

Negative decisions on international protection in the light of judicial review

Abstract

The presented work analyzes the decision-making practice of Czech courts in cases of rejected applications for international protection in the Czech Republic. It covers the decision-making paragraphs of the Czech Asylum Act so that the reader can get an idea of the functioning of the asylum system in the Czech Republic. The work aims to be practical and in many places the study of selected cases focuses on controversial moments, in which the court comes to the opposite conclusion than the administrative body. The right to asylum is enshrined in Article 43 of the Charter of Fundamental Rights and Freedoms and the Asylum Act is an integral part of the Czech legal system. In a detailed analysis of the merits of disputed cases, the submitted work will present the closest possible profile of an applicant for international protection, who is close in his fate to an asylum-relevant persecuted person, as well as a foreigner who is threatened with serious harm if returning to his country of origin or last permanent residence. The legal institute is always mentioned and subsequently disputes that have been intercepted by the Czech administrative courts during the review of the defendant decisions are traced to it. The selected case law is current and the cases discussed are always presented with an explanation of the situation in the foreigner's country of origin, noble reservations and, if possible, with a further possible development in the case. For a consistent understanding of asylum law, the individual concepts of the asylum law are also explained, historically, theoretically and practically. The division of the work corresponds to the Czech Asylum Act and as such is divided into two basic passages, which represent two types of international protection. Historically older asylum and subsidiary protection enforced by European law, which is granted only for a limited period of time. Because Czech asylum law is very strongly affected by public international law and European Union law, everything is served with an overlap to these legal levels as well.

Keywords: asylum, subsidiary protection, judicial review