



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

Published on 10 August 2026

FOURTH SECTION

Application no. 24677/26
Mile JOVANOVIĆ
against Denmark
lodged on 17 June 2026
communicated on 10 July 2026

SUBJECT MATTER OF THE CASE

The applicant, who is apparently stateless and was born in Poland in 1994, entered Denmark with his mother in 1997, at the age of three. He has a criminal record. During criminal proceedings in 2018 and 2020 he was warned of expulsion. In 2023, he was ordered to be expelled with a 6-year re-entry ban.

However, the Danish authorities could not implement the expulsion order. Consequently, on 28 November 2024 the Return Agency (*Hjemrejsestyrelsen*) issued an order that the applicant reside at a return centre (*Kærshovedgård*) during the night and register three times per week during daytime with the police at the centre. The centre is situated in the countryside approximately 7 km from the closest town.

On 5 August 2025, the applicant was convicted by a District Court under section 23 of the Return Act for failing to comply with the residence order and the registration duty relating to the period between January and April 2025. He was sentenced to 10 months' imprisonment. He was also issued with a new expulsion order. Before the District Court, the applicant maintained in vain that the resident order of indefinite duration was in violation of, among others, Articles 5 and 8 of the Convention. On appeal, the judgment was upheld by the High Court on 29 October 2025. Leave to appeal to the Supreme Court was refused on 18 February 2026.

The applicant complained that the High Court's judgment, which became final on 18 February 2026, was in breach of the applicant's rights under Articles 5 and 8 of the Convention.

QUESTION TO THE PARTIES

1. Was the High Court's judgment, which became final on 18 February 2026, in breach of Article 5 of the Convention, in particular did the obligation to reside at the return centre during the night and to report regularly to the police, amount to a deprivation of liberty within the meaning of the said provision (see, among other authorities, *Guzzardi v. Italy*, 6 November 1980, §§ 92-94, Series A no. 39 and *Nada v. Switzerland* [GC], no. 10593/08, §§ 225-234, ECHR 2012)?

2. Was the High Court's judgment in breach of Article 8 of the Convention, in particular did the obligation to reside at the return centre, under the above mentioned conditions, constitute an interference with the applicant's right to respect for his private life under Article 8 of the Convention and, if so, whether that interference was justified under Article 8 § 2?