



Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union i.n.p.a.

Association des Conseils d'Etat et des Juridictions administratives suprêmes de l'Union européenne a.i.s.b.l.



Association of the Councils of State and the Supreme Administrative Jurisdictions of the European Union

With scientific support from the Belgian Aliens Litigation Council

Asylum and immigration law: the national judge between national and European standards

Brussels

- 17 December 2010 -

(simultaneous interpretation English/French)

Seminar organised with the support of the European Commission and the cooperation of ERA



Programme

9.00 a.m. Welcome

by Mr Yves Kreins, Secretary-General of ACA-Europe

9.15 a.m. Presentation of the seminar

by Mr Robert Andersen, First President of the Belgian Council of State

9.30 a.m. Presentation of the general report

by Ms Nele Vermander, Head of the Legal Department of the Belgian Aliens Litigation Council

10.15 a.m. Coffee break

**10.30 a.m. First Issue: EVIDENCE LAW IN
COMPETENT NATIONAL COURTS WITH REGARD TO
ACTIONS FILED BY FOREIGN NATIONALS**

Introduced by

Ms Eva Jagander, Judge of the Swedish Court of Appeal MIGRATION
(‘benefit of the doubt’ principle)

Ms Madeline Garlick, Head of the Policy and Legal Support Unit,
UNHCR (burden of proof and credibility)

Mr Jacek Chlebny, Judge of the Polish Supreme Administrative Court
(weighing up evidence)

Discussions

**11.45 a.m. Second Issue: COMPETENCE OF THE
NATIONAL COURT TO ACT OF ITS OWN MOTION IN A
EUROPEAN CONTEXT**

Introduced by

Ms Sirje Kaljume, Counsellor at the Administrative Law Chamber of
the Estonian Supreme Court (procedural restrictions in the matter of
preliminary questions)

Mr Boštjan Zalar, Judge, Co-Chairman of the Asylum and Migrations
working group of the European Association of Administrative Judges
(preliminary questions: first-line point of view)

Mrs Skirgalije Zalminiene, judge of the Lithuanian Supreme Administrative Court (direct applicability of Articles 18 and 47 of the European Union Charter of Fundamental Rights)

Discussions

1.00 p.m. Lunch

2.30 p.m. Third Issue: THE NATIONAL COURT AND EUROPEAN INSTRUMENTS

Introduced by

Mr Hugo Storey, Senior Immigration Judge of the Asylum and Immigration Tribunal (London) (reference to European case law and/or to the case law of other Member States)

Mr Eamon Cahill, Chairman of the International Association of Refugee Law Judges (need for a national case law database on asylum)

Ms Hana Lupacova, Assistant of a Judge of the Czech Supreme Administrative Court (autonomous interpretation of Articles 1(a) to 1(f) of the Geneva Convention of 28 July 1951)

Discussions

3.45 p.m. Coffee Break

4.00 pm Conclusions

by Mr Serge Bodart, President of the Belgian Aliens Litigation Council

4.30 p.m. Closure of the meeting

Location

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<http://www.leplaza-brussels.be>

Documentation

The relevant documentation (questionnaire and national reports) is available on the ACA-Europe website, www.aca-europe.eu, under Colloquia/Seminars.

Contacts

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