

[Home](#) > ?????? - ?????????? ??? ??????????????, 25 ?????????? 2011, ??????? ??????????
3328/2011

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Country of Decision:

Greece

Country of Applicant:

Turkey

Date of Decision:

25-10-2011

Citation:

????????? ?????????? 3328/2011

Court Name:

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Keywords:

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Relevant Legislative Provisions:International Law > [1951 Refugee Convention](#) [1] > Art 1A (1)International Law > [1951 Refugee Convention](#) [1] > [Art 1A \(2\)](#) [2]International Law > [1951 Refugee Convention](#) [1] > [Art 33](#) [3]European Union Law > [EN - Asylum Procedures Directive, Council Directive 2005/85/EC of 1 December 2005](#) [4]European Union Law > [EN - Qualification Directive, Directive 2004/83/EC of 29 April 2004](#) [5]**Headnote:**

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Facts:

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?.?? ?) ????????????? [? ??????] ???? ???? ?????????????? ?????????? ?????????????????? ???? ?????????? ?????????????
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30.10.1990 ???? 16.11.1990 ? ?????????? ?????????????? ?????????????????? ?????????????????????? ???? ??????????????
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21.9.2007, ???? ???? ???? ???? ???? ?????????????? ???? ???? ?????????????????? ???? ?????????? ???? ???? ??????????????
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Decision & Reasoning:

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Outcome:

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Observations/Comments:

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- [1] <http://www.asylumlawdatabase.eu/en/content/1951-refugee-convention>
- [2] <http://www.asylumlawdatabase.eu/en/content/1951-refugee-convention#1>
- [3] <http://www.asylumlawdatabase.eu/en/content/1951-refugee-convention#33>
- [4] <http://www.asylumlawdatabase.eu/en/content/asylum-procedures-directive>
- [5] <http://www.asylumlawdatabase.eu/en/content/qualification-directive>
- [6] <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/Original%20decision%20-%203328-2011.pdf>
- [7] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7591>
- [8] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7333>
- [9] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7999>
- [10] <https://www.asylumlawdatabase.eu/el/taxonomy/term/4374>
- [11] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7983>
- [12] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7319>
- [13] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7960>
- [14] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7961>
- [15] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7956>
- [16] <https://www.asylumlawdatabase.eu/el/taxonomy/term/8000>
- [17] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7663>
- [18] <https://www.asylumlawdatabase.eu/el/taxonomy/term/8001>
- [19] <https://www.asylumlawdatabase.eu/el/taxonomy/term/4378>
- [20] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7995>
- [21] <https://www.asylumlawdatabase.eu/el/taxonomy/term/7973>
- [22] <https://www.asylumlawdatabase.eu/el/taxonomy/term/4376>