

TABLE OF CONTENTS

List of Abbreviations.	XI
Introduction.	1
Chapter 1 Towards a Common European Asylum System.	7
1.1 Introduction.	7
1.2 Geneva Convention (1951).	8
1.3 Internal market: Freedom of movement	10
1.4 Schengen Agreement (1985) and Schengen Implementation Convention (1990)	12
1.5 Dublin Convention (1990)	15
1.6 Treaty of Maastricht (1992).	19
1.7 Treaty of Amsterdam (1997).	20
1.7.1 Area of Freedom, Security and Justice	21
1.7.2 Title IV TEC	24
1.7.3 Protocols	25
1.7.3.1 Asylum for nationals of Member States	25
1.7.3.2 The position of the United Kingdom, Ireland and Denmark.	26
1.8 Tampere Conclusions (1999)	28
1.9 Treaty of Nice (2001)	32
1.10 Institutional Aspects	32
1.10.1 Decision making	33
1.10.1.1 Council	33
1.10.1.2 Commission	35
1.10.1.3 European Parliament	36
1.10.2 European Council	37
1.10.3 Court of Justice	37
1.11 Conclusions.	38
Chapter 2 EU Legislation on Asylum	41
2.1 Introduction.	41
2.2 Responsible Member State	42
2.2.1 Evaluation of the Dublin Convention	43
2.2.2 New hierarchy of criteria.	49
2.2.3 Evaluation of the 'Dublin II' Regulation.	51
2.2.4 Eurodac	57
2.3 Reception	58
2.4 Qualification	63
2.4.1 Assessment of applications	66
2.4.2 Refugee	70
2.4.3 Subsidiary protection.	75
2.4.4 Content of International Protection	77
2.5 Procedures.	79

2.5.1	General provisions.	81
2.5.2	Basic principles and guarantees	82
2.5.3	Procedures at first instance	88
2.5.4	<u>Procedures for the withdrawal of refugee status</u>	103
2.5.5	Appeal procedures.	105
2.6	Temporary protection and burden sharing.	108
2.6.1	Temporary protection	112
2.6.2	Solidarity between Member States (burden sharing).	115
2.6.2.1	European Refugee Fund	115
2.7	Other Directives	118
2.7.1	Family reunification	119
2.7.2	Long-term residents.	121
2.8	Conclusions.	123
Chapter 3	The Perspective of a new Member State: Slovakia	125
3.1	Introduction.	125
3.2	EU-Slovakia relations before joining the EU	126
3.3	The challenges of harmonisation.	128
3.4	Evolution of the Slovak Asylum Legislation	130
3.4.1	The beginnings of the Slovak asylum law.	131
3.4.2	Amendment to the 283/1995 Refugee Law.	135
3.4.3	Asylum Law 480/2002	136
3.4.3.1	Procedural aspects.	140
3.4.3.2	Review of decisions	141
3.4.4	Two examples of Court decisions	143
3.4.5	Considerations concerning the Slovak Asylum Law.	146
3.4.6	Amendments to the 480/2002 Asylum Law	147
3.5	Assessment by the European Commission	151
3.6	Implementation	154
3.6.1	A fictitious case.	155
3.6.1.1	Entry into the asylum procedure	157
3.6.1.2	Registration at the reception centre	158
3.6.1.3	Procedure leading to a first-instance decision	160
3.6.1.4	First-instance decision.	161
3.6.1.5	Appeal against a first-instance decision	163
3.7	Conclusions.	167
Chapter 4	EU Policy on Asylum	173
4.1	Introduction.	173
4.2	Communications of the Commission	174
4.2.1	'Towards more accessible, equitable and managed asylum systems' . . .	175
4.2.2	'Area of freedom, security and justice: assessment of the Tampere programme and future orientations'	178

4.2.3	‘On the managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin – Improving access to durable solutions’	181
4.2.4	‘A more efficient Common European Asylum System: the Single Procedure as the next step’	187
4.2.5	‘On Strengthened Practical Cooperation. New Structures, New Approaches: Improving the Quality of Decision Making in the Common European Asylum System’	190
4.3	Activities of the Council and the European Council	192
4.3.1	Evaluation of the Conclusions of Tampere (6 December 2001)	192
4.3.2	Laeken European Council (14–15 December 2001)	194
4.3.2.1	Laeken Declaration on the future of the European Union	195
4.3.3	Seville European Council (21–22 June 2002)	196
4.3.4	Council (5–6 June 2003)	198
4.3.5	Thessaloniki European Council (19–20 June 2003)	199
4.3.6	Brussels European Council (12–13 December 2003)	200
4.3.7	Council (29–30 April 2004)	201
4.3.8	Council (19 July 2004)	202
4.3.9	Brussels European Council (4–5 November 2004)	202
4.4	The Hague Programme	203
4.4.1	Common European Asylum System	204
4.4.2	External dimension of asylum and migration	206
4.4.3	Action Plan	208
4.5	Conclusions	212
Concluding Remarks		215
1.	Common European Asylum System	215
2.	Implementation in Slovakia	215
3.	More effective solutions?	217
4.	A complex problem	218
5.	A balanced approach	218
6.	External dimension	219
7.	Internal dimension	220
8.	Constitutional Treaty	220
9.	The immediate future	222
Selected Bibliography		223
Selected Documents		231
Index		239