

uropean Database of Asylum Law www.asylumlawdatabase.eu







Background

The European Database of Asylum Law (EDAL) is an online database containing case law from 11 EU Member States interpreting refugee and asylum law. EDAL summarises relevant case law in English and the Member State's national language and provides a link to, and/or pdf of, the full text of the original judgment where available.

EDAL is funded by the European Commission's European Refugee Fund under the project entitled 'Learning from Practice: Developing a database of jurisprudence to deepen cross-European understanding of the interpretation of the Qualification and Asylum Procedures Directives'.

EDAL's objective is to strengthen the development of harmonized standards of protection within the Common European Asylum System and, in particular, to increase

consistency and quality in the interpretation and application of the Qualification¹ and Asylum Procedures² Directives.

The Irish Refugee Council coordinated the project and partnered with the European Council on Refugees and Exiles (ECRE). An Advisory Panel including a representative of UNHCR was formed to provide guidance on the project and National experts were appointed to select and draft the case summaries in English and the Member State's national language.

The primary audience is decision-makers at all levels, practitioners, academics and policy makers. The project aims to foster deeper cooperation amongst decision-makers and practitioners in Member States. EDAL contains case summaries from the following 11 Member States:

Belgium	• Ireland
The Czech Republic	The Netherlands
Finland	Spain
France	Sweden
Germany	The United Kingdom
Hungary	

Features of EDAL

EDAL is searchable in English and the original language of the decision. The website interface is available in English only. The case summaries are searchable by a predictive text keyword search, by a free text / full text search, as well as by provisions of relevant EU Directives, citation, and case title. EDAL contains information on each Member States legal framework – Country Overview – outlining how the asylum system operates, and explaining the standing and relationship between different courts and tribunals in that process.

Criteria for Selecting Cases

The primary focus of EDAL is to collect case law that is relevant to the interpretation of the Qualification and Asylum Procedures Directives; however important cases on the Reception Conditions Directive and the Dublin II Regulation are also included.

Cases are selected where a significant point of law is discussed and the reasoning of the decision-maker is evident and instructive. This includes, for example, precedent setting cases and cases that contribute to policy changes at the national level. In addition, cases are selected

if they were considered significant and therefore should be shared with decision-makers and practitioners in other Member States, regardless of the outcome.

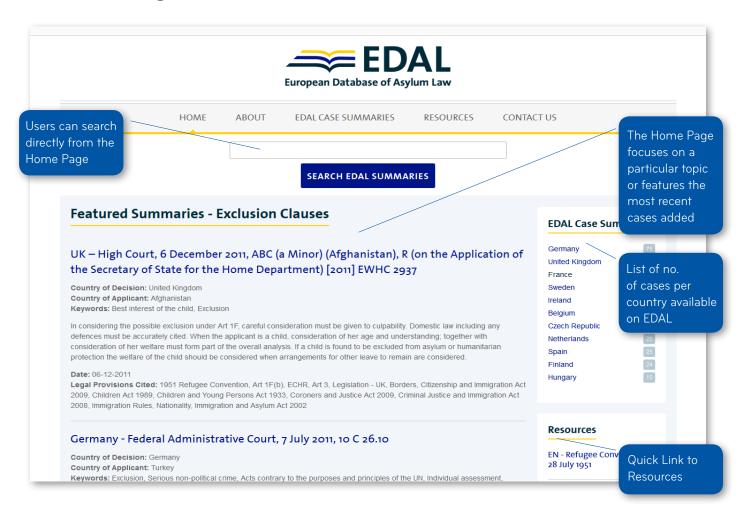
International Protection Standards

EDAL is conscious that EU law is not the only source of asylum and refugee law in Member States. Every Member State is a signatory to the 1951 Geneva Convention on the Status of Refugees and there can be discrepancies in the interpretation of international (and EU) obligations between different Member States. EDAL is useful to identify cases that either highlights protection gaps in Member States or case law which demonstrate instances where Member States have maintained higher standards than are required by EU asylum acquis but correspond with international law.

Developing EDAL

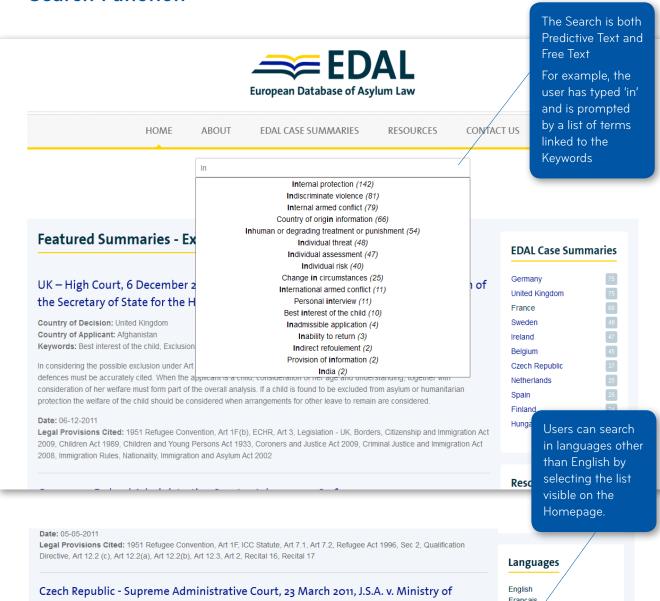
The Irish Refugee Council is seeking to obtain additional funding to be able in the future to include the case law of other EU Member States and to extend the focus to other elements of the Common European Asylum System.

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Search Function



Interior, 6 Azs 40/2010-70

Country of Decision: Czech Republic Country of Applicant: Cuba

Keywords: Subsidiary Protection, Exclusion, Standard of proof

The case concerned an appeal against a decision of the Ministry of Interior (MOI) to refuse a claim for subsidiary protection status on the grounds that the applicant was excluded as a result of his activities, which were considered 'contrary to the purposes and principles of the United Nations.' The appeal was successful, the Supreme Administrative Court (SAC) held that exclusion clauses must be interpreted restrictively, that there must be 'serious grounds to believe' such acts were carried out and notwithstanding the exclusion clause, non refoulement obligations under Art 3 of the ECHR.

Date: 23-03-2011

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