



Universiteit  
Leiden  
The Netherlands

## EU asylum procedures and the right to an effective remedy

Reneman, A.M.

### Citation

Reneman, A. M. (2013, January 15). *EU asylum procedures and the right to an effective remedy*. *Meijers-reeks*. Retrieved from <https://hdl.handle.net/1887/20403>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/20403>

**Note:** To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/20403> holds various files of this Leiden University dissertation.

**Author:** Reneman, Anne Marcelle

**Title:** EU asylum procedures and the right to an effective remedy

**Date:** 2013-01-15

## Stellingen behorende bij het proefschrift

### EU ASYLUM PROCEDURES AND THE RIGHT TO AN EFFECTIVE REMEDY

van Marcelle Reneman

- 1 The Procedures Directive is an ugly creature, but it has nevertheless the potential to significantly raise the level of procedural protection for asylum applicants, as it has brought asylum procedures within the scope of application of the EU right to an effective remedy.
- 2 In the field of asylum procedures national procedural autonomy is virtually non-existent.
- 3 EU law requires that all asylum applicants, including those whose application is considered manifestly unfounded, be allowed to await the outcome of the appeal before the first instance court against the negative asylum decision on the territory of the Member State.
- 4 Article 16 (1) of the Procedures Directive which allows Member States to withhold evidence underlying the asylum decision from the national court on national security grounds violates the EU right to an effective remedy and should be considered void.
- 5 Given the fundamental rights at stake in asylum cases the standard of procedural protection offered should rather be higher than lower than that offered by general administrative law in a Member State.
- 6 The European Court of Human Rights will best ensure its own subsidiary role by setting high procedural standards for national asylum procedures under Article 3 and 13 ECHR, including with respect to the intensity of review by an independent and impartial authority.
- 7 Member States are already bound by many of the standards inserted by the Commission in the proposal for a recast of the Procedures Directive on the basis of the case-law of the Court of Justice and the European Court of Human Rights.

- 8 It is the task of all national courts to refer questions for preliminary ruling to the Court of Justice in case of diverging case-law or uncertainty on the interpretation of EU law, even if the highest national court has refused to do so.
- 9 It has become indispensable for asylum lawyers to have a thorough knowledge of EU law, and for lawyers working in all fields of EU law to have some knowledge of asylum law.
- 10 It is virtually impossible or at least excessively difficult to find all relevant case-law by the EU courts on EU procedural rights and principles.