

# SV: Research on Dublin cases

Kristin Søvik <kso@une.no>

Wed 2/26/2014 18:36

To: Claudie Ashonie Wilson <claudie08@ru.is>;

Dear Claudie, see the answers to your questions in the email below.

Kind regards,

*Med vennlig hilsen*

Kristin Søvik  
rådgiver  
Generell juridisk seksjon

**UTLENDINGSNEMNDA**  
**UNE**

Postboks 8165 dep.  
0034 Oslo

Tlf: 21 08 50 00  
Faks: 21 08 50 01  
Tlf.dir: 21 08 52 25  
e-post: [kso@une.no](mailto:kso@une.no)

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**Fra:** Claudie Ashonie Wilson [mailto:claudie08@ru.is]

**Sendt:** 24. februar 2014 16:20

**Til:** Kristin Søvik

**Emne:** RE: Research on Dublin cases

Dear Kristin,

Thank you so much for your response. I am truly grateful. I do have a few questions just for the purpose of clarification which I hope will not inconvenience you much.

1. Is there any way possible to provide me with the names of the cases you referred to in your email?  
**See below.**

2. The second case you mentioned, though beyond the scope of my research but nonetheless interesting, what was the outcome of that case? Was the appellant successful? **No. In the decision it was pointed out that even if immigration authorities/UNE are required by Norwegian law to emphasize "the best interests of the child" in the assessment of relevant cases, it does not mean that this consideration in itself always implies that the consideration will be of most essence in a comprehensive assessment. The consideration "the best interests of the child" in this case after a**

concrete assessment of other considerations were not attributed decisive importance.

3. You also mentioned that overall there have only been 3 cases tried before the Courts? Could you elaborate briefly on the third case, name of the case, date, receiving state and outcome? The third case, (Ref no 09-1162966TVI-OTIR/05 A v the Norwegian Appeals Board). The case was tried at the District Court may 2010 (sorry, the exact date is missing from the judgement). The plaintiff was to be returned to the Czech republic. The person brought an appeal against the decision (from UNE) to transfer him to the responsible state, pursuant to the rules in the regulation. His arguments was not upheld by the Court.

4. I would also like to request your permission to include your name in my "note of gratitude" that will be attached to my thesis? If granted, could you please send your full name which I assume to be (Kristin Søvik) and formal title.

Yes, my full name is Kristin Søvik, legal advisor, the Norwegian Appeals Board.

Thank you in advance.

Claudie Ashonie Wilson

Laganemi

[claudie08@ru.is](mailto:claudie08@ru.is)

[candi066@hotmail.com](mailto:candi066@hotmail.com)

+354 867 4735

+354 482 4101

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**From:** Kristin Søvik <[kso@une.no](mailto:kso@une.no)>

**Sent:** Tuesday, February 18, 2014 11:50

**To:** Claudie Ashonie Wilson

**Subject:** Research on Dublin cases

Dear Claudie,

In regards to your email of February 12th, 2014, our ref. no 09/0039.

Very few «Dublin-cases» has been before National Courts. In the period 2008- 2010 there has only been 3 cases tried in the Courts. From 2011 until present day, no “Dublin-cases” have been tried in the National Courts.

2010:

From our statistics one case was tried at the Appeal Court in February 2010 (in District court June 2009) (09-143086ASD-BORG/03 A v the Norwegian Appeals Board (Utlendingsnemnda) where the plaintiff contested his removal to Germany due to fear of a risk of refoulement within the meaning of Article 3 ECHR. In this case the Dublin- returnee was to be returned to Germany, pursuant to the rules laid out in the Dublin- regulation. The applicant originally came from Turkey. The Appeal Court came to the same conclusion as the District Court concerning the validity of the decision. There was no concrete evidence that the appellant’s case should be admissible in Norway on the basis of Article 3 ECHR.

The other case before National Courts in 2010 concerned whether there were a violation of ECHR Article 8 (right to family life) and an assessment of the best interest of the child to return the complainant to Poland (District Court May 6<sup>th</sup> 2010 (09-191370TVI-OTIR/07 A v the Norwegian Appeals Board) .

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The Norwegian Appeals Board stresses that whether there was a violation of ECHR Article 3 returning asylum seekers to Greece has not been tried before National Courts. Cases in which this was submitted was tried at The Norwegian Appeals Board (Utlendingsnemnda/ UNE).

As you may have seen on our website, UNE is an independent quasi-judicial Appeals Board that handles appeals of rejections by the Directorate of Immigration (UDI) pursuant to the Immigration Act. Administratively, UNE sorts under the Ministry of justice and public security.

We hope the enclosed information is of use in your future and ongoing work.  
Please do not hesitate to contact us again if in need of more information.

Kind regards,

Kristin Sjøvik

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**UNE**

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0034 Oslo

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