

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

THIRD SECTION

DECISION

Application no. 8257/07
by Nazime GÜLER
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 18 January 2011 as a Chamber composed of:

Elisabet Fura, *President,*
Corneliu Bîrsan,
Boštjan M. Zupančič,
Egbert Myjer,
Ineta Ziemele,
Luis López Guerra,
Ann Power, *judges,*

and Santiago Quesada, *Registrar*,

Having regard to the above application lodged on 21 February 2007,

Having deliberated, decides as follows:

PROCEDURE

The application was lodged by Ms Nazime Güler, a Turkish national who was born in 1979 and lives in Amsterdam. She is represented before the Court by Mr M. Berg, a lawyer practising in Amsterdam. The Dutch Government ("the Government") were represented by their Deputy Agent, Ms L. Egmond, of the Ministry of Foreign Affairs. The Turkish Government have not made use of their right to intervene under Article 36 of the Convention.

The applicant complained under Article 8 of the Convention that the obligation imposed on her by the Dutch authorities to return to Turkey to apply for, and await the issuance of, a provisional residence visa violated her right to respect for her family life.

The applicant's complaints were communicated to the Government on 23 September 2009.

On 24 September 2009 the Government informed the Court that the applicant had been granted a residence permit on 23 July 2009 for the purposes of exercising family life with her husband.

On 6 October 2009 the applicant was requested to inform the Court, before 20 October 2009, if she wished to maintain her application in light of these new circumstances. No reply was received to the Registry's letter.

By letter dated 23 November 2009, sent by registered post to the address as submitted on the application form, the applicant's representative was notified that the period allowed for submission of the requested information had expired on 20 October 2009 and that no extension of time had been requested. The applicant's representative's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. However, no response has been received to this letter, nor has the signed acknowledgement of receipt-slip of the letter been returned to the Court.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Santiago Quesada
Registrar

Elisabet Fura
President