



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

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FOURTH SECTION

Application no. 17821/26
Moein MOHSENI
against Denmark
lodged on 28 April 2026
communicated on 10 July 2026

SUBJECT MATTER OF THE CASE

The applicant is an Afghan national, born in 2007. He entered Denmark in 2009 at the age of 2. By a judgment of the High Court, which became final on 4 March 2026, the applicant was convicted of assault with aggravating circumstances and offences under the Controlled Substances Act. He was sentenced to 1 year and 6 months' imprisonment. Moreover, he was issued an expulsion order combined with a 4-year re-entry ban. He complained that the order expelling him from Denmark was in violation of Article 8 of the Convention.

QUESTIONS TO THE PARTIES

1. Having regard, in particular, to the fact that the applicant's re-entry ban was reduced by virtue of section 32(5) of the Aliens Act, would the order to expel him from the country with a 4-year re-entry ban be in breach of Article 8 of the Convention (see, notably, *Sharafane v. Denmark*, no. 5199/23, 12 November 2024, and *Al-Habeeb v. Denmark*, no. 14171/23, 12 November 2024)?

2. Under the Danish legislation, notably section 16(7) of Executive Order no. 1545 of 12 December 2024, (*Udlændinges adgang til Danmark på grundlag af visum*), which requirements must the applicant fulfil in order to re-enter Denmark, when the 4-year re-entry ban will expire?

3. Can the Government provide any examples of circumstances where persons belonging to group 5, as set out in annex 2 to the said Executive Order, should be granted a visa under the new section 16(7) after having been expelled for a limited period of time, since otherwise it would be in breach of Article 8 of the Convention?