



Conference of the European Chapter
of the International Association of Refugee and Migration Judges (IARMJ)
with the support of UNHCR

“REFUGEE AND MIGRATION LAW JUDGES - LOYAL TO WHOM OR LOYAL TO WHAT?”

Brdo Congress Centre (Predoslje), Slovenia
11-13 September 2022

DRAFT OUTLINE OF THE PROGRAMME

Sunday, 11. September 2022 (Brdo Elegans Hotel):

19.00 Welcome Reception with refreshments - meeting of participants

Monday, 12 September 2022 (Congres Centre Brdo, venue: Grandis Hall)

08.30 - 09.30 Conference Registration

Session 1: Opening addresses: Asylum and migration disputes in Europe in the context of international rule of law

09.30 - 09.40 Boštjan Zalar, President of the IARMJ-Europe, Senior High Court Judge, Administrative Court of the Republic of Slovenia (moderator)

09.40 - 09.50 Damijan Florjančič, President of the Supreme Court (Slovenia)

09.50 - 10.05 Dominika Švarc Pipan, Minister of Justice of the Republic of Slovenia **(tbc)**

10.05 - 10.20 Representative of the UNHCR

10.20 - 10.40 Matej Accetto, President of the Constitutional Court (Slovenia)

10.40 - 10.50 **Coffee/tea break**

Session 2: Highlights in recent case law in migration or asylum-related disputes before the ECtHR and CJEU

(moderator: Harald Dörig, Vice-President of the IARMJ-Europe, retired judge of the Federal Supreme Administrative Court, Germany)

10.50 - 11.15 Lars Bay Larsen, Vice-President of the CJEU: New developments in the case law of the CJEU?

11.15 - 11.40 Jolien Schukking and Mattias Guyomar, Judges of the ECtHR: New developments in the case law of the ECtHR?

11.40 - 12.00 Discussion



Session 3: Tools for Judges Part I

(moderator: Sebastiaan de Groot, former President of the IARMJ, retired judge, the Netherlands **tb**)

12.00 - 12.15 10 years of cooperation with European courts and tribunals, Paul Leplomb, European Union Agency for Asylum (EUAA), Courts and Tribunals Sector

12.15 - 12.35 DiCTA - digital data base on asylum law and newsletters designed for judges (NEAIS, NEMIS), Carolus Grütters, Centre for Migration Law, Radboud University, Nijmegen

12.35 - 12.45 Refworld, representative of UNHCR

12.45 - 13.45 **Lunch**

Session 4: Highlights of contentious procedural and material law issues of European character in national case law on migration and/or asylum

(moderator: Catherine Koutsopoulou, Vice-President of the IARMJ-Europe, Judge of the Administrative Court of First Instance, Athens)

13.45 - 14.05 Liesbeth Steendijk, Judge of the Council of State, the Netherlands

14.05 - 14.25 Holger Böhmman, Judge of the Federal Supreme Administrative Court, Germany

14.25 - 14.35 Discussion

14.35 – 14.55 Christian Boulanger, Judge - President of Section, National Court of Asylum, France

14.55 - 15.15 Jakub Camrda, Judge of the Supreme Administrative Court, Czech Republic

15.15 - 15.25 Discussion

15.25 - 15.35 Damjan Kukovec, Judge of the General Court of the EU: “Is there a link between judicial independence and autonomy of EU law?”

15.35 - 15.50 **Tea/Coffee Break**

16.00 - 17.00 General Assembly of the IARMJ-Europe

(chair: Boštjan Zalar, President of the IARMJ-Europe)

- Report (2018-2022) of the President of the IARMJ-Europe
- Explanations of the amendments to the Constitution of the IARMJ-Europe and interpretation of the mandate of the existing officers of the IARMJ-Europe: Katelijne Declerk, Immediate Past President of the IARMJ, retired judge of the Council of Alien Law Litigation, Belgium
- Vote on amendments of the Constitution of the IARMJ-Europe
- Report (2018-2022) of the Treasurer of the IARMJ-Europe, Jeremy Rintoul, Judge of the Upper Tribunal, UK
- Election of the officers of the IARMJ-Europe

19.00 Formal dinner at Brdo Castle



Tuesday, 13 September 2022 (Congress Centre Brdo, venue: Grandis Hall):

Session 5: EU Temporary Protection Directive 2001/55 in Case of Ukraine and related subjects
(moderator: Jasna Šegan, President of the Administrative Court of the Republic of Slovenia)

- 09.00 - 09.15 Contentious Issues of the Temporary Protection Directive in Practice of Member States, Tatjana Bobnar, Minister of Interior of the Republic of Slovenia
- 09.15 - 09.25 Being a Judge in Time of War, Ella Kataeva, Judge of the Administrative Court in Odessa Ukraine)
- 09.25 - 09.45 Identifying Victims of Trafficking in the Context of Judicial Proceedings: Definitions and Indicators, Maria Grazia Giammarinaro, former judge of the Criminal Court (Rome), OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Co-ordinator of the Group of Experts on Trafficking in Human Beings of the EU Commission and UN Special Rapporteur on Trafficking in Persons
- 09.45 - 09.55 Break

Session 6: Limits of the principle of the abuse of rights in migration and asylum disputes under European law standards

- (moderator: Judith Gleeson, Judge of the Upper Tribunal, London)
- 09.55 - 10.15 Abuse of right in migration cases before EFTA Court, Bernd Hammermann (Liechtenstein), Judge of the EFTA Court
- 10.15 - 10.35 The abuse of rights under EU law: Damjan Kukovec, Judge of the General Court of the EU
- 10.35 - 10.45 Discussant on abuse of right in French case law on asylum: Thomas Besson, Judge – President of Section, National Court of Asylum (France)
- 10.45 - 10.55 Discussant on abuse of rights in asylum/migration cases in New Zealand: Martin Treadwell, Judge - Chair of the Immigration & protection Tribunal (New Zealand)
- 10.55 - 11.15 Discussion
- 11.15 - 11.35 **Coffee/tea break**

Session 7: Examples and experiences with ex officio powers of courts in asylum-related cases
(moderator and discussant: Peter Nedwed, Judge of the Supreme Administrative Court, Austria)

- 11.35 - 11.55 Elena Masetti Zannini and Cristina Contini, Judges of the Tribunal in Milan (Italy): Ex officio powers/responsibilities in Italian practice based on EU law and case law of the ECtHR
- 11.55 - 12.10 Comments: Goran Selanec, Judge of the Constitutional Court of the Republic of Croatia **(tbc)**
- 12.10 - 12.25 Discussion
- 12.25 - 13.25 **Lunch**



Session 8: Remote/hybrid hearings in asylum disputes

(moderator: Johan Berg, Judge – Chair of the Immigration Appeals Board, Norway)

13.25 - 13.45 Hilkka Becker, Chair of the International Protection Appeals Tribunal, Ireland

13.45 - 13.55 Discussion

Session 9: Contentious issue(s) of access to (asylum) procedure

(moderator: Johan Berg, Judge – Chair of the Immigration Appeals Board, Norway)

13.55 - 14.15 An example of externalisation of asylum processing and prohibition of indirect refoulement: Michael Hoppe, Vice-President of the Administrative Court Karlsruhe (Germany)

14.15 - 14.25 Discussant: Hugo Storey, Immediate Past President of the IARMJ-Europe, retired judge of the Upper Tribunal, London

14.25 - 14.35 Discussant: Nabil Benbekhti, Senior Legal Officer, UNHCR

14.35 – 14.50 General discussion

14.50 – 15.10 Coffee/tea/break

15.10 - 15.40 Time available for meetings and discussion on future collaboration between EUAA and IARMJ-Europe and between UNHCR and IARMJ-Europe and for the meetings of the working parties of the IARMJ

15.40 - 16.00 Meeting of the Council of the IARMJ-Europe

16.00 End of the Conference