

Celebrating 30 years of the ELENA Network: 1985-2015

Our role and history

Asylum lawyers in Europe have a special role to play in ensuring that those who were forced to flee their home countries are able to find effective protection in accordance with their rights. Legal practitioners aim to make sure that international refugee and human rights law, European asylum acquis and national laws are applied fairly, consistently, and in accordance with the rule of law.

This essential role was the impetus for the creation of the ELENA Network in 1985 with the support of France Terre d'Asile and EKD Germany. The initiative was based on the idea that lawyers and independent legal practitioners should come together to address the common concern of protection of asylum seekers and refugees in their work across Europe.

Who we are

The European Legal Network on Asylum (ELENA) is a forum of legal practitioners promoting the highest human rights standards for the treatment of refugees, asylum seekers and other persons in need of international protection in their daily individual counselling and advocacy work.

The network extends across most European states and involves some 500 lawyers and legal counsellors. ELENA is coordinated by the Secretariat of the European Council on Refugees and Exiles (ECRE) in Brussels in close consultation with the ELENA National Coordinators from 33 European countries. National co-ordinators are the core of the network and include motivated and highly experienced legal practitioners, academics and legal officers in ECRE member organisations. The structure of the national networks across Europe varies from formal legal entities to informal networks of asylum law practitioners.

30 years of achievement

The ELENA Network is celebrating its 30th anniversary this year after many fruitful years of litigation, research, training and information dissemination. It now plays a crucial and unique role in Europe in encouraging dialogue between legal experts across borders and through the exchange of information and pooling of knowledge. Its strength lies in its diverse membership, who, along with the ELENA Network as a whole, plays an important role in striving for greater protection for refugees and asylum seekers in an increasingly challenging environment. This was recognised three years after its establishment in 1988, when the ELENA network won an award from the French National Consultative Commission on Human Rights.

On the occasion of our anniversary, we would like to take this opportunity to highlight and celebrate the significant achievements of the European asylum lawyers, who have been involved in the network and work tirelessly to ensure that their advocacy and litigation successes have led to the positive development of asylum and refugee law across Europe. There have been numerous achievements of ELENA Network members over the past 30 years, all of which are worth celebrating. However, we have gathered a selection of key achievements which are illustrative of the main activities of the ELENA network.

Advocacy

The litigation activities of ELENA often work in tandem with advocacy, to encourage social and legislative change. In certain ELENA member states, the creation of the ELENA network has led to thriving national alliances of asylum lawyers which communicate and cooperate to assist each other in day to day casework and advocacy activities. These networks allow for information sharing on matters that cannot be verified by statistics or material that is not publicly available, including case-specific information. This is made possible by the fact that ELENA is a pan-European network whose members directly engage with refugees and asylum seekers on a daily basis.

The ELENA network has facilitated closer collaboration between practitioners both nationally and at the European level, allowing for mutual capacity strengthening, knowledge and resource sharing and the ability to learn from advocacy strategies and successes elsewhere. By monitoring and sharing information on national asylum law, practice and policy in other European countries, ELENA members have been able to advocate for improved asylum conditions in their states and work together to advance the common aim of protecting refugees and asylum seekers in accordance with human rights and dignity. Some examples of the ELENA Network's advocacy successes are set out below.

» *Greece*

In Greece, the informal ELENA network of lawyers has allowed for greater coordination and cooperation between free-lance lawyers and NGOs dealing with asylum, refugees and migrants.

The launch of the '[Campaign for the Access to Asylum in Attica Area](#)' in 2009 which advocated for greater access to asylum procedures, is an example of the coordinated efforts made by Greek NGOs to collectively promote the issue of access to asylum, in order to achieve better results. The efforts of the **Greek Council for Refugees (GCR)**, one of the ELENA coordinators in the country, with the combined effort of other NGO campaign members pressurised the authorities which eventually led to the establishment of a new Asylum Service in Greece. This was a positive breakthrough as it meant, in particular, that the police were no longer responsible for examining applications for international protection. The focus of the Campaign has adapted to this development and its efforts are now directed towards access to the new asylum service and issues of administrative detention of refugees.

In 2014, the GCR used the ELENA information exchange to obtain feedback from other European colleagues on national practice on provision of legal aid, in order to submit recommendations to the Asylum Service on the establishment of a legal aid system in Greece, the results of which are still anticipated. It also relied on a joint ELENA-ECRE publication published on 289 October 2010 of a [comparative survey on legal aid](#) provision to asylum seekers.

» *France*

The **ELENA network in France** urged other ELENA networks and practitioners to show solidarity with Russian colleagues from the network when controversial changes to the law on NGOs came into force in Russia in November 2012, meaning that any NGO engaging in "political activity" and receiving foreign funding can be asked to register on a database of "foreign agents". The law seriously compromised the ability of Russian human rights activists to carry out their essential work protecting human rights in Russia. As a result of the ELENA France initiative, ECRE launched the "[We are all foreign agents campaign](#)", which was an important way to increase awareness of this issue and was joined by a large number of ELENA practitioners and NGOs assisting refugees in Europe.

» *Hungary*

ELENA coordinator, the **Hungarian Helsinki Committee (HHC)**, published a [research report](#) in September 2011, concluding that it was in breach of the ECHR to consider Serbia a safe third country. As part of its research it used information collected from other ELENA coordinators on their national policy towards Serbia. This report was highly influential and led to the Supreme Court issuing an official opinion reflecting HHC's position, and following this; a change of policy from the Office of Immigration and Nationality, which stopped considering Serbia as a safe third country. This positive practice however changed in August 2015 when amendments to asylum legislation in Hungary entered into force.

The HHC provided written observations to the Supreme Court relating to the lawfulness and effectiveness of judicial review of asylum detention, and in a major advocacy success the Supreme Court's guidance (published in October 2014) fully endorsed and incorporated the HHC's position, finding that the procedures in place were ineffective to challenge detention.

Through information shared via the ELENA network, the HHC became aware of instances in which asylum seekers' transfers to Hungary were suspended by domestic or international courts due to the risk of the violation of Article 3 ECHR in Hungary. It was then able to assist lawyers in Belgium, France, Germany, the Netherlands, Slovakia, Switzerland and Sweden to formulate their submissions in litigation by providing up-to-date country information on Hungary. This was the impetus for the publication of an [information note](#) on access to protection for Dublin returnees in Hungary, which was a useful advocacy tool and evidence for many refugee-assisting organizations in Europe.

» *Italy*

The members of the **Association of Juridical Studies on Immigration (ASGI)**, coordinating the ELENA network in Italy, were instrumental in reforming the Italian asylum system over the last 15 years. Their advocacy and litigation efforts have helped to change the system from a centralised system where asylum decisions took an average processing time of almost 3 years and could be appealed against exclusively in Rome, to a more procedurally effective system with decentralized first instance boards across Italy, processing times normally not exceeding 6 months at the first instance and a decentralized appeals structure. There is still a lot of advocacy and litigation work to be done.

ASGI also provided a lot of support to the ELENA legal practitioners across Europe when litigating against Dublin transfers to Italy, including through publications on the application of the Dublin Regulation in Italy and reception conditions in the country. It was through the ELENA network that many legal and practice developments in Italy became known across Europe and resulted in significant jurisprudence both at domestic and European level preventing transfers of asylum seekers to Italy.

» *Poland*

One of the joint actions that Polish NGOs, members of the ELENA network, undertook together was a public campaign to stop the detention of children in Poland. In 2011 NGOs started a coalition and sought a prohibition on the detention of migrant children and highlighted the lack of access to education for detained migrant children in particular. They prepared a legal analysis of the applicable provisions and jurisprudence and sent a petition to various stakeholders.¹

Moreover, in 2012, a group of Polish NGOs intervened in a number of cases concerning immediate removals without judicial review of the asylum seekers, whose claims have been rejected. **The Helsinki Human Rights Foundation (HHRF)**, the ELENA coordinator in Poland, made a submission to the Committee Against Torture (CAT), describing both detention and removal practices in Poland.² Following the submission, CAT recommended that Poland should limit the scope of the detention of migrants (including migrant children) and ensure legal safeguards to the returnees.³

The ELENA network in Poland continues to advocate and litigate for the general ban on detention of children in 2015, as the law is in the process of being amended to transpose the EU Procedures and Reception Directives. The Poland ELENA coordinator selected the case of **Bilalova v Poland** for strategic litigation on this matter as the facts relate to the legality of detention pending removal and the detention of children. ECRE along with other prominent NGOs: **the AIRE Centre** and **the ICJ** submitted their **observations**, and the case is currently pending before the European Court of Human Rights.

» *Spain*

ELENA's network coordinator organisations in Spain, **ACCEM and CEAR**, participated in advocacy during the legislative process prior to the entry into force of the Spanish International Protection regulation (**Law 12/2009 of 30 October**). This is the current asylum law in Spain and regulates the right of asylum and subsidiary protection.

Their recommendations led to the Spanish authorities recognising the possibility of seeking asylum at Embassies, and the possibility of granting international protection based on humanitarian reasons. The ELENA coordinating organisations in Spain continue working on this issue with the state authorities by contributing to the draft regulation on asylum.

» *Switzerland*

The Swiss Refugee Council (OSAR), which is the umbrella organisation of NGOs working for refugees and asylum seekers in Switzerland and the ELENA coordinator, has benefitted from information obtained through ELENA in its advocacy activities on a proposed accelerated procedure for asylum seekers, modelled on the Dutch system. Through the exchange of information on the functioning of the Dutch system, and national practice in other European states, it was able to effectively lobby for the provision of legal aid by the State to those included in the accelerated procedure, which is currently being piloted in Zurich. This was a positive outcome given that in Switzerland legal aid is primarily provided by NGOs, financed by religious organisations and private donations.

» *The Netherlands*

The information from the ELENA network on policy and practice with regard to the application of Article 15(c) of the Qualification Directive and its recast is often relied upon in advocacy and litigation activities in the Netherlands, as the government attaches weight to the policy in surrounding countries in deciding whether conditions in a country of origin meet the threshold. In 2014 the **Dutch Refugee Council**, coordinating the network in the Netherlands, used information received from the ELENA coordinator in Belgium about protection offered to asylum seekers in Baghdad to lobby for better protection for Iraqi asylum seekers from Central and Southern Iraq. This issue was consequently subject to a debate in Parliament, with the Dutch Refugee Council lobbying for better protection of all those fleeing indiscriminate violence. On 7 October 2014 a moratorium on decisions and returns was announced for Iraqi asylum seekers originating from certain provinces, including Baghdad.

1 For more information, please see here: <http://interwencjaprawna.pl/docs/analiza-detencja-maloletnich.pdf>

2 For more information please see here: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/POL/INT_CAT_NGO_POL_15493_E.doc

3 For more information please see here: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fPOL%2fCO%2f5-6&Lang=en

» *United Kingdom*

The Immigration Law Practitioners' Association (ILPA) is a professional association of immigration lawyers, advisers, academics and NGOs in the UK practicing in or concerned about immigration, asylum and nationality law. Many of its members are also members of the ELENA network, including both of the ELENA national coordinators. ELENA research papers and all editions of the ELENA Weekly Legal Update are shared in its members' area to increase the dissemination of information relevant to its activities.

A number of significant reports produced by ILPA used comparative study and analysis which was assisted by research and consultation with other ELENA network members. Examples include 'Providing Protection', published in 1998, which proposed a model for a future UK asylum system; and ILPA's reports evaluating the Amsterdam Proposals.

Litigation

Litigation is the core activity of ELENA practitioners. ELENA's legal research, training and information exchange activities are seen as a part of the broader role the network plays in increasing the litigation capacities of its members.

Over the years ELENA members have become increasingly involved in strategic litigation in order to change negative practices at domestic or the European level, ensure that laws are interpreted in accordance with international human rights standards and to promote the effective implementation and enforcement of the law.

Strategic cases at the European level

The strength of expertise of the ECRE Secretariat and the ELENA network in European asylum law and *acquis* makes them ideally placed to assist with litigation in the European regional courts. With the progressive evolution of the Common European Asylum System (CEAS), positive European judgments are increasingly significant tools for the protection of refugees and asylum seekers, with legal precedents having wide-ranging impact. ECRE/ELENA is able to draw on the qualifications and experience of its members and share information and perspectives from practitioners conducting individual casework across Europe.

» *Tarakhel v Switzerland – ECtHR, Dublin Regulation*

ECRE **intervened** in this strategic case in January 2014, along with the AIRE Centre and Amnesty International with the assistance of lawyers from across Europe, including **the ELENA UK coordinator, David Chirico**. The intervention was informed by data collected through the ELENA network.

This case examined the compatibility of the Dublin II Regulation with the European Convention on Human Rights regarding transfers to Italy under the Dublin II Regulation. The decision in *Tarakhel* is a definite step forward, as it reiterated that asylum seekers cannot be automatically returned to another EU country on the assumption that all EU Member States respect fundamental rights. The Court clarified that where there are substantial grounds for believing that the individuals face a real risk of ill-treatment, the authorities must conduct a thorough examination of the individuals' particular situation before returning anyone under the Dublin Regulation to ensure respect for their fundamental rights. The Court found a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights if the Swiss authorities were to send an Afghan couple and their six children back to Italy under the Dublin Regulation without having first obtained individual guarantees from the Italian authorities that the applicants would be taken charge of in a manner adapted to the age of the children and that the family would be kept together.

Country-specific litigation

» *France*

The French ELENA Network led a coalition of 13 other French NGOs in making an application to the French Council of State challenging the inclusion of **Kosovo** in the national **list of safe countries** of origin. This was on the basis that the conditions of respect for principles of freedom, democracy and the rule of law, as well as human rights and fundamental freedoms were not met. **The Court ordered** Kosovo to be withdrawn from the list, on the basis of the unstable political and social context there, whereby certain categories of the population would not be able to find sufficient protection by the public authorities. The withdrawal of Kosovo from this list means that Kosovans no longer had their applications examined in an accelerated procedure.

» *Greece*

The Greek Council of Refugees (GCR), one of the ELENA coordinators in Greece, intervened in a number of cases before the Council of State, leading to developments in the Greek law and jurisprudence on asylum seekers and refugees.

It lodged the first objection to a Ministerial Decision (400/4/59) which authorised the prolongation of detention beyond the previous maximum period of 18 months set out in the EU Returns Directive. The Athens Administrative First Instance Court ruled ([Dec. No 2255/23.5.2014](#)) that this measure violated national, European and International law. This led to the release of an Afghan refugee who had already been detained for 18 months, and was followed by judicial decisions ordering the release of other applicants detained under the same circumstances.

GCR also have a number of strategic litigation cases pending before the ECtHR, including the [Farmakonisi case](#) which relates to a violation of articles 2, 3 and 13 ECHR following the death of 27 refugees after their boat sank when being towed by a vessel of the Greek Coast Guard. This case was submitted to the ECtHR by GCR and German ELENA Network member **PRO ASYL**, along with other NGOs.

» Hungary

The members of the ELENA network and attorneys of the ELENA national coordinator, the **Hungarian Helsinki Committee (HHC)**, litigated before the CJEU in a landmark ruling in the case of [El Kott \(C-364-11\)](#) on refugee status for Palestinian asylum seekers, interpreting article 1D of the 1951 Refugee Convention.

The ELENA members and the HHC attorneys also had success in the ECtHR on a number of cases relating to the unlawful detention of asylum seekers ([Lokpo and Toure v. Hungary, application no. 10816/10](#); [Hendrin Ali Said and Aras Ali Said v. Hungary, application no. 13457/11](#); and [Al-Tayyar Abdelhakim v. Hungary, application no. 13058/11](#)), which was part of its wider campaign to highlight to negative detention practices of Hungary. Tamás Fazekas, the attorney of the Hungarian Helsinki Committee, was recognized for his work promoting *pro bono* and for representing cases in front of the European Court of Human Rights by winning **the Hungarian Pro Bono Award 2012**.

» Norway

Members of the ELENA network were instrumental in the creation of the strategic litigation project by the Norwegian Bar Association, where experienced legal practitioners took up refugee and immigration law cases *pro bono*. 74 cases have been litigated so far and around 70% with a positive outcome, whereby an applicant was provided with protection and/or residence permit in Norway.

Supreme Court case Rt-2012-494

One of the strategic cases litigated under the project is the Supreme Court case [Rt-2012-494](#). The case concerns an Iraqi asylum seeker, who was persecuted in his home country due to his sexual orientation. He was denied international protection in Norway due to the fact that he could avoid persecution if he returned to Iraq and concealed his sexual orientation. The Supreme Court ruled that sexual orientation is an essential part of person's identity and therefore could not be concealed. The ELENA network assisted the lawyer representing the case with relevant argumentation and international jurisprudence, which had an important impact on the outcome of the case.

[Nunez v. Norway, application no. 55597/09, and Butt v. Norway, application no. 47017/09](#)

Moreover, the Norwegian ELENA lawyers also successfully litigated a number of cases before the ECtHR, including [Nunez v. Norway, application no. 55597/09, and Butt v. Norway, application no. 47017/09](#), concerning respect for family life and primacy of the best interests of children in removal cases.

» Poland – the Netherlands

[AWB 13/11314 from 18 June 2013 – right to an effective remedy](#)

Upon the request of the ELENA coordinator in the Netherlands, the **Dutch Refugee Council**, its counterpart in Poland, the **Helsinki Foundation for Human Rights**, submitted a report to a Dutch court in The Hague which was influential in challenging the removal of an asylum seeker from the Netherlands to Poland. The report criticised the practice by which detained asylum seekers in Poland received a final negative decision on their claims at the same time as an enforceable expulsion order, thus being returned to their country of origin without the opportunity to access the courts.

This contributed to a development in which the Dutch court found this practice to violate Article 47 of the Charter of Fundamental Rights of the European Union (right to an effective remedy), leading to a potential violation of the principle of *non-refoulement*. The Court put in place interim measures to prevent the transfer of an asylum seeker from the Netherlands to Poland under the Dublin Regulation, because on this basis the principle of trust could no longer be applied towards Poland. The decision though was subsequently overruled.

[Polish Law on Foreigners, 1 May 2014](#)

Following this judgment, the Helsinki Foundation for Human Rights submitted [a letter](#) to the Ministry of Interior Affairs, using the Dutch ruling to lobby for a change in Polish legal provisions. It then published a report along with **Legal In-**

tervention Association proposing a solution whereby if an applicant files a complaint with the court together with an application to withhold the execution of the final administrative decision, this has suspensive effect. The Polish legislature adopted this proposal at Article 332(1) of the [Polish Law on Foreigners](#), which entered into force on 1 May 2014, as well as separating asylum proceedings and return proceedings so that return decisions are no longer issued within the asylum procedure.

» *Slovenia*

Up 282/2014, 1.10.2014; I Up 258/2014, 9.10.2014; 248/2014, 3.11.2014; I Up 291/2014, 10.12.2014 - Internal Protection Alternative

The **Slovenian** practitioners, members of the ELENA network, contributed to a major shift in national jurisprudence in a Supreme Court judgment of 2014 in relation to internal protection alternative in Kabul, Afghanistan. The Supreme Court explicitly used the criteria of relevance and reasonableness in considering whether Kabul constituted an internal protection alternative, taking into account socio-economic conditions, as well as security threats, to assess whether removal would violate Article 3. The Court gave detailed consideration to the applicant's individual circumstances to evaluate whether he would in fact have access to suitable conditions to meet his basic needs; departing from previous jurisprudence in which it was assumed that young, healthy, single men would be able to secure adequate housing and economic security for themselves.

U 1419/2013, 11.02.2014, in I U 609/2014, 14.5.2014 – Refugee status for Syrian draft evaders

In 2014, the Administrative Court quashed the decisions of the asylum authorities giving only subsidiary protection to Syrians who had received draft summons to join the army, finding that serving Syrian army soldiers would have to commit criminal acts and serious human rights abuses. As such, forcible recruitment constituted persecution within Article 9(2)(e) of Qualification Directive.⁴ These cases were brought by members of the ELENA network.

Moreover, important decisions of the Constitutional Court that ELENA practitioners in Slovenia litigated on include:

- The annulment of the reduction of financial assistance for asylum seekers who are not accommodated in a reception centre ([Up-807/13, 808/13, 17. 4. 2014](#))
- A ruling on the minimum standards for legal decision-making in asylum cases ([Up-434/14, 8. 7. 2014](#))
- A [finding](#) that the narrow definition being applied to 'family members' for family reunification in the International Protection Act was unconstitutional
- A [finding](#) that mandatory application of the sovereignty clause in the Dublin Regulation risked violations to Article 2 and Article 3 ECHR, not just if there were systemic deficiencies in the asylum procedure of the country of transfer
- A [clarification](#) to the situations in which the Supreme Court is obliged to make a preliminary reference to the CJEU.

» *Spain*

ELENA network practitioners in **Spain** litigated on a number of issues, which include trafficking for sexual exploitation, gender-related persecution, rule 39 requests before the ECtHR against potential refoulement to the countries of origin, border practices relating to asylum seekers and detention.

In April 2014 the ECtHR issued a judgment in the case of *A.C. and Others v. Spain* ([application no. 6528/11](#)), where it ruled that the Spanish authorities should have suspended the procedure for removal of international protection seekers until the allegations about the risks they faced in their country of origin had been thoroughly examined. The ELENA lawyers were involved in this important case.

» *Sweden*

Members of the ELENA network in Sweden have been quite active over the last thirty years in using the mechanisms of the Strasbourg court and the UN Committee against Torture (UN CAT) when domestic remedies have been exhausted in asylum cases. Sweden has been found to be in breach of Article 3 of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on more than twenty occasions. One of the results in national practice is a less strict interpretation of the significance of apparently conflicting evidence when it is established that a person has been tortured and diagnosed with PTSD.

[Ahmed Hussein Mustafa Kamil Agiza v. Sweden \(CAT / C / 34 / D / 233/2003\)](#)

One of the most important UN CAT decisions against Sweden concerned the case of Mohammad Agiza, an Egyptian expelled by Sweden because he posed a security risk. The expulsion took place with the assistance of the FBI and Mr. Agiza was subsequently then imprisoned and tortured in Egypt.

4 For more information, please see here: <http://bit.ly/1UVPkBm>

The Committee found Sweden in breach of Article 3 CAT as Sweden knew, or should have been aware, that torture is widely used in Egypt. Moreover, the Swedish authorities also saw how Mr. Agiza was treated at the airport, and has in a national inquiry acknowledged that the treatment he endured on Swedish territory constituted torture. Diplomatic assurances were thus not an effective method to prevent torture, because the state could not even prevent Mr. Agiza being tortured on Swedish territory.

[Cruz Varas and others v Sweden](#), application no. 15576/89

The Swedish ELENA lawyers also litigated a number of cases before the ECtHR, including [Cruz Varas and others v Sweden](#), application no. 15576/89, concerning the interpretation of Article 3 of the European Convention on Human Rights with regards to expulsion and the failure of the Swedish government to comply with the indication of the European Commission of Human Rights to refrain from expelling the applicant from Sweden to Chile before his application could be reviewed by the Commission.

» *Switzerland*

[Federal Administrative Court, BVGE 2010/1, 2 February 2010](#)

In a case represented by the **Swiss Refugee Council**, the ELENA Coordinator in Switzerland, in 2010, the Federal Administrative Court clarified the rules regarding **procedural guarantees in the Dublin procedure**.

The Court found that the practice of removing asylum seekers to the responsible Dublin member state immediately after notifying them of an inadmissibility decision breached the right to an effective remedy set out in article 29(a) of the Swiss Constitution and in articles 3 and 13 ECHR, as there was no opportunity to exercise a right of appeal before removal. The judgment found that the asylum seeker must have the actual opportunity to make an appeal to the Federal Administrative Court and apply for suspensive effect before the transfer was executed.

As a result of the ruling, changes were adopted in the Asylum Act to give asylum seekers five working days to apply for suspensive effect, and the Court another five days to decide whether to grant suspensive effect before any transfer can take place.

In litigating this case, the Swiss Refugee Council relied among other arguments on jurisprudence and reports from other European countries, collected through the ELENA network, and acknowledged that being part of the ELENA network was very helpful in winning this case.

Information provided by the ELENA network has been of vital importance for legal representatives in support of appeals against Dublin transfers since this ruling, such as the leading case [BVGE 2011/35 of 16 August 2011](#), according to which asylum seekers should generally not be transferred to Greece.

» *The Netherlands*

Information from the ELENA network proved to be extremely helpful in advocacy and litigation in the Netherlands with regard to Uyghur asylum seekers. The Dutch Council for Refugees, together with Amnesty International Netherlands, [published a report in April 2013](#) on the risks Uyghur asylum seekers face when forcibly returned to China. A query within the network led to the finding that no asylum seekers were returned from EU member states, except for two people from Sweden. This was used in the lobbying activities of the Dutch Council for Refugees. The report was also used and referred to in a [recent leading judgment](#) from the Council of State which consequently led to a moratorium on the forced return of Uyghur asylum seekers to China.

ELENA Research

ELENA has a long tradition of undertaking qualitative research or comparative information projects, coordinated by staff in the ECRE Secretariat. Our research has been relied upon by various international organisations, such as UNHCR, legal practitioners and judiciary and has been translated into a number of languages.

ELENA's latest [research on Syrians](#) seeking protection in Europe provided an overview of 21 country practices towards those fleeing the Syrian conflict and seeking asylum in Europe. It has been referred to in numerous academic papers, as well as being used as an advocacy tool for NGOs. Furthermore, it was cited by UNHCR in its paper "[Syrian Refugees in Europe](#)" in 2014.

Other comparative reports include the [ECRE-ELENA Research on ECHR Rule 39 Interim Measures](#) (2012) which was referred to by the Council of Europe when [drafting a report](#) on the reform of the ECtHR and the EU Agency for Fundamental Rights (FRA) in its [Handbook on European law relating to asylum, borders and immigration](#); and the [ELENA Survey on Legal Aid for Asylum Seekers](#) (2010).

Training

The training of lawyers has always been an important objective of the network and remains so. In the past 25 years ECRE has facilitated regular ELENA training courses on topics of international and European refugee and asylum law. To date ECRE and the ELENA network have organised almost 40 events attended by approximately 3,000 participants from various backgrounds including private lawyers, legal counsellors, NGO-experts, administration and international organisations representatives, academics, and national judges.

The training consists of both Introductory and Advanced courses, which are run in different European countries. The latest Introductory Course was on 'The International Protection of Refugees' and took place in Lisbon in 2013, with a detailed focus on the main concepts in refugee law from an international law perspective. The latest Advanced Course (co-organised by the Leiden University and co-funded by the EC) in Leiden on 24-25 October 2014 related to the use of the EU Charter of Fundamental Rights in Immigration and Asylum Law. 115 participants attended the event from all around Europe. The group consisted of mainly legal practitioners, judges, NGO and UNHCR staff.

Participants have used the resources and knowledge acquired at ELENA courses to enable the cross-training of colleagues in the country in which they practice. Moreover, ELENA members provide a wide range of training at the national level. For example, the UK ELENA Coordinator, ILPA, ran over 70 training courses from 2013-2014 directed at practitioners, NGOs, politicians and national authorities.

Information Exchange

» *The ELENA Index*

The ELENA Index provides the contact details of organisations and individuals providing legal services and other forms of support to refugees and asylum seekers in Europe. It also includes the addresses of the national and regional UNHCR offices. The ELENA Index is updated on an annual basis, and the [latest version of the document](#), updated in November 2014, is available on ECRE's website. It currently covers 34 countries and includes over 1400 unique entries.

It primarily serves as a tool for lawyers and legal counsellors participating in the ELENA network in their daily counselling and advocacy work, by facilitating communication and cooperation with colleagues and organisations in other countries working in refugee and asylum law.

It is also a very useful resource for asylum seekers and refugees in Europe to find specialist legal representation and other social, medical and integration assistance local to them, in a common language. The Index also includes information on national provision of legal aid during first instance asylum procedures and appeals, as well as services at the border.

» *The ELENA Weekly Legal Update*

The ELENA Weekly Legal Update (EWLU) aims to inform asylum lawyers and legal organizations supporting asylum seekers and refugees of recent developments in the field of asylum law. The update covers asylum-related judgments of the European Courts and domestic case law as well as asylum legal news from across Europe. Relevant training courses, calls for papers and other important announcements are also advertised. The [subscription](#) to this newsletter is free and available on ECRE's website.

The readership of the EWLU currently reaches almost 900 subscribers. The subscribers increasingly include representatives of governmental agencies and the judiciary, as well as legal practitioners and academics. Legal practitioners regularly use the information contained within the update in their litigation and advocacy work.

Since the archive of all editions of the ELENA Weekly Legal Update was put on the [ECRE website](#) in December 2013, the various editions were accessed over 12,000 times.

Acknowledgements

The ELENA Network would not exist without the support and contribution of its members, especially the national ELENA coordinators. Over these 30 years we have been honoured to work with many inspirational, knowledgeable and committed coordinators, who contributed their time and energy to improving protection of those in need of the international protection through the ELENA network and we would like to extend our special thanks to them:

Austria: Karin Abram; Ulrike Brandl, Angela Brandstätter, Kathrin Kessler

Belgium: Isabelle Doyen; Tristan Wibault

Bulgaria: Iliana Savova

Croatia: Ana Paska; Lana Tučorik

Cyprus: Natalie Alkiviadou; Corina Drousiotou

Czech Republic: Hana Frankova; Eva Holá; Martin Rozumek

Denmark: Louise Juelskjaer ; Dorte Smed

Estonia: Kristi Toodo

Finland: Marjaana Laine; Piritta Raivio; Laura Tarvainen

France: Gilles Piquois

Germany: Holger Hoffmann

Greece: Erika Kalantzi; Spyros Koulocheris; Maria Papamina; Vicky Tsipoura

Hungary: Gábor Gyulai; Julia Ivan

Ireland: Grainne Brophy; Brian Collins; Nick Henderson; Jacki Kelly; Maureen Kirkpatrick; Caoimhe Sheridan

Italy: Maria Cristina Romano; Lorenzo Trucco

Lithuania: Laurynas Biekša; Egle Samuchovaite

Luxembourg: Frank Wies

Malta: Katrine Camilleri; Neil Falzon

Netherlands: Sathia Rafi

Norway: Halvor Frihagen

Poland: Agata Forys; Karolina Rusiłowicz

Portugal: Mónica d'Oliveira Farinha

Romania: Nadina Morarescu; Andreea Mocanu

Russia: Svetlana Gannushkina; Olga Tseytlina

Serbia: Miroslava Jelačić; Lena Petrović

Slovak Republic: Peter Devinsky; Katarína Ilanovská; Dasa Knoskova; Viera Orichova; Zuzana Številová

Slovenia: Vita Habjan; Grusa Matevzic

Spain: Natalia Cañiz; Reyes Castillo; Paloma Favieres; Cristina Fernández-Durán; Hana Cheik Hali; Isabel Kimi Aoki Iglesias; Marta Sainz de Baranda Cañizares;

Sweden: Maria Bexelius; Tomas Fridh; Anders Sundquist; Michael Williams

Switzerland: Suzanne Bolz; Seraina Nufer; Muriel Trummer; Adriana Romer

Turkey: Oktay Durukan; Orcun Ulusoy

Ukraine: Ostap Tymchiy

United Kingdom: David Chirico; Alison Harvey; Nick Oakeshott

The ECRE Secretariat would also like to thank the European Commission, The Atlantic Philanthropies, the Sigrid Rausing Trust, the Joseph Rowntree Charitable Trust, EPIM, the Oak Foundation and UNHCR for providing funding to a number of the ELENA network's activities.

The achievements of the network as a whole are much greater than the sum of its parts. Unfortunately, we cannot list everyone, who contributed to the network, but we would like to thank all of our members for their continued cooperation and support and hope there will be many more successes of the ELENA network in the future.