



Segreteria SIDI
c/o ISGI CNR, Via dei Taurini, 19
00185 Roma (Italia)
Tel 390649937673 info@sidi-isil.org

TESI DI DOTTORATO IN DISCIPLINE GIURIDICHE INTERNAZIONALISTICHE ED EUROPEE

INDIRIZZO E-MAIL: marco.gerbaudo@unibocconi.it

NOME E COGNOME: Marco Gerbaudo

UNIVERSITÀ: Università Bocconi

TUTOR DELLA TESI DI DOTTORATO: Eleanor Spaventa

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TITOLO DELLA TESI: The Re-Subjectification of Refugees in the EU Asylum Policy: the Agency of Third-Country Nationals within the Principle of Solidarity

ABSTRACT DELLA TESI :

The thesis analyses which is, and which could be, the role of the individual in implementing the principle of solidarity guiding the eu asylum policy. solidarity, understood as a general value guiding the eu integration process in all fields (art. 2-3 teu) with more specific developments in policy-sectorial "islands of solidarity", is a guiding principle of the eu asylum policy (arts. 67(2) and 80 teu). solidarity in the ceas is conceptualised as a purely interstate emergency burden-sharing mechanism, lacking any recognition of agency to asylum seekers. in the thesis, agency is framed as the asylum seekers' right to choose the country of asylum or to be involved in the decision-making in the allocation mechanisms to find the responsible member state. after having conceptualised solidarity and agency in eu primary and secondary law, as well as in the caselaw of the jourt of justice on the dublin system, the thesis compares their role in two recent contexts: the new pact on migration and asylum (and specifically the asylum migration management regulation and the crisis and force majeure regulation) and the activation of the temporary drotection directive following the war in ukraine. building upon a doctrinal and law-in-context analysis, the thesis presents solidarity and agency as complementary features of a more constitutionally sound and efficient framework to manage asylum inflows in the eu. the envisaged scope of the analysis is to outline a holistic view of solidarity where agency recognition is both a legally sound option for the eu asylum policy to fully abide by the solidarity principle and an efficient solution to operationalize solidarity.