

International protection proceedings

Abstract

The content of this diploma thesis is a discussion of the procedural side of international protection. In order to understand this topic, it is first necessary to realize where relevant sources can be found. The sources of international law in the form of *soft law* will help us to understand the general principles of the area. The legal regulation valid in the Czech Republic can be found at the level of European Union legislation and at the level of national regulations of the Czech Republic.

It is also appropriate to define some basic concepts. The definition of the concept of international protection proceedings with the help of the concept of a decision on international protection is absolutely essential for this work. This umbrella concept has undergone its own development in the past. The definition of the boundaries of the concept of international protection proceedings is also carried out in this work by means of the so-called other proceedings from the Asylum Act. The thesis also deals with the basic building blocks of the whole process, which are the basic principles of proceedings in matters of international protection and the fundamental rights of the applicant, which match his position during the proceedings to meet the requirements of a fair trial.

The main part of the whole work is the third part, in which I deal with the process itself, as regulated in the Asylum Act, the Asylum Procedural Directive and the case law of the courts. This part deals mainly with institutes different from the general regulation of administrative proceedings from the Administrative Procedure Code, ie special institutes in the field of international protection. The evidentiary aspect of the proceedings (including the situation of the so-called evidentiary emergency or the legal regulation of the interview), possible variants of the decision, including its essentials, as well as special procedures such as the so-called accelerated proceedings are discussed.

Last but not least, this diploma thesis discusses the remedy in international protection proceedings. At the same time, the remedy enacted by individual EU Member States must meet the requirements of the principle of effective remedy, ie such a remedy that prevents erroneous decisions in individual cases and at the same time fulfills the requirement of consistency of decision-making practice in the given area. After the interpretation of the administrative action, this work also briefly discusses the cassation complaint and the institute of inadmissibility of the cassation complaint.

Keywords: international protection, asylum law, international protection proceedings