

# **The Europeanisation of Asylum law**

## **Abstract**

The content of this thesis focuses on the development of the European Union asylum policy, as the youngest but fastest developing EU policy. As the field of asylum law is highly influenced by the incorporation of EU legislation into the national legal orders of the Member States, this legal area can be described as strongly Europeanised. This thesis aims to document the process of Europeanisation of asylum law through the construction of a regional subsystem of refugee protection in the European area, called the Common European Asylum System, or CEAS for short. The thesis is divided into an introduction, seven chapters and a conclusion. The first chapter explains the basic concepts with which the thesis works, as well as emphasizes the necessity to consider the field of asylum law through the prism of three layers which mutually influence and complement each other. These layers are of the international, EU and national law. For this reason, the most important international legal pillars supporting the EU asylum acquis are mentioned. The following chapters deal with the very concept of the Common European Asylum System and EU asylum policy, in an attempt to capture the underlying conceptual ideas behind the need to build this system. As the CEAS was built progressively in stages, chapters four to seven follow the different phases of its construction. Over the past thirty years, the EU asylum policy area has evolved from a mere cooperation between states at an intergovernmental level to an area fully integrated into the common legal framework of the European Union, with an ever-increasing tendency to further deepen the level of harmonisation of asylum rules already achieved. This is the case both in the area of substantive and procedural law. The thesis concludes with a chapter reflecting on the current efforts to adopt the third comprehensive reform of the CEAS through the New Pact on Migration and Asylum, which was also the subject of the Czech Presidency of the Council of the EU in the second half of 2022. In addition to the theoretical analysis of the most important legislative instruments that constitute the EU asylum acquis, the thesis also focuses on the practical side, giving examples of how some of the mentioned legal instruments have already been used in practice in the European area in response to migration crisis. It also highlights the influence of the case law of the CJEU and the ECHR. Finally, the thesis reflects on the future developments of European secondary asylum legislation. In particular, it notes efforts to achieve a higher degree of integration through the replacement of directives by regulations.