The European Court of Justice ruled that a person entering the EU without proper documents alongside a minor in their care, such as their child or a dependent, cannot be criminally charged with facilitating illegal immigration. The ruling arose from a case in Italy where a woman entered Bologna airport with her daughter and niece, both minors, using false passports while fleeing threats.

The Court clarified that such conduct, despite breaching border crossing rules, reflects the exercise of familial responsibility rather than facilitating illegal immigration. Therefore, EU law prevents national legislation from criminalizing this behavior.

**Source(s)**

- Ministry of Labour and Social Policies | Ministero del Lavoro e delle Politiche Sociali (4 June, 2025), Corte Ue, non è favoreggiamento l'ingresso illegale con un minore affidato [EU Court, illegal entry with a child in custody is not aided and abetting], https://integrazionemigranti.gov.it/it-it/Ricerca-news/Dettaglio-news/id/4296/Corte-Ue-non-e-favoreggiamento-lingresso-illegale-con-un-minore-affidato

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