

## DOES THE EUROPEAN UNION PROVIDE EXPEDITIOUS ACCESSIBILITY TO ASYLUM OR DOES IT ARREST THE SAME?

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### **ABSTRACT**

*The European Union is currently facing a crisis, which it was not prepared for with respect to the magnitude of inflow of persons. The complexity of the myriad procedural norms and rules required for identification of third country nationals and asylum seekers often put applicants in a difficult position of causing a breach of law or falling outside the scope of the law. This paper seeks to explore procedural safeguards, guarantees and conditions which acknowledge asylum needs and also the gaps which hinder their accessibility.*

*Article 14 of the Universal Declaration of Human Rights 1948 recognizes the right to seek and enjoy asylum from persecution in other countries (Nations, 1948). Grounded in it is the Geneva Convention of 1949 and its 1967 Protocol (a post World War II instrument) which were the terminus a quo for consideration of asylum in Europe which have now been largely incorporated in the EU law. The Convention was adopted in 1951 and entered into force in 1964. Non refoulement is a fundamental belief of the Convention and it is also primarily against discrimination and penalisation. The 1967 Protocol of the Convention removed geographic and temporal limits of the Convention (ALNAP). Article 33 of the 1951 Convention provides that, “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion” (UNHCR, 2007). Non- refoulement is non-negotiable under international law.*

**KEYWORDS:** *Primarily Against Discrimination and Penalization, Directives and Decisions, Examine Inter-State*