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EU asylum procedures and the right to an effective remedy

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Acknowledgements

The adventure of writing this book started somewhere in 2006, when I was working as a policy officer for the Dutch Council for Refugees. Upcoming reorganisations urged me to think about my plans for the future. I decided to explore the possibilities to write a PhD thesis. The topic I intended to research, the meaning of the right to an effective remedy for asylum procedures, followed logically from my work for the Dutch Council for Refugees. The previous years I had focused on the Dutch asylum procedure, in particular the problems encountered by asylum applicants and their lawyers in the Netherlands as a result of, amongst others, the 48-hour accelerated procedure, the limited form of judicial review and the strict requirements for new evidence imposed by the case-law of the Council of State. Pieter Boeles' instant enthusiasm about my ideas convinced me that I had chosen the right direction. We agreed that we would try to find funding for a PhD position. Together with Thomas Spijkerboer we submitted an application for the MaGW Open competition of the Netherlands Organisation for Scientific Research (NWO), which was granted. This allowed me to dedicate myself full-time to my PhD research from 1 December 2007.

There are so many things I learned during the process of writing this thesis. Probably most important to me was my discovery of the potential impact of EU law on national asylum procedures. I never imagined that it would be that relevant and inspiring to read EU Courts' judgments concerning competition law, tax law or agricultural policies. It became clear to me that the same procedural questions arise in all kinds of cases, and that EU law provides similar answers to these questions. Hopefully this book will inspire lawyers working in the field of asylum law to use EU law in order to improve procedural guarantees for asylum applicants in Europe.

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List of abbreviations

Adm	admissibility decision
A.G.	Advocate-General
CAT	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEAS	Common European Asylum System
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFI	Court of First Instance
Charter	Charter of Fundamental Rights of the European Union
CRC	United Nations Convention on the Rights of the Child
ComAT	Committee against Torture
ComRC	Committee on the Rights of the Child
EASO	European Asylum Support Office
EC	European Community
EC Treaty	Treaty establishing the European Community
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EComHR	European Commission of Human Rights
EEA	European Economic Area
EU	European Union
EXCOM	Executive Committee of the Programme of the High Commissioner
GC	Grand Chamber (European Court of Human Rights)
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
PD	Procedures Directive (2005/85/EC)
Plen	plenary session
RCD	Reception Conditions Directive (2003/9/EC)
RD	Return Directive (2008/115/EC)
SIAC	Special Immigration Appeal Commission
TEU	Treaty on European Union
TfEU	Treaty on the functioning of the European Union
TPD	Temporary Protection Directive (2001/55/EC)
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNWRA	United Nations Relief and Works Agency for Palestine Refugees
QD	Qualification Directive (2004/83/EC)

