

Top EU Court Rules Against Holding Asylum Seekers in Jail



Refugees disembark the SOS Mediterranée's Aquarius ship after its arrival at the eastern port of Valencia, Spain, in June 2018. (Kenny Karpov/SOS Mediterranée via AP)

LUXEMBOURG (CN) — Lack of space in a refugee center is not a good enough reason to hold asylum seekers in jail, the European Union's highest court ruled Thursday.

The European Court of Justice found that Spain violated EU law covering refugees last year when it housed a number of immigrants seeking asylum in a detention center and judges refused to address complaints about the accommodations on the grounds that they weren't immigration authorities. Thursday's ruling is not available in English.

A Malian man, identified in court documents as VL, was intercepted at sea by the

Spanish Maritime Rescue Agency, along with 25 other people from sub-Saharan Africa. Some 30,000 people arrive in Spain illegally every year, according to the United Nations Refugee Agency. Most of them are from Africa and nearly 80% arrive by sea.

VL was taken to Gran Canaria, one of the Canary Islands, a semi-autonomous group of Spanish islands located off the coast of Morocco known for being a major European holiday destination. The immigrants were handed over to Canarian authorities, who ordered them deported.

The entire group, including VL, indicated they wanted to apply for asylum in Spain. VL said that he would likely be tortured or killed if sent back to Mali, where an armed conflict has been ongoing for nearly a decade.

VL and 14 others were held in a detention facility because, according to the authorities, there wasn't enough space in the refugee center. VL, aided by a lawyer, contested this decision but a Spanish court found that because it wasn't an immigration court, it couldn't deal with the request. VL appealed and the national court referred the matter to the Court of Justice, the EU's top court.

The Luxembourg-based court on Thursday rejected Spain's argument that only specific authorities can address the type of claims brought by VL.

"The EU legislature intended to adopt a broad definition of those authorities which, without being competent to register applications for international protection, may nevertheless receive such applications," the court said in an English press release, adding that the phrase "other authorities" can "encompass both administrative and judicial authorities"

Moreover, the court ruled that asylum-seekers "cannot be held in detention on the ground that there is not sufficient accommodation available in humanitarian reception centers" and EU member states "cannot hold a person in detention on the sole ground that he or she is an applicant for international protection."

Spain had argued that it had insufficient resources to properly house the number of refugees arriving every year.

"Humanitarianism is clearly essential to the protection of refugee rights," is how Advocate General Maciej Szpunar opened his nonbinding advisory opinion for the

Court of Justice in April.

EU regulations afford asylum-seekers wide protections and the court has routinely upheld the obligations on member states to provide refugees with proper accommodations, medical services, and access to courts. The legal reasoning of magistrates is followed by the court about 80% of the time and it did so in this case.

The case now returns to the referring Spanish court for a final decision in VL's case.

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