

# Transnational Exchange Workshop on litigation venues in front of the CJEU

## Immigration detention and alternatives to detention of children

**1-2 April 2025  
Luxembourg**

This workshop will serve as a collaborative space to enhance understanding of the procedural and strategic aspects of litigating in front of the CJEU, with a particular focus on existing preliminary questions and preliminary rulings of the CJEU in the field of (alternatives to) immigration detention of children. Through a blend of case studies, expert-led discussions, and practical exercises, participants will engage with topics ranging from effective litigation strategies to advocacy and communications in support of legal cases.

- > The most relevant jurisprudence of the CJEU in the area of alternatives to detention of migrant children will be discussed.
- > Lawyers will discuss best strategies on how to suggest to national judges to ask a preliminary question to the CJEU in a certain case.
- > The workshop will include a review of the infringement proceedings process, considering its potential as a tool for challenging national practices that may conflict with EU law.
- > Advocacy and communication strategies that can enhance the impact of litigation and build public awareness around these issues will also be explored.

### DAY 1

**9:30-9:45 WELCOME AND INTRODUCTIONS**

Introduction of the project, agenda, and key themes

*Karolína Babická, Senior Legal Adviser, International Commission of Jurists (ICJ-EI)*

*Martine Comte, Commissioner, ICJ*

**9:45-10:45 THE ROLE OF THE CJEU IN IMMIGRATION LAW**

- Introduction to CJEU's Structure and Jurisdiction
- Overview of the CJEU's function regarding immigration detention

*Igor Taccani, Referendaire, CJEU*

**10:45-13:15 UNDERSTANDING PRELIMINARY QUESTIONS – Meeting with the CJEU staff**

**10:45-11:45 Formulating effective preliminary questions before the CJEU**

Guidelines for drafting preliminary questions

*Igor Taccani, CJEU*

**11:45-12:15 COFFEE BREAK**

**12:15-13:15 Discussion on how to effectively present cases to the court**

Practical advice on interacting with the court

*Moderator: Alexandra Matiaško Lawyer, Forum for Human Rights (FORUM)*

*Panelists: Igor Taccani, CJEU*

*Magdalena Ličková, Referendaire, CJEU*

*Grusa Matzevic, Senior Legal Officer, Hungarian Helsinki Committee (HHC)*

*Martine Comte, ICJ*

**13:15-14:30 LUNCH BREAK**

**14:30-17:00 PRACTICAL STUDIES ON PRELIMINARY RULINGS**

**14:30-15:30 Presentation of the preliminary ruling mechanism**

How do preliminary rulings impact EU member states' national laws?

*Magdalena Ličková, Referendaire, CJEU*

**15:30-16:00 COFFEE BREAK**

- 16:00-17:00 **Successful case studies related to immigration detention and alternatives to detention of children**
- Age assessment and Family reunification<sup>1</sup>
  - Transit zones<sup>2</sup>
  - Best interests of the child<sup>3</sup>
- Stavros Papageorgopoulos, Senior Legal Officer, ECRE*

## DAY 2

### 9:30-10:30 EXPLORING INFRINGEMENT PROCEEDINGS

*Moderator: Valeri Petkov, Lawyer, Foundation for Access to Rights (FAR)*

9:30-10:30 **Initiating Infringement Procedures / Addressing non-implementation of CJEU Judgments**

*Bori Szigeti, Head of Sector for Enforcement, Legal Affairs and UK matters, DGHOME, European Commission*

10:30-11:00 **The Infringement Procedure as an additional tool to support Strategic Litigation**

*Grusa Matzevic, HHC*

11:00-11:30 **The role of infringement procedure in the implementation of the Reception Conditions Directive**

*Stavros Papageorgopoulos, ECRE*

### 11:30-12:00 COFFEE BREAK

### 12:00-13:00 NATIONAL LITIGATION STRATEGIES

12:00-12:45 **Breakout Sessions by Country**

- Discussion on national challenges on immigration detention and alternatives to detention of migrant children
- Identifying strategic entry points for CJEU litigation

12:45-13:00 **Reporting back and closing**

*Moderator: Laura Duchamp, ICJ  
Martine Comte, ICJ*

### 13:00 LUNCH

### 14:30 CJEU HEARING

*This transnational workshop will convene European and international experts alongside national legal professionals, emphasizing both capacity-building and knowledge exchange. Participants will include experts affiliated with the Court of Justice of the European Union addressing **immigration detention and alternatives to detention of children**. The workshop offers a platform for sharing best practices, advancing ongoing and future litigation efforts, and strengthening legal practitioners' capabilities in strategic litigation.*

*This in-person workshop, part of a three-part transnational exchange series held in Luxembourg, Greece, and the Czech Republic, builds on prior national training sessions tailored for legal practitioners from the Czech Republic, Belgium, Malta, Greece, Bulgaria, and Poland.*

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<sup>1</sup> Case C-550/16, *A and S v. Staatssecretaris van Veiligheid en Justitie*, Judgement of the Court (Second Chamber) of 12 April 2018

<sup>2</sup> Cases C-924/19 PPU and C-925/19 PPU, *FMS and Others v Országos Idegenrendészeti Főigazgatóság Dél-alföldi Regionális Igazgatóság and Országos Idegenrendészeti Főigazgatóság*, Judgement of the Court (Grand Chamber) of 14 May 2020

<sup>3</sup> Case C-112/20, *M. A. v. État belge*, Judgment of the Court (Tenth Chamber) of 11 March 2021