

The Asylum Acquis and the European Court of Justice

Lisjana, Bahri, Cukaj

Doctoral School “The European University of Tirana”, e-mail: liselda2009@yahoo.com

Abstract

The EU has been at the forefront of refugee law developments. In its quest to harmonize the asylum law and the procedures of its member states. The EU has gone one step further and set an example by in effect codifying a legal framework on asylum applicable to the Member states, despite different legal traditions. In the European Union, the right to asylum was laid down at article 18 in the Charter of Fundamental Rights and it allows those in need of protection to access the asylum system of the European Union and to be granted refugee or subsidiary protection status. Therefore, the rulings of the ECJ on the right to asylum, relate to the transfer of asylum seekers in the state responsible for examining their application, to the conditions for granting and withdrawing refugee and subsidiary protection status, and to the transposition of directives in national law. While the European Court of Justice (ECJ) is mostly confronted with cases dealing with the right to asylum. For the majority of cases on the right to asylum, the ECJ was asked to provide guidance on the interpretation of the Qualification Directive. The finding of court offered new means of improving the asylum system and procedure through Qualification Directive has proved efficient in defining the access to refugee or subsidiary protection status. Dublin II Regulations have proved efficient as well in clarifying which state is responsible for examining an asylum application. The European Court of Justice (ECJ) has played an important role in the development of the European refugees and asylum Law. It is therefore essential to study the ruling of this court, to see how it is confronted with various cases relating to the right of asylum, and how it contributes to the harmonization of the European legal system in the field of asylum.

Keywords: *Dublin II Regulation, Qualification Directive, ECJ.*