Chapter 8:
Making the Case X&X for the Humanitarian Visa

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This chapter aims to introduce the perspective of a legal practitioner who represented the interests of a Syrian family that applied for a humanitarian visa to Belgium, in a case that led to the *X. and X.* ruling of the CJEU. It will answer the following questions: Did I have any specific intentions before initiating such a visa request? Is it related to what is usually called 'strategic litigation'?

Strategic litigation may be used with different intentions, but it is essentially about effecting enduring systemic change in the fabric of law through path-breaking precedents in Courts. The repressive turn in immigration law has driven many actors to assume that strategic litigation is one of the best tools to achieve a progressive agenda in the legal field. History shows nonetheless that movements relying on judges to move social norms are weak if they are not aligned with grassroots political movements.[2] Actions in the interest of the public, appeals against the law at Constitutional Courts, there are many kind of actions where lawyers, representing collectives may try to use the law strategically. But what about the defence of individual cases?

I have my doubts about the fact that, as an asylum and migration lawyer, I could be in a position to be strategic. Michel de Certeau, in the *Practice of Everyday Life*, claims that any use is a creative appropriation. In his analysis of the user, de Certeau brings the distinction between a strategic position and a tactical position.[3]

Strategy is the prerogative of those in a position of power to manage relations with external targets. A tactic is an art practised by those not in power to move on the territory controlled by others, and in that sense a tactic is an art practised by the 'weak'.

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2 S Moyn, Human rights and the use of History (London & New-York, Verso, 2014, 2017) 178.

3 M de Certeau, L'invention du quotidien, 1. Arts de faire (Paris, Gallimard, 1980 and Paris, Poche, 1990) 60-61.

My clients definitively adopt tactics. Their attempts to enter the European Union's territory, for instance, when they bypass border control, can be characterised as tactics. Their tendencies to adapt their life story to the expectations of an inquisitorial assessment of their 'refugee quality' are again tactical moves. And the sphere is changing all the time. Regularly, clients share information they gain about new administrative practices, new pathways, or new means, which points to their reactivity to structural changes that might affect them. Especially the last years have witnessed new tensions in the relations between newcomers and the authorities. As a direct consequence of that, there are now refugees who refuse to ask for asylum, as in Brussels, in Calais and in other places around Europe. That raises questions for which there is no straight answer, and it is important at this juncture to consider this new reality of the refugees, earn their confidence, and defend them against oppression.

As a lawyer, the first step involves listening to the problems of the clients, in order to appropriately respond in light of the changes in the legal and policy landscape. In my view, giving legal advice is not a prescription on the conduct of the client. Such a response is not compatible with a purely analytical approach of the law. But its potential must be tapped into because anticipating, tracking, and understanding those tactical moves often highlights sensitive zones of friction in the law.

In reality, for a lawyer, it is never about building a single case. A lawyer is involved in repetitiveness, and in many different relations at any given time: with clients, social workers, activists, other lawyers, with the administration, and with judges. From time to time, there will be cases that bring to light the evidence before the Court of a new reality, where what can be considered as the truth must be redefined. All of a sudden, the definition of truth can change radically. Every lawyer has experienced this sudden shift of the truth when, for instance, the Supreme Court overturns an interpretation of the law widely accepted over many years.

Having worked for years at the Belgian Refugee Council,[4] a Belgian NGO providing legal assistance to asylum seekers and refugees and acting as the representative of UNHCR in Belgium, I am aware of the huge impact of networks and the collective nature of legal work. A judgment like *MSS*,[5] for instance, is the result of hammering on the same nail for more

4 The Comité Belge d'Aides aux Réfugiés (CBAR) has been dissolved in 2016. A new NGO named NANSEN is now assisting asylum seekers in Belgium, see: < https://nansen-refugee.be/> (accessed 25 November 2019).

5 M.S.S. v. Belgium and Greece (App. No. 30696/09)ECHR GC 21 January 2011.

than three years by hundreds of lawyers all over Europe. While most EU countries, insisting on their duties under EU Regulation, were wont to transferring asylum seekers to Greece despite alarming reports from human rights bodies, hundreds of complaints were finally made to the ECtHR denouncing these transfers.[6] In a lead judgment, the Court found that the terms of European cooperation within the asylum system had to take into account the responsibility of the States to protect fundamental rights.[7] If *MSS* has turned out to be a highly strategic case, one must not forget that it is the result of a very long collective fight.

X. and X. suddenly became highly sensitive and strategic following the decision of the Belgian Court to refer to the Court of Justice. Many important cases have this same pattern. In such situations, the lawyer and the clients become part of a larger and more complicated cause.[8]

In Belgium, visas usually do not represent a rich field of litigation. The Belgian Refugee Council was among very few with expertise on the issuance of family reunification visas for refugees. When the war started to rage in Syria, no week went by without phone calls from Syrians asking for support for family members in Syria and how to bring them safely to Europe. This led to new reflections and new practices on humanitarian visas.

In January 2015, I left the Belgian Refugee Council and started to work as a lawyer registered at the Brussels bar. Soon I had to deal with requests for humanitarian visas and the ensuing proceedings. My first client was a Christian Syrian with a mental disability. While his entire family had come to Belgium over the last three years, and he was the last one remaining in Syria, because he was the only one not able to travel with a smuggler.

In Belgian law, there is no specific provision on humanitarian visa under a specific legal framework. Basically the law says that if a foreigner does not have the right to remain more than three months on the territory on a specific ground foreseen by the law, he or she may be authorised to do so by the minister in charge.[9] Beyond that, the law does not establish the cri-

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6 For Belgium alone, there were 97 pending applications before the ECtHR against the transfer of asylum seekers to Greece.

7 M.S.S. v. Belgium and Greece (n 5) at para. 338.

8 M Baumgärtel, Demanding Rights. Europe's Supranational Courts and the Dilemma of Migrant Vulnerability (Cambridge, Cambridge University Press, 2019) at 136.

9 Article 9 of the Law of 15 December 1980 on the Stay, the Establishment and the Removal of Aliens from the Belgian territory (Aliens Act).

teria to be fulfilled to obtain a humanitarian visa and every application is examined on a case-by-case and discretionary basis.

These experiences allowed me to draw the following conclusions on the problems faced by those trying to flee from conflict zones by means of humanitarian visas and by those who represent their interests:

- These cases are time consuming.
- Most of the time, there is no direct contact with the client, owing among others to such diverse factors as the distance, the conflict, and the language.
- There are challenges to getting the legal fees covered by legal aid. Since the client resides abroad, it is difficult to prove lack of sufficient income.
- There is no functioning Belgian embassy in Damascus. A Syrian client faces the challenge of crossing the borders. It is very dangerous to cross the Turkish borders. Procurations are accepted at the Belgian consulate of Ankara, but reaching Ankara to get the visa is not as easy.
- Establishing the facts to build the case on humanitarian grounds is yet another challenge. The expectation of the administration is that the full scope of information will be made available. Very often, the situation demands an external assessment. Who is to be entrusted with this task? This is when contact with international NGO's, the UNHCR, and other bodies, and bureaucracies comes into play.
- Once the request is completed, one remains at the mercy of a discretionary procedure. First, there is no time limit for the treatment of your request. Second, it is difficult to anticipate the grounds that may be invoked to justify the rejection of the request, as there is no right to be heard before the decision is made.
- There is no effective remedy. The appeals procedure may be very slow. Lawyers attempt to overcome this problem by using the extreme urgency procedure, which allows the competent judge, the Council for Aliens Law Litigation (hereinafter: the Council) to suspend the decision awaiting a decision on the merits; but for obvious reasons, this procedure is not fit for the purpose. What does it mean to get the suspension of a decision to deny a visa?
- The administrative nature of the proceeding makes it hazardous. You may get the suspension of the visa refusal, you may even get it cancelled, the risk of a new refusal with a modified motivation is high, making the process more lengthy.

The idea to invoke the EU Visa Code[10] thus came with the objective of obtaining better safeguards, less discretionary decisional processes and quicker decisions, namely by connecting the issue of humanitarian visa to general principles of the EU law and the Charter of Fundamental Rights of the European Union (hereinafter: the Charter).

The possibility of working with the Visa Code to get a better access to humanitarian visa was in the air at that time. The European Parliament had issued a report on humanitarian visas[11] with recommendations for clear safeguards for protection seekers when asking for a visa on humanitarian grounds. Professor Steve Peers wrote a blogpost on the *Koushkaki*[12] ruling,[13] from which he deduced an obligation on the part of EU Member States to issue visas with limited territorial validity if such a visa became necessary on humanitarian grounds. There were also many political calls for a stronger use of humanitarian visas. The European Parliament voted for a resolution where Member States were asked to deviate from the normal admissibility criteria for a visa application 'on humanitarian grounds' and to the create new safe and lawful routes for asylum seekers.[14] Even the European Commission stated that Members States should use the other legal avenues available to persons in need of protection, including private/non-governmental sponsorships and humanitarian permits, and family reunification clauses.[15] The UNHCR[16] and many others, made calls for the use of the humanitarian visa to respond to the Syrian refugee crisis. There were many references to Article 25 of the Visa Code as one possible legal

10 Regulation No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) [2009] OJ L 243.

11 U I Jensen, Humanitarian Visas: Option or Obligation? (Brussels, European Parliament, Study for the LIBE Committee, 2014).

12 Case C-84/12 Koushkaki [2013] EU:C:2013:862.

13 S Peers, 'Do potential asylum - seekers have the right to a Schengen visa?' (2014) EU Law Analysis <http://eulawanalysis.blogspot.com/2014/01/do-potential-asylum-seekers-have-right.html> (accessed 25 November 2019).

14 European Parliament resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, 2015/2095(INI).

15 COM (2015) 240 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration.

16 UNHCR, UNHCR highlights dangers facing Syrians in transit, urges countries to keep borders open (Press Release, 18 October 2013) <http://www.unhcr.org/526114299.html> (accessed 25 November 2019); UNHCR, UNHCR Reports Progress on Resettlement, Aid for Syrian Refugees (Press release, 30 March 2016) <http://sd.iisd.org/news/unhcr-reports-progress-on-resettlement-aid-for-syrian-refugees/> (accessed 25 November 2019).

frame for issuing humanitarian visa to asylum seekers, but there was no legal consensus on whether the EU Visa Code was indeed applicable. All these views on the application of the Visa Code were remaining prospective, trying to fill a gap in the legal framework.

Then came a specific request from a family with three children, who were Christians from Aleppo and had friends in Belgium. They knew that Belgium had taken in some Christians from Aleppo and had personal relationships with some of those who have been exfiltrated out of Aleppo during a humanitarian operation organised by the Belgian government in July 2015.[17]

The personal situation of the family was well documented – not just that they lived in Aleppo or that they were Christians, but also that the father had been kidnapped by the militias and his car business has been ransacked and then taken over.

Without any strong ties with Belgium, in practice, they had no chance of obtaining a visa under the purely discretionary procedure.[18] Under these circumstances, this was maybe a fitting case to make a request under the Visa Code.

The visa request was prepared in July 2016. At that time, Aleppo was under siege and the UN was regularly publishing news about the humanitarian needs in the city. On different occasions, the Belgian State Secretary for Asylum and Migrations, Mr Theo Francken, had declared his willingness to 'save Christians from hell' in Syria and two operations were organised in 2015 to bring Christians from Syria to Belgium. The family relied on these declarations and actions of the State Secretary to argue that their personal case could not be treated in a different manner.

While these rescue actions were politically motivated by the State Secretary to oppose different categories of refugees,[19] they were used by us here to demonstrate that the same administration could not reject the absolute necessity of issuing such visas for other categories of people living under

17 De Morgen, België redt 250 omsingelde christenen uit Aleppo (8 Juli 2015) <http://www.demorgen.be/buitenland/belgie-redt-250-omsingelde-christenen-uit-aleppo-a2388752/> (accessed 25 November 2019).

18 There ar no clear criteria for the issuance of humanitarian visa, but the practice shows that a personal link to Belgium is often requested, beyond the sole humanitarian needs. See : MYRIA, Les visas humanitaires, Frontières et droits fondamentaux (Brussels, MYRIA, Myriadocs 4, May 2017) <https://www.myria.be/fr/publications/myriadocs-4-visa-humanitaire> (accessed 25 November 2019).

19 The State Secretary has been accused of favouring Christian refugees in the Syrian context.

the exact same conditions, experiencing the same vulnerabilities. If the administration cannot but confirm the state of necessity, the conditions for the issuance of an humanitarian visa should be met. A reference was made to Article 18 of the Charter, under the consideration that the claimants are *prima facie* refugees.[20]

After the reservation of an appointment to the embassy online, the organisation of the travel of the family, the request for a visa to claim asylum in Belgium was finally registered at the Embassy in Beirut in September 2016.

Another similar case was already introduced in Belgium a few weeks ago, which very quickly drew the attention of the national press. After several positive judgments in the extreme urgency procedure, and owing to the unwillingness of the administration to confront its reasoning to those judgements, a judge decided to order in favour of the issuance of the visas, but the State Secretary refused to execute this judgement.[21]

Our visa request very quickly received a negative answer. The Belgian Consulate in Beirut sent an alarming signal to the ministry. The Consul wrote to the ministry that such visa requests could not be possible because it would mean that people would no longer need to take makeshift boats to reach Europe.

In a media war on humanitarian visas, the State Secretary was accusing disconnected judges of fuelling a no-border policy. This situation probably motivated the Council for Alien's Litigation to process our appeal within the General Assembly of the Council.[22] After a first audience, this Assembly of the Council decided on its own move, within the framework of urgent procedure, to refer the case to the EU Court of Justice.

The referral of the Council came in a judgment on 8 December 2016. On 12 December 2016, the case was registered at the Court of Justice and communications to the parties were sent on 16 December 2016. The case

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20 A prima facie approach means the recognition by a State or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin. See: UNHCR, Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status(Geneva, UNHCR, 5 June 2015).

21 This case is now pending before the Grand Chamber of the ECtHR (M.N. & others v. Belgium, App. No. 3599/18). The case raises the issue of the applicability of the ECHR within the assessment of humanitarian visa requests, but also the effectivity of the remedies offered to the claimants in their contestations of the visa refusal.

22 The General Assembly may be summoned to preserve the unity of the case law or to develop the case-law (Article 39/12 of the Alien's Act). It gathers minimum 10 judges.

would be treated in the fast track procedure and written observations of maximum 15 pages have to be delivered on 4 January 2017.

I had to send in written observations to the Court in a very short timeframe (19 days). There would be no Christmas break that year. *X. and X.* needed exclusive attention and that meant leaving aside all other clients and finding the means to assume this workload.

Legal aid is no longer an option. The fee for a proceeding at the CJEU is three points for the written observations and three points for the audience, for an estimated retribution of 450 euros. This is grossly undervalued when, for example, an appeal against an order to leave the territory would be rewarded with nine to eleven points. This amount would not even cover the expenses incurred over one month, and a month was required to establish a proper defence. Financial alternatives had to be found quickly to be able to work seriously on the case. Fortunately, the fundamental issues raised in the course of *X. and X.* helped me to find sponsors for the legal work.

Being an autonomous lawyer without significant internal resources, building up a work team has become a central issue for preparing the written observations. Access to academic literature on extraterritorial asylum, on diplomatic asylum, and on the right to enter was an essential part of the preparatory work to gain an overarching view of the state of international law and its prospective developments. Academics were generous in sharing their work with me. I hired a colleague, Pierre Robert to collaborate on the drafts. Different lawyers, legal researchers, NGO staff gave interesting feedback on the drafts. Universities seemed very accessible in their sharing knowledge with me. The EDEM Center of the Université Catholique de Louvain[23] and the Vrije Universiteit Amsterdam[24] were particularly helpful in making their research available to me at the time of the redaction, either by making publications accessible or by commissioning new relevant articles.

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23 J-Y Carlier and L Leboeuf, 'The X. and X. case: Humanitarian visas and the genuine enjoyment of the substance of the rights, towards a middle way?' (2017) EU Immigration and Asylum Law and Policy <https://eumigrationlawblog.eu/the-x-and-x-case-humanitarian-visas-and-the-genuine-enjoyment-of-the-substance-of-rights-towards-a-middle-way/> (accessed 25 November 2019).

24 T Spijkerboer, E Brouwer and Y Al Tamimi, Advice in Case C-638/16 PPU on Prejudicial Questions Concerning Humanitarian Visa(VU University Amsterdam, 5 January 2017) <https://www.refworld.org/docid/5874ee484.html> (accessed 25 November 2019).

Beyond strict legal work, much time was also spent on meetings with NGOs, people working on recasting the Visa Code, on possible interventions of the European Parliament in the case, and on correspondence with journalists from the Belgian and European press whose questions needed immediate response.

What did we try to achieve and avoid in our written observations ?

First of all, we wanted to avoid turning the scope of Article 4 of the Charter (Article 3 of the ECHR) into the central focus of the interpretation. Given the absolute nature of those dispositions, there was the risk of making a positive obligation to issue a visa under Article 4 of the Charter an unsustainable and unrealistic goal. What if the person at risk of torture and requesting a visa is a criminal?[25]

We also avoided any request for an externalised asylum procedure within the embassies. The aim here was to confirm the refugee status via regular procedure in Belgium according to the Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)[26] and not to claim the refugee status from abroad.

In the practice, visa requests were made in Lebanon, a third country. So that the persons in question here, no longer living in their country of origin, were already refugees. Considering the situation in Syria at the time of processing, they were indeed *prima facie* refugees. The fact that no authority is ready to recognise them as such in Lebanon forms no obstacle to this reasoning while the refugee status is a declarative one.[27] All issues here are very easy to assess. Just the knowledge of the most common facts is enough to assess the protection needs. At the root of the case, of course, were the reasons to flee Syria, but equally relevant were the reasons not to remain in Lebanon. The country cannot be considered a first country of asylum as it

25 Abdul Wahab Khan v the UK (App No 11987/11) ECHR (dec.) 28 January 2014.

26 Art 3.2 of the Directive 2013/32/EU states that the Directive shall not apply to requests for diplomatic or territorial asylum submitted to representations of Member States.

27 UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees (Geneva, UNHCR, December 2011) at para. 28: 'A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. Recognition of his refugee status does not therefore make him a refugee but declares him to be one. He does not become a refugee because of recognition, but is recognized because he is a refugee.'

was common knowledge at that time that Syrian refugees were no longer allowed to register as refugees in Lebanon.[28]

If we agree that the visa requests are made by refugees, we can draw a positive obligation under the institution of asylum to secure access to refugee rights when Article 18 of the Charter is meant to protect the institution of asylum.

Article 18 of the Charter can be the perfect safeguard of the asylum institution within EU law. Unfortunately, asylum remain the 'invisible right'[29] within EU law. So far, the CJEU has not declared its position on the scope of Article 18 of the Charter, the right to asylum and its distinction from Article 19 of the Charter, the protection against *refoulement*.[30] Contrary to the ECHR, EU law and the Charter are not connected to any territorial definition of the jurisdiction. The sole application of EU law makes the Charter compulsory.[31] Article 18 of the Charter might also apply when the Visa Code is at play.

Access to asylum may also be directly connected to protection against *refoulement*. In practice, the action to prevent a departure may constitute a *refoulement*. Under Article 33 of the Geneva Convention, *refoulement* is forbidden '*by any means what so ever*'. How do you conceive the notion of *refoulement* in the context of blurring of borders and of public policies that tend to externalise border management to other spaces and authorities. Following some ExCom statements, the limitation to access to the territory may amount to *refoulement*, even within visa policy.[32] How can we accept

28 The claimants were not able to obtain the recognition of their refugee status because of the suspension of the registration of Syrian refugees by the UNHCR as of 6 May 2015, following an order from the Lebanese authorities. See: M Janmyr, 'The fragile legal order facing Syrian refugees in Lebanon' (24 July 2018) EU Migration Law Blog <https://eumigrationlawblog.eu/the-fragile-legal-order-facing-syrian-refugees-in-lebanon/> (accessed 25 November 2019).

29 This expression was used in M-T Gil-Bazo, 'The Charter of Fundamental Rights of the European Union and the Right to be Granted Asylum in the Union's Law' (2008) 27 Refugee Survey Quarterly 3 at 37.

30 In a recent judgment, Article 18 of the EU Charter of Fundamental Rights is interpreted as safeguarding the right to asylum within EU law, see: Case C-391/16 M & Others [2019] EU:C:2019:403. In this judgment, the CJEU examines the validity of the exclusion from the international protection under article 14.4 to 14.6 of the Directive 2011/95 with the Geneva Convention.

31 Case C-617/10 Akerberg Fransson [2013] EU:C:2013:105 at para. 21.

32 UN, ExComm No. 87 (L) – 1999 – General Conclusion on International Protection; UN ExComm, No. 97 (LIV) – 2003 – Conclusion on Protection Safeguards in Interception Measures.

the paradox that Europe may try to make its territory inaccessible and at the same time claim that it still respects the principle of *non refoulement*?

In the beginning of January, our observations were sent to the Court and we received the written observations of the Belgian State and the EU Commission.

The main counter-argument put forth by both the Belgian State and the Commission was to disqualify all claims as being outside the scope of EU law, because, concretely, the claimants wished to get a long-term visa, and not a short-term visa under the Visa Code.

The public audience gave us the opportunity of contesting this legal interpretation of the facts. Following the official statistics of Eurostat, European Member States issued about 30,000 Schengen visas to Syrians in 2010. In 2013, when the war was raging, this number was near to zero. This is precisely the paradox the Court had to answer in *X. and X*. The EU policy on the border control aims to fight illegal migration but at the same time forces refugees to rely on the same illegal migration networks that they are fighting.

The cohesion duty seeks to ensure that the border control policy is compatible with refugee protection. Obviously, you may always doubt the willingness of a *prima facie* refugee to leave the Schengen space when the visa expires. This essentially means that no Schengen visas will be issued to Syrian citizens since the recognition rate is above 95 %.

While Article 21 of the Visa Code stipulates that particular consideration shall be given to assessing whether the applicants present a risk of illegal immigration, *X. and X* gave an humanitarian explanation to a foreseeable refusal ground by admitting already at the stage of their request that they would apply for asylum once they arrived in Belgium.

The opinion of Advocate General Mengozzi came as a big surprise, especially because the same Advocate General had ruled in *Kouskhaki* that the Visa Code was barely EU law, leaving a very important margin of appreciation to the Member States.

Advocate General Mengozzi came to the same conclusion as the claimants by stating that the refusal to issue the visa sought has the direct consequence of encouraging the applicants in the main proceedings to put their lives at risk, including those of their three young children, to exercise their right to international protection.[33] He insisted that careful consideration be given to his reasoning in reaching a decision, as this pertained to a

33 Case C-638/16 PPU X and X [2017] EU:C:2017:93 Opinion of AG Mengozzi at para. 159.

matter of law and not of emotions. This opinion will continue to be brought to bear for its strong arguments in favour of legal access to asylum seekers and may inspire other legal actions in the future.

Unfortunately, the Court found a consensus on a shorter track. Even if formally submitted on the basis of Article 25 of the Visa Code, the request falls outside the scope of that Code and the situation at issue in the main proceedings is not governed by EU law.[34] Imagine for a second that my clients would have said that they wanted to buy some chocolate in Brussels to bring them back in Aleppo, then, following the reasoning of the Court, the Visa Code would have applied.[35]

Made on the wrong legal basis, following the EU judgement, the appeals in the Belgian Courts would be declared without object and the case would be definitively closed.

The State Secretary praised this judgment for helping him to consolidate his discretionary power with respect to the issuance of the humanitarian visa. In that sense, the legal frame has remained unchanged.

Ironically, two years later, intermediaries of the State Secretary have been charged with corruption in the possible sell-out of humanitarian visas to Christians from Syria, and Mr Theo Francken has been accused of promoting a system of humanitarian visas that feeds corruption and clientelism.

34 Ibid. at para. 43-45.

35 See M Zoeteweij-Turhan and S Progin-Theuerkauf, 'CJEU Case C-638/16 PPU, X and X – Dashed hopes for a legal pathway to Europe' (10 March 2017) European Law Blog <https://europeanlawblog.eu/2017/03/10/cjeu-case-c-63816-ppu-x-and-x-dashed-hopes-for-a-legal-pathway-to-europe/> (accessed 25 November 2019).