

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF ALLABED v. DENMARK

(Application no. 14983/25)

JUDGMENT

Art 8 • Expulsion • Private and family life • Expulsion order with a six-year re-entry ban against migrant, lawfully residing in Denmark for eight and a half years following conviction for serious offences • Prospect of re-entering Denmark on family reunification grounds for a foreigner, like the applicant, with a spouse residing in Denmark, not purely theoretical • Time-limited nature of the re-entry ban was a factor capable of rendering the applicant's expulsion compatible with Art 8 • Relevant and sufficient reasons • Proportionality duly assessed by domestic courts in light of Court's case-law • Amendments to domestic visa rules in response to *Sharafane v. Denmark* not applicable to the applicant since he had entered Denmark as an adult

Prepared by the Registry. Does not bind the Court.

STRASBOURG

7 July 2026

FINAL

07/10/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Allabed v. Denmark,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Lado Chanturia*, President*,
Faris Vehabović,
Ana Maria Guerra Martins,
Anne Louise Bormann,
Sebastian Răduleţu,
András Jakab,
Corinna Wissels*, judges*,
and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 14983/25) against the Kingdom of Denmark lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 May 2025 by a Syrian national, Mr Abdulsattar Abdulbaset Allabed ("the applicant");

the decision to give notice to the Danish Government ("the Government") of the application;

the parties' observations;

Having deliberated in private on 16 June 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The application concerns an order issued in criminal proceedings for the expulsion of a migrant. The applicant complained of a violation of his rights under Article 8 of the Convention.

THE FACTS

2. The applicant was born in 1973 and lives in Aarhus. He was represented by Mr Jan Schneider, a lawyer practising in Aarhus.

3. The Government were represented by their Agent, Ms Vibeke Pasternak Jørgensen, of the Ministry of Foreign Affairs, and their co-Agent, Ms Nina Holst-Christensen, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. The applicant and his adult son entered Denmark in 2013. At that time the applicant was 39 years old. In September 2013 he was granted residence in Denmark as a refugee.

6. On 1 May 2014 the applicant's wife and six other children were granted family reunification with the applicant in Denmark. Two of their seven children were minors, born in 2010 and 2013, respectively.

7. The applicant had no criminal past.

8. By a judgment of the District Court (*Retten i Odense)* of 26 June 2023, the applicant was convicted of, *inter alia*, 14 offences of money laundering of a particularly serious nature and one offence of handling stolen goods. He was sentenced to three years' imprisonment. His expulsion from Denmark was also ordered, together with a permanent re-entry ban.

9. Following an appeal, by a judgment of 9 February 2024 the High Court (*Østre Landsret*) upheld the conviction, but reduced the sentence to two years and six months' imprisonment, and ordered the applicant's expulsion from Denmark, together with a six-year re-entry ban. In respect of the expulsion order, the High Court stated as follows:

> "[The applicant] has been convicted of multiple criminal offences and sentenced to imprisonment for a term of two years and six months, for which reason the conditions under section 22(1)(ii) of the Aliens Act for expelling [the applicant], who is a Syrian national, have been met.
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> It follows from section 49(1), read with section 32(4)(vii), read with section 26(2) [of the Aliens Act] that [the applicant] must be expelled from Denmark and issued with a permanent re-entry ban unless expulsion would for certain be contrary to Denmark's international obligations. Further, it follows from section 32(5)(i) of the Aliens Act that a re-entry ban of a shorter duration may be imposed if the imposition of a permanent re-entry ban would result in an expulsion which would for certain be contrary to Denmark's international obligations.
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> In that connection, it is crucial whether expulsion would be contrary to Article 8 of the European Convention on Human Rights.
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> Expulsion would amount to an interference with [the applicant's] right to respect for his private and family life, see Article 8 § 1 of the Convention. Such interference is justified only if the conditions of Article 8 § 2 are met.
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> The purpose of expulsion is to prevent crime and protect health, which are legitimate reasons under Article 8 § 2. Accordingly, what is to be determined is solely whether it is deemed necessary in a democratic society to expel [the applicant] for those purposes. Such determination must be based on a proportionality test taking into account the criteria set out in paragraph 68 of *Maslov v. Austria* (application no. 1638/03, judgment of the European Court of Human Rights of 23 June 2008). The weight to be attached to the individual criteria depends on the circumstances of the specific case, see paragraph 70 of the above-mentioned judgment. Moreover, it has been established in the case-law that the duration of the re-entry ban may be taken into account when assessing whether expulsion would be considered a proportionate interference with the defendant's rights under Article 8.
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> [The applicant] has been found guilty of, *inter alia*, a considerable number of counts of money laundering over an extended period, involving the exchange of cash from extensive drug sales. The High Court is satisfied that [the applicant] has laundered and attempted to launder a total of ten million Danish kroner [(DKK)] in proceeds from organised drug-related offences.
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> [The applicant] entered Denmark in 2013 at the age of 39 and has been lawfully resident in Denmark for about eight and a half years. He started his family in Syria. According to the information provided to the police during an interview conducted under section 26 of the Aliens Act, [the applicant] has an uncle and four half-brothers living in Denmark. On the basis of the overall information available on [the applicant's]

language skills, including his need for interpretation, the High Court considers it a fact that his Danish skills are limited. On the basis of the information available, the High Court also considers it a fact that [the applicant's] ties with Denmark are generally very limited. Other than two work placements with two supermarkets, he has not had a job in Denmark. [The applicant] currently receives social welfare benefits and, in the course of the proceedings, has stated his future plans to open a Western Union agency.

Having particular regard to the information available on [the applicant's] source of income and his lack of integration in Danish society, as well as the nature and duration of the offences committed, the High Court finds that there is a significant risk that [the applicant] will commit similar offences in the future if he is not expelled.

On the basis of [the applicant's] childhood, adolescence and adulthood in Syria, the High Court finds it unobjectionable to consider it a fact that [the applicant] has strong cultural ties with his country of origin. With regard to his family relations in Syria, [the applicant] has stated only that he has no close relatives in Syria. He speaks and writes Arabic and has stated that he is a trained engineer and that he was originally employed in the construction industry in Syria. The High Court therefore upholds the assessment made by the District Court that [the applicant] must be assumed to be equipped to make a life in Syria, where he has a business partner according to the evidence given by him in the District Court.

It must be taken into account in the overall assessment that, according to the information provided in the opinion of the Danish Immigration Service of 12 December 2022, [the applicant] has a spouse and seven children living in Denmark. Two of the four children living at home are still minors. [The applicant's] wife and children are Syrian nationals and, except for one child, they have all derived their right of residence from [the applicant]. [The applicant] has stated that his children attended school in Denmark and that they are all currently enrolled in education. On the basis of the information available on the duration of the children's stay, childhood and adolescence in Denmark, the High Court considers it a fact that, at this point, they have all formed considerable individual ties with Denmark.

On the basis of an overall and specific assessment, the High Court finds that it would for certain be contrary to Article 8 [of the European Convention on Human Rights] to expel [the applicant] and issue him with a permanent re-entry ban.

By virtue of [the applicant's] weak ties with Denmark and strong ties with Syria, and considering the nature and seriousness of the offences committed, including the significant risk of recidivism as mentioned above if [the applicant] is not expelled, the High Court finds, on the basis of an overall and specific assessment – notwithstanding the information on the independent ties with Denmark obtained by [the applicant's] children and the fact that expulsion would be a particular burden – that the expulsion of [the applicant] combined with a six-year re-entry ban reckoned from the date of departure or deportation would not for certain be contrary to Article 8 [of the Convention].

Consequently, [the applicant] is to be expelled and banned from re-entry for six years."

10. The applicant appealed to the Supreme Court (*Højesteret*). He stated, among other things, that being a Syrian national he fell within visa group 5, so that his chances of being granted a visa to re-enter Denmark were purely theoretical. The six-year re-entry ban therefore amounted *de facto* to a

permanent re-entry ban. He referred to *Sharafane v. Denmark* (no. 5199/23, 12 November 2024).

11. By a judgment of 29 January 2025, the Supreme Court upheld the High Court's judgment. In respect of the expulsion order, it stated as follows:

> "It follows from section 26(2), read with section 22(1)(ii) and (vi), of the Aliens Act that [the applicant] must be expelled unless expulsion would for certain be contrary to Denmark's international obligations, including Article 8 of the European Convention on Human Rights.
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> Under Article 8 § 1 of the Convention, everyone has the right to respect for his or her private and family life. Under Article 8 § 2, no public authority may interfere with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society, *inter alia*, to prevent disorder or crime.
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> Whether or not interference is necessary will mainly depend on a proportionality test. The proportionality test includes the needs of society for an expulsion order in view of the nature and seriousness of the crimes committed. The proportionality test also takes into account the duration of the relevant person's stay in the host country and the strength of his or her family, social and cultural ties with the host country and the country of nationality. The criteria to be considered in the test are set out in, *inter alia*, paragraph 68 of *Maslov v. Austria* (application no. 1638/03, judgment of the European Court of Human Rights of 23 June 2008). The weight to be attached to the respective criteria will vary according to the specific circumstances of the case (see paragraph 70 of the above-mentioned judgment).
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> By this judgment, [the applicant] is sentenced to imprisonment for a term of two years and six months for money laundering a total of [DKK] 9,135,500 and attempted money laundering of an additional [DKK] 900,000 over a long period of time and on several different occasions, for handling stolen goods, having received amounts corresponding to approximately [DKK] 650,000, and for other offences. The money originated from organised drug-related offences and the exchange was part of that activity. Although he has no prior convictions, he has been found guilty of serious offences in the case at hand. As pointed out by the High Court, there is a significant risk that he will commit similar offences in the future if he is not expelled.
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> [The applicant] is a Syrian national and was born and raised in Syria, where he attended school, worked and lived until the age of 39. Accordingly, he has detailed knowledge of the Syrian language and culture. Consequently, he has strong ties with Syria and is well equipped to make a life in Syria.
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> [The applicant] is now 51 years of age and has been lawfully resident in Denmark for about eight and a half years. Apart from his family ties, his ties with Denmark must be considered to be very limited, despite the duration of his stay in Denmark. He has limited Danish language skills and he has barely participated in the labour market, yet he has received social welfare benefits.

> [The applicant] has a spouse, who is also a Syrian national. They have two minor children living at home and five adult children, two of whom live at home. The Supreme Court considers it a fact, as did the High Court, that they have all formed considerable individual ties with Denmark at this point.
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> Furthermore, the Supreme Court also considers that [the applicant's] spouse is well equipped to make a life in Syria and that their children, aged 12 and 14, are not ill-equipped to live there given that they were raised in a Syrian family. If his spouse and children remain in Denmark, they will be able to maintain contact through visits to Syria, if circumstances permit, or to other countries in which they are permitted to stay. They will also be able to maintain contact by telephone or via the internet.
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> On the basis of the nature and seriousness of the offences committed by [the applicant], the Supreme Court finds that he must be considered to constitute a serious threat to public order and, as mentioned, there is a significant risk that he will also commit serious criminal offences in Denmark in the future if he is not expelled.
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> On the basis of an overall assessment, the Supreme Court finds that the arguments in favour of expelling [the applicant] are so compelling that they outweigh the arguments against expulsion, which are mainly based on his family ties with Denmark.
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> Against this background, the Supreme Court finds that expulsion combined with a six-year re-entry ban will not be contrary to Denmark's international obligations."

12. On 17 September 2025 the applicant was detained on remand and charged with several further offences of money laundering of a particularly serious nature. That case is still ongoing.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. RELEVANT DOMESTIC LEGISLATION

13. The relevant provisions of the Aliens Act (*Udlændingeloven*) relating to expulsion have been set out in detail in, for example, *Munir Johana v. Denmark* (no. 56803/18, §§ 23-26, 12 January 2021), *Salem v. Denmark* (no. 77036/11, §§ 49-52, 1 December 2016) and *Sharafane v. Denmark* (no. 5199/23, §§ 11-14, 12 November 2024).

14. The relevant legislation concerning the circumstances under which foreigners issued with a time-limited re-entry ban may be granted a residence permit in Denmark have been set out in detail in *Sharafane* (cited above, §§ 15-18).

15. The relevant legislation concerning the circumstances under which foreigners issued with a time-limited re-entry ban may be granted a visa to re-enter Denmark have been set out in detail in *Sharafane* (cited above, §§ 19-27).

16. However, the Executive Order on Visas was amended on 12 December 2024 (Executive Order no. 1545), with effect from 1 January 2025, in that a new section 16(7) was inserted with the following wording:

> "Irrespective of the provisions set out in subsections (3) to (5), a visa may be granted to an alien who was born and raised in Denmark, or came here as a young child, and who belongs to main group 5 in Annex 2, if the alien's time-limited entry ban has expired, and the alien's right to respect for private life pursuant to Denmark's international obligations will be violated if a visa is not issued."

17. The following appears from Annex 2 to the Executive Order on Visas:

> "Countries and regions whose nationals must have a visa for entry into Denmark are divided into five main groups.
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> The division of countries and regions into main groups reflects a general assessment of the risk that applicants from the relevant countries and regions may immigrate illegally, but also whether those applicants intend to leave the Schengen area before the expiry of the visa applied for. The main groups are one of the factors taken into account in the assessment made by the authorities under section 16(4) of the Executive Order.
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> Accordingly, the division of countries and regions into main groups is indicative. For each main group it is stated who will normally be granted a visa, including where there is doubt as to an applicant's intention to leave the Schengen area before the expiry of the visa applied for.
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> This means that applicants who do not normally fall within the group of persons who will normally be granted a visa according to the guidelines for the relevant main group are not automatically barred from being issued with a visa, see sections 16(2), (5), (6) and (7) and section 17 of the Executive Order.
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> ...
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> Main group 5 comprises countries and regions whose nationals are generally considered to pose a high risk of immigrating illegally to Denmark or another Schengen country, and to which it may be difficult to return people. If an applicant is a national of one of those countries or regions, and an individual review of the case file does not give a clear indication of whether the applicant intends to leave Denmark before the expiry of the visa applied for, a visa will normally be granted only in exceptional circumstances, such as serious illness or the death of a family member living in Denmark. A visa may also be granted if the applicant was born and raised in Denmark, or came to Denmark as a young child, and their time-limited re-entry ban, see section 32(5)(1) of the Aliens Act, has expired, and it would constitute a violation of the applicant's right to respect for his or her private life contrary to Denmark's international obligations to deny them a visa. Similarly, visas will not usually be granted for business visits or for cultural and scientific visits if an individual review of the case file does not give a clear indication of whether the applicant intends to leave Denmark before the expiry of the visa applied for."

18. It appears from the table "Main group 5" in Annex 2 to the Executive Order that main group 5 comprises Afghanistan, Eritrea, Iraq, Pakistan, Russia, Somalia and Syria.

19. In connection with the amendment of the Executive Order on Visas, which entered into force on 1 January 2025, guidelines were issued to explain how the exemption in section 16(7) was to be applied. It was emphasised that

the visa authorities must assess all circumstances of each individual case individually. According to the Government, in their observations submitted in another case, the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) deliberately chose not to include any examples in the guidelines so that the administrative visa authorities would not be bound by one or more precedents when assessing whether a refusal would amount to a violation of an applicant's right to respect for private life as guaranteed by Article 8 of the Convention.

20. On behalf of the Danish embassies and consulates, the Danish Ministry of Foreign Affairs has stated that all applications in which section 16(7) of the Executive Order on Visas may be invoked must be submitted to the Danish Immigration Service for assessment and decision.

21. Under Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ 2009 L 243, p. 1 – "the EU Visa Code") and national law, a refusal to grant a Schengen visa must be reasoned. If a member State, such as Denmark, determines that a visa applicant does not meet the requirements for a Schengen visa, he or she must be informed of the refusal and the reasons for the refusal using the standard form set out in Annex VI to the Code (see Article 32(2) of the Visa Code). The reasons for refusal must be recorded in the electronic visa system and refer to the relevant provision of Article 32(1) of the Visa Code, thus enabling other Schengen States to understand the basis for the refusal. On the other hand, the reasons for granting a Schengen visa are not recorded in the electronic visa system. Consequently, Denmark is unable to compile statistics on the number of applicants who have invoked section 16(7) of the Executive Order on Visas in connection with their Schengen visa applications, or on the number of Schengen visas that have been granted on that basis. The Danish Immigration Service has, however, stated that, to its knowledge, no applicants for a Schengen visa have yet relied on section 16(7) of the Executive Order on Visas.

22. In a judgment of 18 March 2025, the Supreme Court examined, in another case, whether the expulsion, combined with a six-year re-entry ban, of a Somali national born in Denmark was compliant with Article 8 of the Convention, including in the light of the amendment to the Executive Order on Visas, which entered into force on 1 January 2025. The appellant in that case also referred to the Court's findings in *Sharafane* (cited above, §§ 61-74). The Supreme Court found the expulsion order to be compliant with Article 8 for the following reasons:

> "... It follows from section 26(2), read with section 22(1)(iii) and (iv), of the Aliens Act ... that [the defendant] must be expelled unless expulsion would for certain be contrary to Denmark's international obligations. The issue is whether expulsion would be contrary to Article 8 of the Convention
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> ...

On the basis of an overall assessment of the nature and scope of the offences committed by [the defendant], the Supreme Court concurs with the finding that, regardless of his strong ties with Denmark and limited ties with Somalia, there are very serious reasons for expelling him.

The issue is then the duration of the expulsion order.

The High Court set the duration of the re-entry ban at six years on the basis that expulsion combined with a permanent re-entry ban would amount to a disproportionate interference contrary to Article 8 of the European Convention on Human Rights. The Prosecution Service has submitted that the expulsion order combined with a six-year re-entry ban ought to be upheld.

[The defendant] has submitted that the re-entry ban was effectively of a permanent nature because, being a Somali national, he falls within main group 5 of the Executive Order on Visas and, for this reason, his chances of being granted a visa for Denmark are purely theoretical. In that regard, he has referred to *Sharafane v. Denmark* [cited above].

The Executive Order on Visas was amended on 12 December 2024 with effect from 1 January 2025. It appears from section 16(7) of the Executive Order, which is a new provision, that a visa may be granted to an applicant who was born and raised in Denmark, or who came to Denmark as a young child, and who falls within main group 5 in Annex 2, provided that the applicant's time-limited re-entry ban has expired (see section 32(5)(i) of the Aliens Act) and that the applicant's right to respect for his or her private life pursuant to Denmark's international obligations would be violated if a visa were not issued.

The Supreme Court finds that section 16(7) clarifies that the visa rules must be applied in accordance with Article 8 of the European Convention on Human Rights, meaning that a time-limited re-entry ban issued to an alien who was born and raised in Denmark, or who came to Denmark as a young child, and who falls within main group 5 of the visa rules must not effectively have the same consequences as a permanent re-entry ban.

On that basis, the Supreme Court finds that [the defendant's] prospects of being granted a visa for Denmark when a six-year re-entry ban expires cannot be considered purely theoretical.

In the light of the above, it would not be disproportionate or contrary to Article 8 of the Convention to expel [the defendant] and issue him with a time-limited re-entry ban.

Consequently, the Supreme Court upholds the order expelling [the defendant] from Denmark and banning him from re-entry for six years. Accordingly, there is no basis for allowing his request for an adjournment in the alternative. The Supreme Court therefore upholds the High Court's judgment."

II. RELEVANT EUROPEAN UNION LAW

23. The relevant European Union law, including the Visa Code, has been set out in detail in *Sharafane* (cited above, §§ 31-32).

THE LAW

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

24. The applicant complained that the Supreme Court's decision of 29 January 2025 to order his expulsion with a six-year re-entry ban was in breach of Article 8 of the Convention, which, in so far as relevant, reads as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

25. The Government submitted that the application should be declared inadmissible for being manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

26. The applicant disagreed.

27. The Court considers that the arguments put forward in relation to this objection raise issues which require an examination on the merits of the complaint under Article 8 of the Convention, rather than an assessment of its admissibility (see *B.A. v. Iceland*, no. 17006/20, § 41, 26 August 2025). Accordingly, the Court concludes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

28. The applicant submitted that the expulsion order had disproportionately interfered with his right to respect for his private and family life. In particular, he pointed out that his wife and children derived their right of residence in Denmark from him.

29. Moreover, although the re-entry ban was limited to six years, it amounted *de facto* to a permanent ban, since the prospect of his re-entering Denmark remained purely theoretical. As a Syrian national – and consequently belonging to visa group 5 – he pointed out that visas were granted to individuals in that group only in very exceptional circumstances, for example if a close family member in Denmark was terminally ill or had

died. In that connection the applicant referred to the Court's finding in *Sharafane v. Denmark* (no. 5199/23, §§ 61-74, 12 November 2024).

(b) The Government

30. The Government submitted that the Danish courts had carried out the proportionality test thoroughly, weighing up the opposing interests and taking all the applicant's personal circumstances into account. The applicant had committed serious offences, which constituted a threat to public order and security, and a significant penalty had been imposed on him as a result.

31. Moreover, they argued that since the domestic courts had considered the case specifically in the light of Article 8 of the Convention and the Court's pertinent case-law, the Court should be reluctant, having regard to the subsidiarity principle, to disregard the outcome of the assessment made by those courts.

32. The Government pointed out that it was uncertain whether the applicant's wife and children would stay in Denmark, but that it could be assumed that the applicant's deportation would lead to a physical separation from his family, and that therefore his right to respect for his family life was also at stake.

33. Lastly, the Government observed that the High Court and the Supreme Court had found that it would for certain be contrary to Denmark's international obligations to expel the applicant with a permanent re-entry ban. Instead, a six-year re-entry ban had been imposed. After the expiry of the six-year re-entry ban, the applicant would not be prevented from being granted family reunification with his wife, if certain conditions were met. Accordingly, as noted by the Court in *Al-Habeeb v. Denmark* (no. 14171/23, 12 November 2024), the applicant's prospects of returning to Denmark could not be considered purely theoretical.

2. The Court's assessment

(a) General principles

34. The relevant criteria to be applied have been set out in, among other authorities, *Üner v. the Netherlands* ([GC], no. 46410/99, §§ 54-60, ECHR 2006-XII) and *Maslov v. Austria* ([GC], no. 1638/03, §§ 68-76, ECHR 2008). In *Savran v. Denmark* ([GC], no. 57467/15, § 182, 7 December 2021) the Court summed up the criteria which were relevant for its analysis as to whether an expulsion order was necessary in a democratic society:

> "182. In *Maslov* ... the Court ... set out the following criteria as relevant to the expulsion of young adults, who have not yet founded a family of their own:
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> – the nature and seriousness of the offence committed by the applicant;
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> – the length of the applicant's stay in the country from which he or she is to be expelled;

– the time that has elapsed since the offence was committed and the applicant's conduct during that period; and

– the solidity of social, cultural and family ties with the host country and with the country of destination.

In addition, the Court will have regard to the duration of the exclusion order (ibid., § 98; see also *Külekci v. Austria*, no. 30441/09, § 39, 1 June 2017, and *Azerkane v. the Netherlands*, no. 3138/16, § 70, 2 June 2020). Indeed, the Court notes in this context that the duration of a ban on re-entry, in particular whether such a ban is of limited or unlimited duration, is an element to which it has attached importance in its case-law (see, for example, *Yilmaz v. Germany*, no. 52853/99, §§ 47-49, 17 April 2003; *Radovanovic v. Austria*, no. 42703/98, § 37, 22 April 2004; *Keles v. Germany*, no. 32231/02, §§ 65-66, 27 October 2005; *Külekci*, cited above, § 51; *Veljkovic-Jukic v. Switzerland*, no. 59534/14, § 57, 21 July 2020; and *Khan v. Denmark*, no. 26957/19, § 79, 12 January 2021)."

35. Where independent and impartial domestic courts have carefully examined the facts, applying the relevant human rights standards consistently with the Convention and its case-law, and adequately weighed up the applicant's personal interests against the more general public interest in the case, it is not for the Court to substitute its own assessment of the merits (including, in particular, its own assessment of the factual details of proportionality) for that of the competent national authorities. The only exception to this is where there are shown to be strong reasons for doing so (see *Savran*, cited above, § 189, and the cases cited therein).

(b) Application of those principles to the present case

36. The Court finds it established that there has been an interference with the applicant's right to respect for his private and family life within the meaning of Article 8, that the expulsion order and the re-entry ban were "in accordance with the law", and that they pursued the legitimate aim of preventing disorder and crime (see also, for example, *Salem v. Denmark*, no. 77036/11, § 61, 1 December 2016).

37. As to whether the interference was "necessary in a democratic society", the Court notes that the Danish courts based their legal reasoning on the relevant provisions of the Aliens Act and the Penal Code, together with the criteria to be applied in conducting a proportionality assessment under Article 8 of the Convention and the Court's case-law. The Court will now focus on the reasoning given by the Supreme Court.

38. The Supreme Court attached weight to the seriousness of the offences committed and the sentence imposed. The applicant had been convicted of, *inter alia*, 14 offences of money laundering of a particularly serious nature, and one offence of handling stolen goods (see paragraph 8 above). He had been sentenced to two years and six months' imprisonment (see paragraph 11 above). The Supreme Court found that the applicant constituted a threat to public order and that there was also a significant risk that he would commit serious criminal offences in Denmark in the future if he were not expelled.

39. With regard to the criterion of "the length of the applicant's stay in the country from which he or she is to be expelled", the Supreme Court duly took into account the fact that the applicant had entered Denmark at the age of 39, having lawfully resided there for eight and a half years by the time he started committing the offences at issue (compare, for example, *Winther v. Denmark*, no. 9588/21, § 38, 12 November 2024).

40. The criterion of "the time that has elapsed since the offence was committed and the applicant's conduct during that period" did not come into play in the Supreme Court's examination of the case, but the Court notes that subsequently, on 17 September 2025, the applicant was detained on remand, charged with several new offences of money laundering of a particularly serious nature (see paragraph 17 above), and that the case is still ongoing.

41. As to the criterion of "the solidity of social, cultural and family ties with the host country and with the country of destination", the Supreme Court properly took the applicant's circumstances into account and found that his ties with Denmark were limited, whereas his ties with Syria were strong and he was well equipped to make a life in Syria.

42. The Supreme Court also took the applicant's family situation into account, including the criterion of "the best interests and well-being of the children, in particular the seriousness of the difficulties which they [were] likely to encounter in the country to which the applicant [was] to be expelled".

43. If the applicant's family were to follow him to Syria, the Supreme Court considered that the wife, being a Syrian national, would be well equipped to make a life in Syria. In respect of the two children who were still minors (aged 12 and 14), and who had formed considerable individual ties with Denmark, the Supreme Court found that they were not ill-equipped for living in Syria, given that they had been raised in a Syrian family.

44. If the applicant's family were to remain in Denmark, the Supreme Court considered that they would be able to maintain contact through visits to Syria, or to other countries in which they would be permitted to stay. They would also be able to maintain contact by telephone or via the internet.

45. Regard has also been had to the duration of the expulsion order, in particular whether the re-entry ban was of limited or unlimited duration. The Court has previously found such a ban to be disproportionate on account of its unlimited duration, whereas in other cases it has considered the limited duration of an exclusion order to be a factor weighing in favour of its being proportionate (see, for example, *Savran*, cited above, §§ 182 and 199, and the cases cited therein). One of the elements relied on in this connection has been whether the offence leading to the expulsion order was of such a nature that the person in question posed a serious threat to public order (see, among other authorities, *Ezzouhdi v. France*, no. 47160/99, § 34, 13 February 2001; and *Bousarra v. France*, no. 25672/07, § 53, 23 September 2010, in which the Court found that the individuals in question did not pose a serious threat to public order; see also *Mutlag v. Germany*, no. 40601/05, §§ 61-62, 25 March

2010, in which the Court found that the person in question did pose a serious threat to public order).

46. In the present case, the Court does not call into question the finding that the applicant's offences leading to the expulsion order were of such a nature that he posed a serious threat to public order (see, among other authorities, *Al-Habeeb*, cited above, § 61).

47. The length of the re-entry ban is only one of many factors to be considered in assessing whether an expulsion order is compatible with Article 8. Normally it cannot be said that this factor or any other factor is in itself decisive for the outcome of this assessment. In the Danish context, this is different owing to the Danish law that allows the courts to reduce the length of the re-entry ban if – and only if – a longer duration would "for certain be contrary to Denmark's international obligations". This means that in some borderline cases the length of the re-entry ban becomes decisive in the assessment made by the Danish courts.

48. The Court notes that the Supreme Court did not address whether it agreed with the High Court's assessment that expelling the applicant, together with a permanent re-entry ban, would "for certain be contrary to the Convention" (see paragraph 9 above). In so far as it was only the applicant who appealed against the High Court's judgment, the Supreme Court could not have increased the length of the re-entry ban, even if it disagreed with the assessment of the High Court. However, if the Supreme Court did disagree, it could have stated this and explained its reasoning.

49. If the Supreme Court agreed with the High Court that expelling the applicant with a permanent re-entry ban would for certain be contrary to the Convention, as assumed by the Government (see paragraph 33 above), it is decisive whether the time-limited nature of the re-entry ban can be considered a factor capable of rendering the applicant's expulsion compatible with Article 8. As stated in *Sharafane v. Denmark* (cited above, § 61), this will only be the case if there is some prospect of the expelled person returning, even if only for a visit, at some point in the future. It is unfortunate that the Supreme Court did not address the issue raised by the applicant before the Supreme Court that a six-year re-entry ban had amounted *de facto* to a permanent ban.

50. However, the Court notes that, unlike in *Sharafane*, the applicant in the present case has a wife and minor children living in Denmark. Thus, after the expiry of the re-entry ban, if his wife remains in Denmark, he will have the possibility of applying for family reunification. In *Al-Habeeb v. Denmark* (cited above, § 71), the Court found that the statistics provided by the Government indicated that, for persons such as the applicant in that case who had a Danish spouse or long-term cohabiting partner, the prospect of re-entering Denmark on the grounds of family reunification was not purely theoretical. This also applies to a person who, like the applicant in the present case, has a spouse residing in Denmark.

51. The Court thus finds no reason to question the finding of the domestic courts that the time-limited nature of the re-entry ban was a factor capable of rendering the applicant's expulsion compatible with Article 8 (see *Al-Habeeb v. Denmark*, cited above, § 72).

52. The amendments to the Danish visa regulation (see paragraph 16 above) do not apply to the applicant since he entered Denmark as an adult, and the Court may not base its decision on facts outside the complaint (see, *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 123, 20 March 2018). Nevertheless, as this is the first case concerning the significance of the time-limited nature of a re-entry ban to be brought before the Court after those amendments were made in response to *Sharafane* (cited above), the Court considers it appropriate to provide comments on those amendments in light of the *Sharafane* case-law. It is noted that both the amendments and the Supreme Court's judgment of 18 March 2025 (see paragraph 22 above) seem to be based on the assumption that Article 8 entitles a person who has been expelled with a time-limited re-entry ban to be granted a visa to re-enter the country from which he or she was expelled, under certain circumstances. In *Sharafane* the Court, however, stated that if the expelled person under national laws has some prospect of returning, even if only for a visit, the time-limited nature of the re-entry ban is a factor capable of rendering the expulsion compatible with Article 8, in some borderline cases. It is difficult for the Court to imagine a scenario that is not already covered by the "extraordinary circumstances" mentioned in the previous visa rules and where Denmark's refusal to issue a visitor's visa at a given time to a person who had previously been expelled would violate that person's right to respect for private life under Article 8. The Government has also been unable to provide any relevant examples (see paragraph 19 above) and to the Government's knowledge the new rules have not yet been invoked (see paragraph 21 above). It is thus difficult for the Court to see how the amendments to the visa rules have affected the likelihood of a person in a similar situation to the applicant in *Sharafane* (cited above) being allowed to enter Denmark for a visit after the expiry of a time-limited re-entry ban.

(c) Conclusion

53. Taking into account all the above factors, the Court concludes that the interference with the applicant's private and family life was supported by relevant and sufficient reasons. It notes that, at all levels of jurisdiction, there was an explicit and thorough assessment of whether the expulsion order could be considered to be contrary to Denmark's international obligations. In this connection, the Court points out that, where independent and impartial domestic courts have carefully examined the facts, applying the relevant human rights standards consistently with the Convention and its case-law, and adequately weighed up the applicant's personal interests against the more general public interest in the case, it is not for the Court to substitute its own

assessment of the merits (including, in particular, its own assessment of the proportionality of the facts) for that of the competent national authorities. The only exception to this is where strong reasons for doing so are shown (see *Savran*, cited above, § 189, with further references). In the Court's opinion, there are no such strong reasons in the present case.

54. It follows that there has been no violation of Article 8 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been no violation of Article 8 of the Convention.

Done in English, and notified in writing on 7 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Lado Chanturia President