

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Or. Eng.
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The Court's case-law on immigration matters

Introduction

1. This document has been prepared by the Court as a short overview of the current state of its case-law on immigration matters. It outlines key principles and presents relevant statistical data¹. The document is not intended to be exhaustive and is not binding on the Court in the exercise of its judicial functions.

2. It constitutes the Court's contribution – on an objective and neutral basis and with full respect for its judicial independence – to the work of the Steering Committee for Human Rights (CDDH), whose task is to prepare draft elements for a political declaration, as a follow-up to the decisions adopted by the Ministers' Deputies at the Informal Ministerial Conference held in Strasbourg on 10 December 2025.

The Court's case-law on immigration matters

1. Jurisdiction

3. Under Article 1 of the European Convention on Human Rights the Contracting States have undertaken to secure to “everyone” within their jurisdiction the rights and freedoms listed in the Convention and its additional Protocols. The term “everyone” covers non-nationals in a given country, including migrants, asylum-seekers and refugees. Therefore, any individuals who consider that their human rights have been infringed by actions attributable to a State party are entitled to make a complaint under the Convention, including where those actions are related to immigration.

4. The Court may examine a complaint only where the applicant fell within the jurisdiction of the respondent State, was directly affected by a measure attributable to that State², and where the complaints submitted to it have first been raised before domestic courts.

5. The concept of jurisdiction under Article 1 of the Convention is a threshold criterion: individuals must fall within the jurisdiction of a Contracting State in order to be able to rely on their Convention

¹ The Court's case-law on immigration matters is also summarised in the following documents: [Guide on Immigration](#), [Focus on: Immigration](#), and [Frequently Asked Questions](#) on the Court and Migration.

² For example in [G.R.J. v. Greece](#) (dec.), no. 15067/21, 3 December 2024, where it was alleged that the applicant had been summarily returned from Greece to Türkiye, the Court found that the case was inadmissible because the applicant had failed to provide sufficient evidence that he had indeed been present on Greek territory and had been removed to Türkiye. See also [A.R.E. v. Greece](#), no. 15783/21, 7 January 2025.

rights. It is normally limited to a given State's territory³, and the Court will thus find applications inadmissible if they concern migrants who were not on the respondent State's territory at the material time, save in exceptional circumstances. For example, the Court declared inadmissible a case concerning an unsuccessful request for an entry visa made from outside the territory of the State in question⁴. In another recent inadmissibility decision concerning efforts to rescue migrants in distress at sea, the Court concluded that the respondent State's jurisdiction was not engaged by the mere fact that its Maritime Rescue Coordination Centre had informed the competent authority of another State, following which that other State had carried out a rescue operation according to its obligations under international maritime law⁵. The Court distinguished that case from those in which a State's jurisdiction could be engaged in respect of events which took place on the high seas where the applicants were under the full and exclusive control, *de jure* or at least *de facto*, of agents of the respondent State⁶.

2. The Court's approach and review

6. As the Court has emphasised many times, Contracting States have the right to control the entry, residence and removal of aliens, in accordance with established rules and principles of international law, and subject to their treaty obligations, including those arising from the Convention⁷.

7. The right of asylum is not provided for in either the European Convention on Human Rights or any of its Protocols and the Court does not itself examine an actual asylum application or verify how a State has honoured its obligations under the 1951 Refugee Convention⁸. Even though the Court does not have the authority to ensure compliance with other international treaties or with international obligations deriving from sources other than its own Convention⁹, it may take them into account when interpreting the Convention in order to ensure a harmonious interpretation of international law¹⁰.

8. Likewise, the Court is not competent to examine alleged violations of EU rules or to apply such rules unless – and then only in so far as – the rights and freedoms protected by the Convention have thereby been infringed¹¹. It operates, however, under a presumption that the European Union guarantees the protection of fundamental rights at a level equivalent to that of the Convention¹².

9. Each year, the Court receives a large number of applications which it examines on a case-by-case basis. It rejects the vast majority of those applications, as they concern clearly inadmissible complaints¹³. Admissible applications generally result in a judgment, but a violation will not be found

³ [Ukraine and the Netherlands](#), cited above, §§ 505-506 and 553-574.

⁴ [M.N. and Others v. Belgium](#) (dec.) [GC], no. 3599/18, 5 May 2020.

⁵ [S.S. and Others v. Italy](#) (dec.), no. 21660/18, 20 May 2025

⁶ [S.S. and Others v. Italy](#), § 101, with reference to [Hirsi Jamaa and Others v. Italy](#) [GC], no. 27765/09, 23 February 2012.

⁷ See [Mansouri v. Italy](#) (dec.) [GC], no. 63386/16, § 113, 29 April 2025, with further references. The Court has also emphasised the right of States to establish their own immigration policies, potentially in the context of bilateral cooperation or in accordance with their obligations stemming from membership of the European Union (see [N.D. and N.T. v. Spain](#) [GC], nos. 8675/15 and 8697/15, § 167, 13 February 2020).

⁸ [F.G. v. Sweden](#) [GC], no. 43611/11, § 117, 23 March 2016, and [H.A. v. the United Kingdom](#), no. 30919/20, § 41, 5 December 2023.

⁹ [S.S. and Others v. Italy](#), cited above, § 113.

¹⁰ The Court has made it clear on many occasions that the Convention must be interpreted in harmony with the other rules of international law of which it forms part (see, for example, [Ukraine and the Netherlands v. Russia](#) (dec.) [GC], nos. 8019/16 and 2 others, § 719, 30 November 2022). For the application of this principle in the immigration context see [N.D. and N.T. v. Spain](#), cited above, §§ 172-191.

¹¹ [K.I. v. France](#), no. 5560/19, § 123, 15 April 2021.

¹² [Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland](#) [GC], no. 45036/98, § 165, ECHR 2005-VI.

¹³ For example, in 2025, the Court ruled on 38,573 applications, of which 31,562 – representing 82% – were declared inadmissible.

in all judgments delivered by the Court. It may find a violation of the Convention when a State, through its actions or omissions, has infringed the rights and freedoms guaranteed by the Convention in respect of individuals within its jurisdiction.

10. A complaint that a State has allegedly not respected individuals' rights and freedoms guaranteed by the Convention may relate to various matters in the field of immigration and to different Convention provisions.

3. Subsidiarity and shared responsibility

11. The Convention system is characterised by the principles of subsidiarity and shared responsibility between the States Parties and the Court. Contracting States have the primary responsibility of securing the rights and freedoms defined in the Convention, which means that national authorities and courts must interpret and apply domestic law in a manner that gives full effect to the Convention¹⁴. The machinery of complaint to the Court is subsidiary to national systems safeguarding human rights, as articulated in Article 13 – which requires the availability at national level of an effective remedy to enforce the substance of the Convention rights – and in Article 35 § 1 of the Convention, which provides that the Court can only deal with the matter after all domestic remedies have been exhausted¹⁵.

12. To fulfil their obligation to secure the rights and freedoms guaranteed by the Convention, domestic courts need to thoroughly examine complaints about alleged violations of its provisions¹⁶. As the national authorities are best placed to assess the facts and, in particular, the credibility of individuals appearing before them, it is not the Court's task to substitute its own assessment of the facts for that of the domestic courts where proceedings have taken place before them¹⁷. At the same time, the fact that domestic proceedings have taken place does not lead to a renunciation of all supervision by the Court of the result obtained through the use of domestic remedies¹⁸.

4. Scope of protection of rights

13. Individuals have complained to the Court about situations relating to their immigration status, including about extradition or expulsion, summary returns at borders, immigration detention, reception conditions of asylum-seekers, family reunification, and an alleged lack of an effective remedy in those respects. The various factual circumstances of applicants may concern different rights under the Convention. The Convention provisions which are most often cited by applicants in such cases are: Article 3 (prohibition of torture and inhuman and degrading treatment), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 13 (right to an effective remedy), and Article 4 of Protocol No. 4 (prohibition of collective expulsion).

14. Article 6 of the Convention, which guarantees the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal, **does not apply** to proceedings related to the entry, stay or removal of aliens, including asylum matters¹⁹. This is because such proceedings do

¹⁴ [Grzęda v. Poland](#) [GC], no. 43572/18, § 324, 15 March 2022.

¹⁵ [F.G. v. Sweden](#), cited above, § 117, and [Mansouri](#), cited above, § 84.

¹⁶ In relation to complaints alleging a violation of Article 3 of the Convention, the domestic courts need to apply rigorous scrutiny, see [M.S.S. v. Belgium and Greece](#) [GC], no. 30696/09, § 293, 21 January 2011.

¹⁷ [F.G. v. Sweden](#), cited above, § 118.

¹⁸ [Khasanov and Rakhmanov v. Russia](#) [GC], nos. 28492/15 and 49975/15, § 104, 29 April 2022.

¹⁹ [Maaouia v. France](#) [GC], no. 39652/98, §§ 38-40, 5 October 2000; [Onyejekwe v. Austria](#) (dec.), no. 20203/11, § 34, 9 October 2012. Article 1 of Protocol No. 7 defines the guarantees applicable in procedures for the expulsion of aliens who are "lawfully resident" in the territory ([Maaouia](#), cited above, § 36, and [Muhammad and Muhammad v. Romania](#) [GC], no. 80982/12, § 115, 15 October 2020; the relevant principles under that provision were consolidated in the latter judgment).

not involve the “determination of civil rights and obligations” or a “criminal charge”, which are the necessary conditions for Article 6 to apply²⁰.

15. The scope of the protection of the rights under the Convention sets the framework for the Court’s examination.

16. A distinction is to be made, notably, between the right not to be subjected to torture or inhuman or degrading treatment guaranteed by Article 3 of the Convention, which is absolute, and the right to respect for private and family life protected by Article 8 of the Convention, which is a qualified right in that it can be lawfully restricted by the States under certain conditions.

Article 3

17. As the right not to be subjected to torture or inhuman or degrading treatment guaranteed by Article 3 is absolute, it is not possible for a State to justify any infringement of that right²¹. Notwithstanding the absolute character of Article 3, the Court’s practice shows that situations of crisis or extreme difficulty confronting national authorities are to be considered when it examines whether a State has fulfilled its obligations under this provision²². This was the case, for example, when it took into account the challenges facing a respondent State, in the context of a major migration crisis, in its assessment of complaints related to the conditions in which migrants had been held²³.

18. Cases under Article 3 may arise where migrants allege that they will face a real risk of torture or inhuman or degrading treatment and punishment if they are removed to another State because they would face such treatment there²⁴. If migrants are able to demonstrate that they will indeed face ill-treatment, Article 3 prohibits their removal to that State²⁵. Even where the existence of a risk of ill-treatment has been shown, the State wishing to remove or extradite the individual may do so after obtaining assurances from the destination State that there will be no such risk to his or her life or physical integrity²⁶. The Court considered it sufficient, for example, in the context of transfers of

²⁰ However, the decision to grant or refuse emergency accommodation to asylum-seekers and their children involves the “determination of civil rights and obligations” and thus renders Article 6 applicable (see paragraph 27 below, *M.K. and Others v. France*, cited above, § 117, and *Camara v. Belgium*, cited above, §§ 93-94).

²¹ *Chahal v. the United Kingdom*, 15 November 1996, §§ 79 and 80, *Reports of Judgments and Decisions* 1996-V; and *Saadi v. Italy* [GC], no. 37201/06, § 127, ECHR 2008

²² *Khlaifia and Others v. Italy* [GC], no. 16483/12, § 185, 15 December 2016.

²³ *Khlaifia and Others*, cited above, §§ 178-211.

²⁴ While the majority of removal cases examined by the Court under Article 3 concern removals to the country from which the applicant has fled, such cases may also arise in connection with the applicant’s removal to a third country. In *Ilias and Ahmed v. Hungary* ([GC], no. 47287/15, 21 November 2019) the Court observed that where a Contracting State sought to remove an asylum seeker to a third country without examining the asylum request on the merits, the State’s duty not to expose the individual to a real risk of treatment contrary to Article 3 was discharged in a manner different from that in cases of return to the country of origin. In the former situation, the main issue was the adequacy of the asylum procedure in the destination third country. In addition to this main question, where the alleged risk of being subjected to treatment contrary to Article 3 concerns, for example, conditions of detention or living conditions for asylum seekers in a third country, that risk is also to be assessed by the expelling State (*ibid.*, § 131).

²⁵ For example, girls or women subjected to female genital mutilation *R.B.A.B. and Others v. the Netherlands*, no. 7211/06, § 54, 7 June 2016, or individuals who are to be held indefinitely on ‘death row’ *Soering v. the United Kingdom*, 7 July 1989, § 111, Series A no. 161. See also *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, § 67, ECHR 2005-I.

²⁶ *Khasanov and Rakhmanov*, cited above, § 101.

asylum-seekers under the Dublin Regulation, for circular letters to be issued by the receiving State stating that vulnerable asylum-seekers would be placed in adequate reception facilities²⁷.

19. If the domestic authorities, in particular the courts, have carried out a rigorous assessment of whether the individual would face a real risk of ill-treatment in the destination country, the Court is unlikely to find that the removal would breach Article 3, even if the security conditions in that country are difficult. Cases in which the Court has found that a removal would breach Article 3 are typically those in which the domestic authorities failed to undertake an adequate risk assessment. This is illustrated, for example, by the judgment in *K.I. v. France*, where the finding of a violation of Article 3 was based on the failure of the domestic courts to carry out a proper risk assessment following the revocation of the applicant's refugee status due to his convictions for terrorist offences²⁸, and by the subsequent inadmissibility decision in *U v. France*, where by contrast the domestic authorities had carried out such an assessment following the revocation of the applicant's refugee status²⁹. Both cases concerned the removal, to their country of origin, of Russian nationals of Chechen origin, whose refugee status had been revoked because they posed a danger to society and national security. These cases are emblematic of the evolving approach taken by the Court. More broadly the Court gives consideration to the assessment of the domestic courts, as for example in *E.H. v France*³⁰.

20. Another example of this approach can be seen in the Court's cases concerning removals to Algeria. While it found a violation of Article 3 in *M.A. v. France*³¹, it later reached the opposite conclusion in *A.M. v. France*, noting that the domestic authorities had conducted a sufficiently thorough and individualised assessment³².

21. In very exceptional circumstances, the removal of a seriously ill person may amount to a breach of Article 3³³. With the exception of cases where the domestic authorities had failed to undertake an adequate risk assessment³⁴, the Court has, to date, found in only one case that removing a seriously ill person would breach Article 3³⁵. In these cases, too, the expelling State can avert the risk, and will thus be able to carry out the removal, if it obtains individual and sufficient assurances from the destination State³⁶. The level of care existing in the destination country does not have to be equivalent to that provided by the healthcare system in the removing State³⁷.

Article 4 of Protocol No. 4

22. Along with Article 3, applicants in situations of mass arrivals and summary returns ("push-backs") may also rely on Article 4 of Protocol No. 4 to the Convention, which prohibits the collective expulsion

²⁷ *J.A. and Others v. the Netherlands* (dec.), no. 21459/14, 3 November 2015, and *Ali and Others v. Switzerland and Italy* (dec.), no. 30474/14, 4 October 2016. These decisions followed the Court's judgment in *Tarakhel v. Switzerland* [GC], no. 29217/12, §§ 100-122, 4 November 2014, where it found that the transfer of vulnerable asylum-seekers under the Dublin Regulation would breach Article 3 because they would not be guaranteed access to reception facilities adapted to their specific vulnerabilities, which, in turn, required the transferring State to obtain individual assurances from the receiving State to that end.

²⁸ *K.I. v. France*, cited above.

²⁹ *U v. France*, no. 53254/20, § 123, 15 February 2024.

³⁰ *E.H. v. France*, no. 39126/18, 22 July 2021.

³¹ *M.A. v. France*, no 9373/15, 1 February 2018.

³² *A.M. v. France*, no. 12148/18, 29 April 2019.

³³ The relevant principles have been consolidated in *Savran v. Denmark* [GC], no. 57467/15, §§ 121-139, 7 December 2021. Such cases may also raise an issue under Article 8 and require the domestic authorities to conduct a proper weighing-up of the competing interests under that provision, see *Paposhvili v. Belgium* [GC], no. 41738/10, §§ 221-226, 13 December 2016.

³⁴ See *Paposhvili*, cited above.

³⁵ *D. v. the United Kingdom*, no. 30240/96, 2 May 1997.

³⁶ *Savran*, cited above, § 130(e).

³⁷ *Savran*, cited above, § 131.

of aliens. Under this provision the Court has established a set of procedural conditions aimed at preventing States from being able to remove aliens without examining their personal circumstances and therefore without enabling them to put forward their arguments against the measure taken by the relevant authority. In order to determine whether there was a sufficiently individualised examination, the Court has regard to the particular circumstances of the expulsion and to the “general context at the material time”³⁸. If a State exercises jurisdiction within the meaning of Article 1 in the context of interceptions on the high seas (see paragraph 5 above), that State’s responsibility under Article 4 of Protocol No. 4 may be engaged where the effect of the State’s actions is to prevent migrants from reaching the borders of the State or even to push them back to another State³⁹. More recently the Court has established that the summary return of individuals who entered the State’s territory in an unauthorised manner does not breach Article 4 of Protocol No. 4 if the State had provided means of legal entry, in particular border procedures, to which they had genuine and effective access⁴⁰.

Article 8

23. In contrast to Article 3, the right to respect for private and family life protected by Article 8 is a qualified right. That means that it can be lawfully restricted by the States under certain conditions as provided in the second paragraph of that Article. A restriction may be justified if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

24. In some of the relevant cases before the Court, applicants have argued that they should not be returned to another State because it would break up their private or family life. Such cases arise, in particular, where the migrant’s expulsion has been ordered because he or she has been convicted of a criminal offence⁴¹. In recent cases concerning such situations, the Court has emphasised that, where the domestic courts have carefully examined the facts, applying the Convention case-law, and have weighed up the applicant’s personal interests against the more general public interest, it is not for the Court to substitute its own assessment of the merits for that of the competent national authorities, except where there are strong reasons for doing so⁴². For that reason, the vast majority of such cases have been declared inadmissible (manifestly ill-founded), including by the Single Judge, or have resulted in a finding of no violation⁴³. In a few cases concerning settled migrants with no or very limited ties to their country of origin, the Court has found that their expulsion could be justified only by “very serious reasons”, but that such reasons had not been given by the national courts and the expulsions were therefore disproportionate⁴⁴.

³⁸ [Khlaifia and Others v. Italy](#) [GC], no. 16483/12, § 238, 15 December 2016; and [N.D. and N.T. v. Spain](#) [GC], nos. 8675/15 and 8697/15, § 197, 13 February 2020.

³⁹ [Hirsi Jamaa and Others](#), cited above, §§ 169-182.

⁴⁰ [N.D. and N.T. v. Spain](#), cited above, §§ 201 and 209-211.

⁴¹ See, for example, [Üner v. the Netherlands](#) [GC], no. 46410/99, ECHR 2006-XII

⁴² [Savran](#), cited above, § 189.

⁴³ See, for example, [Ndidi v. the United Kingdom](#), no. 41215/14, 14 September 2017; [Levakovic v. Denmark](#), no. 7841/14, 23 October 2018; [Assem Hassan Ali v. Denmark](#), no. 25593/14, 23 October 2018; [Narjis v. Italy](#), no. 57433/15, 14 February 2019; [K.A. v. Switzerland](#), no. 62130/15, 7 July 2020; [Veljkovic-Jukic v. Switzerland](#), no. 59534/14, 21 July 2020; [Munir Johana v. Denmark](#), no. 56803/18, §§ 22-26, 12 January 2021, [Khan v. Denmark](#), no. 26957/19, § 72, 12 January 2021; [Avci v. Denmark](#), no. 40240/19, 30 November 2021; [Ahmed v. Denmark](#) (dec.), no. 16588/20, 1 February 2022, [Mavric v. Denmark](#) (dec.), no. 17803/20, 29 March 2022; [Sebbar v. Belgium](#) [Committee], no.62893/15, 17 May 2022; [El Khouardi v. Belgium](#) [Committee], no.39864/16, 27 September 2022; [Loukili v. the Netherlands](#), no. 57766/19, 11 April 2023; [Wanqthan v. Denmark](#), no. 51301/22, 9 April 2024; [Al-Habeeb v. Denmark](#), no. 14171/23, 12 November 2024; [Savuran v. Denmark](#), no. 3645/23, 12 November 2024; [Winther v. Denmark](#), no. 9588/21, 12 November 2024.

⁴⁴ See for example [Abdi v. Denmark](#), no. 41643/19, §§ 30-45, 14 September 2021

25. In cases concerning settled migrants who have lawfully spent all or a major part of their childhood and youth in the host country, very serious reasons are required to justify expulsion. This is all the more so where the person concerned was a juvenile when he or she committed the offence underlying the expulsion measure⁴⁵. The Court has developed a number of criteria for the assessment of whether an expulsion measure is necessary and proportionate⁴⁶.

26. More generally, where the domestic courts do not give adequately reasoned decisions and examine the proportionality of the expulsion in a superficial manner, preventing the Court from exercising its subsidiary review, an expulsion based on such a decision would breach Article 8⁴⁷.

27. The aforementioned examples of the Court's case-law under Articles 3 and 8 demonstrate the principles of shared responsibility and subsidiarity: where the domestic courts thoroughly reason their decisions and apply the Convention case-law, the Court is unlikely to find a violation of the Convention. The solidarity between the Court and the domestic courts is further illustrated by its judgments in which it has found that a failure to enforce domestic decisions to provide accommodation for asylum-seekers breached Article 6 § 1 of the Convention⁴⁸.

Article 13

28. The difference between the absolute right guaranteed by Article 3 on the one hand and the rights guaranteed by Article 4 of Protocol No. 4 and Article 8 on the other is also reflected in the requirements that a remedy needs to satisfy in order to be "effective" within the meaning of Article 13. Where the individual has an "arguable complaint" that removal would expose him or her to treatment contrary to Article 2 or 3 of the Convention, he or she must have an effective remedy, in practice as well as in law, at the domestic level in accordance with Article 13 of the Convention, which imperatively requires, *inter alia*, independent and rigorous scrutiny of any claim that there are substantial grounds for fearing a real risk of treatment contrary to Articles 2 or 3, together with automatic suspensive effect⁴⁹. By contrast, the lack of suspensive effect of a removal decision does not in itself constitute a violation of Article 13 taken together with either Article 4 of Protocol No. 4 or

⁴⁵ [Maslov v. Austria](#) [GC], no. 1638/03, § 75, ECHR 2008.

⁴⁶ The relevant criteria are the nature and seriousness of the offence committed by the applicant; the length of the applicant's stay in the country from which he or she is to be expelled; the time elapsed since the offence was committed and the applicant's conduct during that period; and the solidity of social, cultural and family ties with the host country and with the country of destination. The weight to be attached to each criterion will vary according to the specific circumstances of the case (see [Maslov v. Austria](#) [GC], cited above, §§ 70-71, 77-99). Any relevant change in circumstances, such as those pertaining to conduct and health, has to be taken into account ([Savran](#), cited above, § 190).

⁴⁷ [Savran](#), cited above, § 188. For violations of Article 8 found for that reason, see [I.M. v. Switzerland](#), no. 23887/16, § 74-79, 9 April 2019; [Saber and Bouhassal v. Spain](#), nos. 76550/13 and 45938/14, §§ 43-52, 18 December 2018; [Makdoudi v. Belgium](#), no. 12848/15, §§ 75-98, 18 February 2020; [Azzaqui v. the Netherlands](#), no. 8757/20, §§ 53-63, 30 May 2023; and [P.J. and R.J. v. Switzerland](#), no. 52232/20, § 55, 17 September 2024. In particular, in [Savran](#), the Court found a violation of Article 8 because the authorities failed to duly take into account and to properly weigh up the interests at stake (§ 201). The domestic authorities had not considered, *inter alia*, the changes in the applicant's personal circumstances with a view to assessing the risk of his reoffending against the background of his mental state (schizophrenia) at the time of the commission of the offence and the apparent beneficial effects of his treatment. Moreover, under domestic law the administrative and judicial authorities had had no possibility of making an individual assessment of the duration of the applicant's exclusion from Danish territory, which had been both irreducible and permanent.

⁴⁸ [M.K. and Others v. France](#), nos. 34349/18 and 2 others, 8 December 2022, and [Camara v. Belgium](#), no. 49255/22, 18 July 2023.

⁴⁹ [M.S.S. v. Belgium and Greece](#) [GC], no. 30696/09, § 293, 21 January 2011.

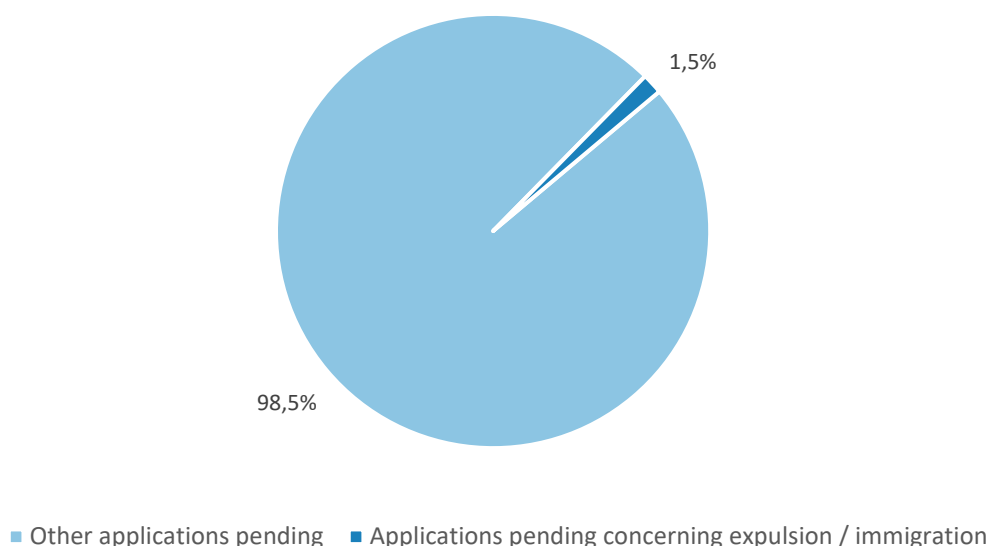
Article 8, where an applicant does not allege that there is a real risk of a violation of the rights guaranteed by Articles 2 or 3 in the destination country⁵⁰.

Centralised examination of immigration cases

29. Immigration-related cases are often transversal, which has led the Court to establish a cross-Section thematic Immigration Committee. This Committee is responsible for examining immigration cases across all Contracting Parties in areas where the Court has already developed well-established case-law. Its purpose is to combine expertise, and to ensure efficiency and consistency, by examining these cases in a centralised manner. Similarly, a thematic Single Judge has been designated to deal transversally with immigration-related single judge cases in respect of all States.

Statistics on immigration-related cases

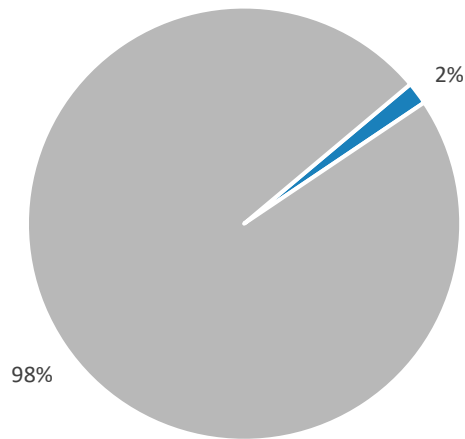
30. The proportion of applications submitted to the Court which concern immigration matters is low. Of the cases currently **pending** before the Court, only approximately 1.5% relate to immigration⁵¹.



31. Over the past ten years, the Court has processed more than 430,000 applications, of which around 2% have concerned immigration.

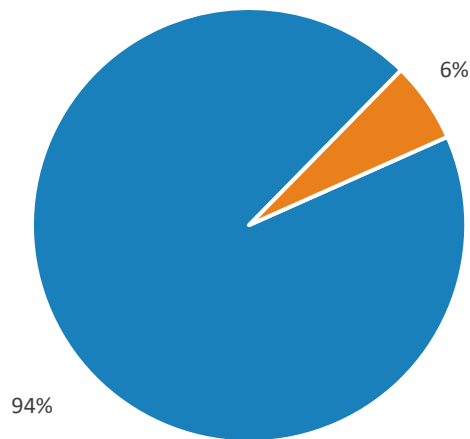
⁵⁰ [Khlaifia and Others](#), cited above, § 281 (in respect of Article 4 of Protocol No. 4); [De Souza Ribeiro v. France](#) [GC], no. 22689/07, § 83, 13 December 2012 (in respect of Article 8).

⁵¹ 870 applications of 53,194 overall (as of 1 January 2026).



■ Applications decided concerning expulsion / immigration ■ Other applications decided

32. Of these applications, the vast majority were declared inadmissible, while only a minority resulted in a judgment. Over the past ten years, the Court has found violations in 300 cases concerning immigration issues, which represents roughly 6% of all immigration-related applications lodged with the Court⁵².



■ Applications decided concerning expulsion / immigration ■ Finding at least one violation

⁵² Between 1 January 2016 and 31 December 2025, the Court processed a total of 436,391 applications. Of these, 7,387 related to immigration matters. Out of the immigration-related applications, 6,861 were declared inadmissible or were struck out of the list. The remaining 526 applications led to 393 judgments. In 300 of those judgments which concerned around 450 applications, the Court found at least one violation of the Convention.

Annex: Judgments and decisions delivered by the Grand Chamber related to immigration since 2020 (in chronological order)

- *N.D. and N.T. v. Spain* [GC], nos. 8675/15 and 8697/15, 13 February 2020

The case concerned the immediate and forcible return of aliens from a land border, following an attempt by a large number of migrants to cross it in an unauthorised manner and *en masse*. The Court found that there had been no violation of Article 4 of Protocol No. 4, as the lack of individual removal decisions was a consequence of the applicants' own conduct, because they had not made use of the existing legal means of seeking admission to the national territory.

- *M.N. and Others v. Belgium* [GC] (dec.), no. 3599/18, 5 May 2020

The case concerned the refusal to grant visa applications submitted to the Belgian embassy in Lebanon by Syrian nationals who sought to enter Belgium in order to seek asylum there. The Court found that the application was inadmissible, as the respondent State was not exercising jurisdiction extraterritorially over the applicants by processing their visa applications and that no jurisdictional link had been created through the applicants' appeals.

- *Muhammad and Muhammad v. Romania* [GC], no. 80982/12, 15 October 2020

The case concerned proceedings as a result of which the applicants, Pakistani nationals living lawfully in Romania, were declared undesirable and deported. The Court found that the applicants had received only very general information about the legal characterisation of the accusations against them, while none of their specific acts which allegedly endangered national security could be seen from the file. Nor had they been provided with any information about the key stages in the proceedings or about the possibility of accessing classified documents in the file through a lawyer holding authorisation to consult such documents. The Court found that the limitations imposed on the applicants' enjoyment of their rights under Article 1 of Protocol No. 7 had not been counterbalanced in the domestic proceedings such as to preserve the very essence of those rights.

- *M.A. v. Denmark* [GC], no. 6697/18, 9 July 2021

The case concerned the refusal to grant family reunification to a Syrian national who had been granted so-called "temporary protection status" in Denmark. The Court found a violation of Article 8 because the authorities had not struck a fair balance between the relevant interests at stake. In particular, the applicant had not had a real possibility under domestic law of having an individualised assessment of whether a waiting period shorter than the three-year period to which he was subjected, owing to his temporary protection status, was warranted by considerations of family unity, despite it having been accepted in the domestic proceedings that there were insurmountable obstacles in the way of the couple's enjoyment of family life in their country of origin.

- *Savran v. Denmark* [GC], no. 57467/15, 7 December 2021⁵³

The case concerned the expulsion of a Turkish national with schizophrenia to his country of origin, following criminal convictions. The Court found that the removal had not breached Article 3, but that it had breached Article 8 as the domestic authorities had failed to examine the applicant's individual situation adequately.

⁵³ The Court declared inadmissible (manifestly ill-founded in respect of Article 8) the follow-up case of [Mavric v. Denmark](#) (dec.) [Committee], no. 17803/20, 29 March 2022, as it found that the domestic courts had adequately examined the applicant's individual situation, including his mental illness. By contrast, it found a violation of Article 8 in another follow-up case, [Azzaqui v. the Netherlands](#), no. 8757/20, 30 May 2023, in which the domestic authorities had not sufficiently taken into account the applicant's individual situation.

- *Sanchez-Sanchez v. the United Kingdom* [GC], no. 22854/20, 3 November 2022⁵⁴

The case concerned the applicant's extradition to the United States of America, where he alleged that there was a possibility that he might, if convicted, be sentenced to life imprisonment without parole. The Court found that, while the principles set out in the Court's previous case-law concerning life imprisonment must be applied in domestic cases, an adapted approach was called for in an extradition case such as this, where the applicant had been neither convicted nor sentenced, and where the finding of a violation could prevent him from standing trial. It found that the applicant had not shown that, in the event of his conviction in the USA, there was a real risk that he would be given a sentence of life imprisonment without parole. Accordingly, his extradition would not entail a violation of Article 3.

- *McCallum v. Italy* (dec.) [GC], no. 20863/21, 21 September 2022

The case concerned the compatibility with Article 3 of the applicant's extradition to the United States of America, where she alleged that there was a possibility that she might, if convicted, be sentenced to life imprisonment without parole. Decided on the same day as *Sanchez-Sanchez v. the United Kingdom*, the Court declared the application inadmissible as manifestly ill-founded. It noted that the US authorities had given a commitment that she could not be sentenced to life imprisonment without the possibility of parole, and that she thus was not at risk of a sentence that would amount to inhuman or degrading punishment.

- *Mansouri v. Italy* [GC] (dec.), no. 63386/16, 29 April 2025

The case concerned the lawfulness and conditions of a Tunisian national's confinement on board an Italian cruise ship used to return him to Tunisia on the basis of an order refusing him entry to Italy. The Court found that the application was inadmissible, as the applicant had failed to exhaust domestic remedies in respect of his complaints under Article 5, and that the minimum threshold to engage Article 3 had not been reached.

⁵⁴ The Court has found that the extradition of individuals alleging to be at risk of life imprisonment without parole would not breach Article 3 in all cases adjudicated since *Sanchez-Sanchez*: [Bijan Balahan v. Sweden](#), no. 9839/22, 29 June 2023; [Carvajal Barrios v. Spain](#) (dec.), no. 13869/22, 4 July 2023; [Matthews and Johnson v. Romania](#), nos. 19124/21 and 20085/21, 9 April 2024; [Lazăr v. Romania](#), no. 20183/21, 9 April 2024; [Hayes and Others v. the United Kingdom](#), nos. 56532/22 and 2 others, 1 July 2025.