarily have to be located at the border of the Member State concerned

In 2023, certain third-country nationals, who arrived by aeroplane at Brussels airport, submitted applications for international protection. The Belgian authorities refused their entry to the national territory and detained them in centres located inside that territory ² as part of the border procedures laid down by EU law. ³ At the end of the period of four weeks stipulated for those procedures, the examination of the applications continued on the basis of a priority procedure. ⁴

However, the Belgian authorities decided to keep the applicants in detention in the same centres, citing a risk of absconding. ⁵ The asylum applications were subsequently rejected.

In the course of legal actions brought against those decisions, the Belgian court asked the Court of Justice about the compatibility with EU law of legislation authorising a Member State to detain persons such as the applicants in the main proceedings in a centre located in its territory but not at the border.

The Court holds that EU law applicable to asylum applications processed in accordance with the border procedure does not prohibit Member States from detaining the applicants in places that are not geographically located at the border.

The Member States may also keep applicants for international protection in detention in the same places after the expiry of the time limit applicable to border procedures, provided that the grounds and conditions for that continued detention and the guarantees laid down by EU law to protect the rights of those applicants are complied with, in particular by informing those applicants of the change in their legal situation.

Furthermore, **the Court holds that the investigative steps taken during the border procedure retain their validity in subsequent procedures**, without prejudice to the possibility for the applicants to make further representations, in particular where there are elements which it was impossible to submit to the competent authority in the course of the border procedure.

The Court points out that the detention or continued detention of asylum applicants may be practised only where it is necessary, proportionate and limited to the period necessary, which the competent authority must ascertain in each case. Therefore, it cannot be automatic and systematic.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of

an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision. That decision is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

² On the basis of Article 8(3)(c) of [Directive 2013/33/EU](#) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

³ Provided for in Article 43 of [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

⁴ Pursuant to Article 31(7) of Directive 2013/32.

⁵ On the basis of Article 8(3)(b) of Directive 2013/33.