



Danish courts gave “relevant and sufficient” reasons for expelling long-term migrant after court convictions

The case of [Levakovic v. Denmark](#) (application no. 7841/14) concerned a decision to expel the applicant to Croatia, with which he had no ties apart from nationality, after he was tried and convicted for crimes committed in Denmark, where he had lived most of his life.

In its **Chamber** judgment¹ in the case the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The Court found that the domestic courts had made a thorough assessment of his personal circumstances, balancing the competing interests and taking Strasbourg case-law into account. The domestic courts had been aware that very strong reasons were necessary to justify the expulsion of a migrant who has been settled for a long time, but had found that his crimes were serious enough to warrant such a measure.

The courts had found that he did not have any children whose interests needed to be taken into account and that he was poorly integrated into society as he had lived a life of crime and shown a lack of will to comply with Danish law. Overall, the authorities had based their decisions on relevant and sufficient reasons and there was no sign his Roma origin had influenced them.

Principal facts

The applicant, Jura Levakovic, is a Croatian national who was born in 1987 and lives in Croatia.

Mr Levakovic was taken from the Netherlands to Denmark when he was nine months old, living there with his parents and three brothers. As a youth he was convicted four times for crimes including robbery and drugs offences. He was also convicted several times after he reached the age of 18 and received two expulsion orders, which were both suspended.

In November 2011, while on probation during the period of the second suspended expulsion order, he was arrested on charges including robbery and the possession of arms.

The case came before the City Court, where he pleaded not guilty. He stated that he had lived all his life in Denmark, where all his family lived, and that he had never been to Croatia or the former Yugoslavia. He had no family there and did not speak the language. He had been diagnosed with ADHD and was on medication. He also wanted to marry his girlfriend.

In December 2012 the City Court sentenced him to five years in jail and ordered his expulsion, with a permanent ban on his return. The judgment was upheld on appeal by five votes to one.

It appears that Mr Levakovic was expelled in December 2017 after serving his sentence and re-entered shortly afterwards, in breach of the ban.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Complaints, procedure and composition of the Court

The applicant complained that his expulsion was in breach of Article 8 (right to respect for private life).

The application was lodged with the European Court of Human Rights on 13 January 2014.

Judgment was given by a Chamber of seven judges, composed as follows:

Robert **Spano** (Iceland), *President*,
Ledi **Bianku** (Albania),
İşıl **Karakaş** (Turkey),
Paul **Lemmens** (Belgium),
Valeriu **Griţco** (the Republic of Moldova),
Jon Fridrik **Kjølbro** (Denmark),
Stéphanie **Mourou-Vikström** (Monaco),

and also Hasan **Bakırcı**, *Deputy Section Registrar*.

Decision of the Court

Mr Levakovic submitted that the first-instance court had failed to take all the relevant circumstances into account when carrying out its balancing test, in particular the fact that all his ties were in Denmark. His family and girlfriend lived there and he had had jobs in that country. He was as well integrated as any Danish national with convictions and his crimes had not been particularly serious.

The Government argued that the expulsion order had been “in accordance with the law”, had pursued a legitimate aim and that the courts had struck a fair balance.

The third-party intervener, the European Roma Rights Centre, said the national courts should have applied European Union law on expulsion, which had stricter conditions than the European Convention. It also drew the Court’s attention to anti-Roma sentiment in Denmark.

The Court reiterated that States had the right to control the entry and residence of aliens on their territory, including the right to expel an alien convicted of a criminal offence.

However, any such decision had to respect Article 8 and be in line with Convention case-law. The Court therefore had to examine whether the authorities had presented “very serious reasons” to expel Mr Levakovic or whether it had to substitute its own view for that of the domestic courts.

The Court recognised that the first-instance court, the City Court, had carefully balanced the competing interests and explicitly taken account of Strasbourg case-law. That balancing test had been approved on appeal by the High Court.

The Court held that the authorities had been entitled to find that Mr Levakovic’s crimes warranted expulsion, unless there were counterbalancing criteria. On that issue, the Court noted that the expulsion did not interfere with his family rights as he is an adult with no additional elements of dependence with his siblings and parents. He also has no children. Looking at his social and cultural ties with Denmark, the Court noted that the domestic courts had found that his criminal record and his lack of respect for the law showed that he was not well integrated.

The decision to expel Mr Levakovic had thus been based on relevant and sufficient reasons and there had been no indication whatsoever that stereotypes about Roma had influenced the process. The expulsion had not been disproportionate given all the circumstances, with the courts also having examined whether it would contravene Denmark’s international obligations. Overall, there had been no violation of the Convention.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.