## Contents

	Acknowledgements		
	Intr	roduction	1
1	The Geneva Convention of 1951 and its Protocol of 1967		
	1.1	Definition of refugee 8	
	1.2	Cessation of refugee status and exclusion clauses 29	
	1.3	I I J	
		the Refugee Convention: A) Entry and temporary stay 47	
	1.4	B) Right to fair procedure 62	
	1.5	Some controversial applications of the prohibition	
		on refoulement: A) Exceptions per Article 33(2) 67	
	1.6	B) The notion of 'safe' country 82	
	1.7	C) Mass influxes 91	
	1.8	Other obligations of States in respect of refugees 95	
2	The	e 1950 Rome Convention and its Protocols	102
	2.1	Protection par ricochet in the case law of the	
		European Court of Human Rights: A) Prohibition	
		on torture and inhuman or degrading treatment	
		or punishment 102	
	2.2	B) Other instances of protection par ricochet 113	
	2.3	Other major obligations deriving from the European	
		Convention on Human Rights 120	
	2.4	Some final remarks 125	

viii	Cont	ents	
3	Evolution of EC and EU competences for asylum		
	3.1	Absence of competences for asylum in the Treaty	
		of Rome and partial reference in the provisions	
		on workers' social security 129	
	3.2	How to link the creation of the single market	
		and dismantling of internal frontiers to a common	
		policy on asylum 131	
	3.3	The inevitability of intergovernmental cooperation:	
		A) The Schengen Agreements 133	
		B) The Dublin Convention 136	
		The Treaty of Maastricht and the Third Pillar 138	
		Achievements in asylum through Third Pillar competences 140	
		Further developments in intergovernmental cooperation 143	
	3.8	'Communitarisation' of the Schengen acquis and inclusion in	
		Title IV TEC 143	
	3.9	Title IV concessions to the intergovernmental cooperation	
	0.10	method: A) Procedures for adopting secondary legislation 146	
		B) Competences of the European Court of Justice 148	
	3.11	More compromises to 'communitarise' asylum: differentiated	
		integration of Title IV and enhanced cooperation under	
	0.10	the Schengen Agreements 151	
	3.12	The Treaty of Lisbon reforms: communitarising (definitively)	
	0.10	the rules on asylum 159	
	3.13	Developments in asylum law in the light of Article 78 TFEU 162	
	3.14	The new system of differentiated integration 167	
4	Inte	rnational protection in EU legislation	170
	4.1	EU legislation and the Refugee Convention 170	
	4.2	The European Union, fundamental rights and	
		the European Convention on Human Rights 176	
	4.3	Some features of the Qualification Directive 183	
	4.4	Beneficiaries of international protection: A) Refugees 194	
		B) People eligible for subsidiary protection 203	
	4.6	Cessation and exclusion clauses 210	
	4.7	Preliminary remarks on the scope of the Procedures	
		Directive rationae materiae 221	
		Admission of asylum-seekers 227	
		Treatment of asylum-seekers under the Reception Directive 234	
	4.10	Assessment of applications for international protection:	

A) Principles and guarantees 239

and right to family unity 249	
Conclusions	253
Bibliography	257
Index	286

4.11 B) Exclusion on the basis of Dublin III 242

4.13 Recognition of refugee status: right of residence

4.12 C) Inadmissible application and safe third country 247