European Court of Justice ruled on illegal entry with a child custody

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

Date of development
04.06.2025
Country
Italy
Thematic area(s)
Applicants with special needs
Development type
Jurisprudence

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.