

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

FIRST SECTION

DECISION

Application no. 7179/20
H.J.
against Sweden

The European Court of Human Rights (First Section), sitting on 20 January 2022 as a Committee composed of:

Alena Poláčková, *President,*
Raffaele Sabato,
Davor Derenčinović, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 29 January 2020,

Having regard to the decision to grant the applicant anonymity under Rule 47 § 4 of the Rules of Court,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, H.J., was born in 1981. He was represented by Mr M. Kellerdal, a lawyer practising in Gothenburg.

The applicant's complaints under Articles 2 and 3 of the Convention concerning his removal to Iraq were communicated to the Swedish Government ("the Government"), represented by their Agent, Ms H. Lindquist, of the Ministry for Foreign Affairs.

Subsequently, the Government informed the Court that the applicant's expulsion order had become statute-barred on 21 November 2021 and that, as a consequence, the applicant's expulsion order was no longer enforceable as of 22 November 2021. Moreover, the Swedish Migration Agency had decided to grant the applicant a new examination of the issue of his asylum and residence permit. Consequently, the Government maintained that the present application should be struck out from the Court's list of cases.

The applicant opposed to the Government's request to strike the case out of the Court's list of cases.

THE LAW

The Court notes that, for the time-being, there is no enforceable expulsion order against the applicant. The applicant is thus no longer in an immediate risk of being deported from Sweden.

In view of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights, as defined in the Convention and the Protocols thereto, does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

Accordingly, the application should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 10 February 2022.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President