

## Training cases

### Group 1

#### Case 1

Your client has specialized in stealing ancient maps from national libraries, including those of France, Hungary and your member state. He is the subject of three European arrest warrants from these member states. Your client's member state refused the French arrest warrant, but granted the Hungarian one and surrendered him without condition for imprisonment there. When he had served that sentence, your client was surrendered by Hungary to your member state on the basis of its arrest warrant. Your client's member state granted its unconditional consent to that surrender.

Your client has now served his sentence in your member state and his surrender to France is imminent, on the basis of a new French arrest warrant for the same earlier offense. Hungary has consented to that surrender. Your client's member state has not been asked, because the authorities consider that that surrender requires only Hungary's consent, since Hungary is the Member State from which your client was in fact surrendered to your member state. The case is pending.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*

#### Case 2

Your client is a third country national who was stopped during a mobile security check carried out by police when he was a passenger in a Eurolines bus. The security check was carried out on a motorway coming from another member state and took place within an area 20 kilometers from the land border. According to police reports, at that location, one or more checks were carried out the same month, lasting 54 hours and 38 minutes in total, one or more checks were carried on the day of the stop, lasting one hour, and, during those checks, two vehicles, forming part of the traffic passing at that location, were actually stopped. Your client was placed in detention pursuant to the law on foreign nationals for illegal entry and residence. You decide to start judicial proceedings.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*

#### Case 3

Your client is a third-country national who entered your member state illegally and does not hold a residence permit. A deportation decree was issued against him. An order requiring his removal from the national territory was notified to him on the same day, because, inter alia, your client had no identification documents and no places were available at a detention facility.

A check carried out four months later revealed that your client had not complied with that removal order. He was sentenced at the conclusion of an expedited procedure by a single judge to one year's imprisonment for the offence of not having complied with the removal order. You appeal.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*

## Training cases

### Group 2

#### Case 1

Your client made a 15 year old girl elope with him to your member state. His member state issued a European arrest warrant for child abduction, for which the maximum sentence is seven years' imprisonment. On being stopped and questioned in your member state, your client agreed to be surrendered for this offence and has been in custody in his member state since then.

On her return, the girl admitted to sexual relations with your client before the elopement. As such acts classify as sexual activity with a child under 16, for which the maximum sentence is 14 years' imprisonment, his member state issued a European arrest warrant for that offence.

Your member state's authorities gave consent to the request to extend the surrender to the acts of sexual activity. Your client opposes this extension, but national law does not allow for an appeal against such extension decisions, because article 27, paragraph 4, of Framework Decision 2002/584/JHA provides that a final decision must be taken within 30 days. However, national law provides for appeals against initial surrender decisions. You decide to appeal.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*

#### Case 2

Your client persuaded the Hungarian Embassy in Vietnam to issue Schengen tourist visas to 25 Vietnamese nationals, although the aim was to settle them in the territory of the European Union and provide for work in return for payment of between EUR 500 and EUR 2 000. He was found guilty of the offence of assisting illegal entry and residence for financial gain as a member of an organised gang and sentenced to imprisonment for a total of four years and three months. Your client asks you to appeal.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*

#### Case 3

Your client is a third country national who was placed, 6 months ago, in detention in the context of a removal procedure. Now, the term of the detention measures imposed has been extended by 12 months, on the ground of a lack of cooperation on the part of your client in the removal procedure. You have brought court proceedings challenging the decision to extend the detention and the court of first instance found that your client's rights of the defence had been infringed, since he had not been heard before the adoption of the extension decision. Your action was nevertheless rejected, on the ground that, under the circumstances of the case, the interests served by the extension of detention had to prevail. Your client asks you to appeal.

*What do you plead? Will you request a preliminary reference? Do you request an UPRP? Why?*