



Judgment of the Court in Case C-249/25 | [Jilin] ¹

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International protection: the automatic suspension of the examination of asylum applications lodged by beneficiaries of temporary protection infringes EU law

In March 2022, UB, a Chinese national of Uyghur origin, arrived in the Netherlands with his Ukrainian wife and their child. There, he lodged an application for asylum.

The Netherlands authorities granted him temporary protection in his capacity as a family member of a Ukrainian national residing in Ukraine with their child prior to 24 February 2022, and suspended the examination of his asylum application until the expiry of that period of protection.

In early 2024, UB complained that the Netherlands Minister for Asylum and Immigration had failed to take a decision on his application for asylum within the time limits laid down by EU law. ² In the absence of any reply, he brought the matter before The Hague District Court, which ordered the Minister to adjudicate on the asylum application.

On appeal, the Netherlands Council of State asked the Court of Justice whether EU law ³ permits the automatic suspension, until the expiry of the period of temporary protection, of the examination of an asylum application lodged by a person enjoying temporary protection.

In its judgment, the Court of Justice first of all points out that **objective of temporary protection is to provide immediate and minimum guarantees to displaced persons** within the Member States, in particular **where there is a risk that the Member States' asylum system will be unable to deal with the mass influx of applications for international protection**.

The Court observes that EU law permits a beneficiary of **temporary protection** to lodge an application for **international protection** and that the rejection of that application does not result in the loss of temporary protection status, **as the two procedures may proceed simultaneously** and independently.

Furthermore, the application of the directives on the handling of applications for international protection in no way excludes applicants who are already enjoying temporary protection; consequently, the general rules laid down in those directives apply to them. The time limits which those directives lay down therefore apply when examining an application for international protection, irrespective of whether the applicant already enjoys temporary protection. That said, EU law nevertheless permits Member States to extend the time limits for examining applications for international protection where objective reasons justify this, in particular the administrative difficulties that may be caused by the increase in the number of applications for international protection lodged simultaneously. ⁴

Lastly, **a generalised and automatic suspension of the examination of applications for international protection during the period of temporary protection would run counter to the very purpose of that protection**, namely preserving the real opportunity for applicants to obtain international protection following an appropriate examination of their individual situation, whilst guaranteeing them, with immediate effect, protection on a lesser scale.

The Court notes, finally, that it cannot be ruled out that, exceptionally, the submission, over a short period, of a considerable number of applications for international protection will make it objectively impossible for a Member State to

examine all those applications in strict compliance with the required time limits. **This situation may then lead the authorities to take measures such as the phased examination of the applications**, where appropriate by setting priorities to that end. The national court must then ensure that any exceeding of the applicable time limits is not the result of a generalised and automatic suspension of the examination of the applications for international protection lodged by beneficiaries of temporary protection, but results solely from the measures necessary to deal with an objective impossibility of complying with those time limits.

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 of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which 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 presentation of the facts and the legal context refers to the relevant period and is based on the case file.

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

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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 [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.

³ Article 17(2) of Council [Directive 2001/55/EC](#) of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof; Article 31 of Directive 2013/32.

⁴ In particular, Article 31 of Directive 2013/32 provides for the possibility of extending the time limit for examining an application for international protection by nine months, or, in duly justified circumstances, by a further three months, and, in the event of a situation of temporary uncertainty in the country of origin, up to 21 months.