Contents

	Ackno	owledgements	х
	Intr	oduction	1
1	The Geneva Convention of 1951 and its Protocol of 1967		
	1.1	Definition of refugee 8	
	1.2	Cessation of refugee status and exclusion clauses 29	
	1.3	The principle of non-refoulement, cornerstone of	
		the Refugee Convention: A) Entry and temporary stay 47	
	1.4	B) Right to fair procedure 62	
	1.5	Some controversial applications of the prohibition	
		on refoulement: A) Exceptions per Article 33(2) 67	
	1.6	B) The notion of 'safe' country 82	
	1.7	C) Mass influxes 91	
	1.8	Other obligations of States in respect of refugees 95	
2	The	e 1950 Rome Convention and its Protocols	102
	2.1	Protection par ricochet in the case law of the	
		European Court of Human Rights: A) Prohibition	
		on torture and inhuman or degrading treatment	
		or punishment 102	
	2.2	B) Other instances of protection par ricochet 113	
	2.3	Other major obligations deriving from the European	
		Convention on Human Rights 120	
	2.4	Some final remarks 125	

3 Evolution of EC and EU competences for asylum

- 3.1 Absence of competences for asylum in the Treaty of Rome and partial reference in the provisions on workers' social security 129
- 3.2 How to link the creation of the single market and dismantling of internal frontiers to a common policy on asylum 131
- 3.3 The inevitability of intergovernmental cooperation:A) The Schengen Agreements 133
- 3.4 B) The Dublin Convention 136
- 3.5 The Treaty of Maastricht and the Third Pillar 138
- 3.6 Achievements in asylum through Third Pillar competences 140
- 3.7 Further developments in intergovernmental cooperation 143
- 3.8 'Communitarisation' of the Schengen *acquis* and inclusion in Title IV TEC 143
- 3.9 Title IV concessions to the intergovernmental cooperation method: A) Procedures for adopting secondary legislation 146
- 3.10 B) Competences of the European Court of Justice 148
- 3.11 More compromises to 'communitarise' asylum: differentiated integration of Title IV and enhanced cooperation under the Schengen Agreements 151
- 3.12 The Treaty of Lisbon reforms: communitarising (definitively) the rules on asylum 159
- 3.13 Developments in asylum law in the light of Article 78 TFEU 162
- 3.14 The new system of differentiated integration 167

4 International protection in EU legislation

- 4.1 EU legislation and the Refugee Convention 170
- 4.2 The European Union, fundamental rights and the European Convention on Human Rights 176
- 4.3 Some features of the Qualification Directive 183
- 4.4 Beneficiaries of international protection: A) Refugees 194
- 4.5 B) People eligible for subsidiary protection 203
- 4.6 Cessation and exclusion clauses 210
- 4.7 Preliminary remarks on the scope of the Procedures Directive *rationae materiae* 221
- 4.8 Admission of asylum-seekers 227
- 4.9 Treatment of asylum-seekers under the Reception Directive 234
- 4.10 Assessment of applications for international protection:A) Principles and guarantees 239

170

		Contents	ix
4.11	B) Exclusion on the basis of Dublin III 242		
4.12	C) Inadmissible application and safe third country 247		
4.13	Recognition of refugee status: right of residence		
	and right to family unity 249		
Conclusions			150
		4	253
Biblio	graphy	c	257
Index			
Inder		2	286

1