

An impact of the qualifying directive upon the position of a refugee in the EU – Abstract

This thesis deals with an impact of the qualifying directive upon the position of a refugee in the EU. The purpose of the thesis is to analyse partial provisions of the directive¹ and to explore their impact upon refugees and people with a status of subsidiary protection. Issues of asylum are being discussed a lot at this time with regard to thousands of people in need of an international protection.

The thesis consists of introduction, five chapters and conclusion. The introduction determines subject matter of the thesis and factual situation of asylum in EU. Chapter one is divided into two subchapters. Subchapter one illustrates historical development of Common European Asylum System. Subchapter two outlines legal basis of the directive and it is divided into four parts.

Chapter two is the most comprehensive. It explains conditions for an obtaining of refugee status in accordance with the direction. It contents five subchapters. Subchapter one focuses on definition of refugee which features person needs for obtaining refugee status. Subchapter two describes the term “well-founded fear of persecution” which is crucial for the definition. It consists of four parts and each of them deals with the specific aspects of the persecution. Subchapter free is about a mechanism of internal protection and subchapter four talks about international protection needs arising sur place. Subchapter five deals with different reasons relevant to the end of refugee status and includes free parts – cessation, exclusion and the other reasons.

Chapter free deals with mechanism of subsidiary protection, the second type of international protection provided next to the status of refugee. This chapter consists of free subchapters. Subchapter one explains mechanism of subsidiary protection and compares it with refugee status. Subchapter two describes conditions for obtaining status of subsidiary protection, especially it concentrates on the term ”serious unjustified harm.“ Subchapter free illustrates the end of subsidiary protection status.

Chapter four focuses on an assessment of applications for international protection and is discussed in subchapter one. Moreover, a content of international protection is discussed in

¹ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

subchapter two. Subchapter two is divided into four parts where there are illustrated basic principles and some of the most important rights provided to refugees and persons with status of subsidiary protection.

Finally, chapter five analyses concrete positive and negative impacts of partial provisions of the directive upon refugees and people with status of subsidiary protection and compares different applications of these provisions in member states of the EU. Author especially criticizes negative impacts of some unclear provisions of the directive providing a wide scope for restrictive interpretation in member states. In addition, this chapter points out amendments of proposal recasting the directive presented by Commission in October 2009. In concluding chapter author summarizes and analyse contents of five chapters.