

Abstract

This thesis addresses the topic of mass influx of refugees and its possible solutions. It examines the concept of prima facie refugee status determination in group situations, which is plentifully used in states of the economic South as a solution to mass influx of refugees. Despite its ample use, it is not entirely clear what can be understood by it. A better way to tackle mass influxes of refugees is sought here in response to the European migration “crisis” which has shed light on the unpreparedness of the Common European Asylum System for a large scale influx. The prima facie refugee status determination is put here as an opposite to individualized refugee status determination, which is assumed by the western doctrine and practice to be the only possible way of determining refugee status under the 1951 Convention. Even though individualized refugee status determination may be an appropriate tool in times of relatively low number of refugees, as it has been the case for a long time at the European continent, it may be different in situations of mass influx of refugees. Such individualized refugee status determination is very costly and lengthy procedure and as such not very suitable for situation of mass influx of refugees. To answer the question of whether the prima facie refugee status determination would be a suitable tool to tackle the mass influx of refugees in the European context, it was first examined whether the status of a refugee under the 1951 Convention must be assessed only in individualized proceedings. It is shown that the 1951 Convention continues to play a primary role in the international refugee regime and that it can be also applied via group determination including prima facie refugee status determination. In addition, the thesis examines what the prima facie refugee status determination actually is. Moreover, its basic features are described here. The thesis also analyzes the qualitative differences between the prima facie refugee status and the status that was granted on the basis of individualized refugee status determination. At the end of the thesis, all the positive and negative aspects of prima facie refugee status determination are presented and the possible application of prima facie refugee status determination in the European context is critically assessed.