

Why Asylum Policy Harmonisation Undermines Refugee Burden-Sharing

EIKO R. THIELEMANN*

1. Introduction: Asylum and European Integration

The recent debate about asylum in Europe has been characterised by a concern about the high number of asylum applications (compared to the mid-1980s) and their highly unequal distribution among countries. In Western Europe the absolute number of asylum applications rose sharply from about 150.000 in 1985 to more than 600.000 in 1992 before falling again, with ca 300.000 applications being recorded in 2000. Average annual asylum applications per head of population have been more than ten times higher in some of the most popular destination countries such as Switzerland and Sweden compared to the least popular ones such as Spain and Portugal. The relative distribution of asylum seekers across Europe has been quite volatile over the years, exemplified by the rapid rise of applications in the UK in recent years. Increasingly, differences in the relative restrictiveness of countries' asylum regimes over time have come to be regarded as one of the principal reasons for disparities in asylum burdens and their variation over time. According to this view, host countries with a high relative number of applications will try to make their asylum policies more restrictive and other host countries will, as a result, become more attractive destination countries. This has sparked a heated debate about whether countries in which asylum applications have increased in recent years represent a 'soft touch' for asylum seekers and economic migrants using the asylum route alike.¹ It has also raised concerns that European countries as a result of the so-called 'soft touch' logic have become engaged in the competitive downgrading of refugee protection standards. In order to achieve a more stable and equitable distribution of asylum burdens and prevent a slide toward the lowest common denominator in protection standards, policy makers in Europe have turned to policy-harmonisation at the European level to achieve these objectives. Policy convergence in the field of asylum is seen as the key toward more equitable burden-sharing and less competition for the most effective deterrence measures.

This article seeks to challenge the emerging consensus that sees EU policy harmonisation as a panacea for Europe's burden-sharing problems in this area. It will be shown that the relative restrictiveness of a country's asylum policy is only one

* London School of Economics, UK.

¹ 'Are we a soft touch?', BBC News, 17 July 2003, <<http://news.bbc.co.uk/1/hi/uk/3074129.stm>>; 'End Asylum Soft Touch Says Hain', The Guardian, 13 May 2002; 'Head to Head: Is Britain a soft touch for refugees?', BBC News, 25 January 2000, <<http://news.bbc.co.uk/1/hi/uk/618239.stm>>; 'Europe's Asylum Soft Touch?', BBC News, 4 September 2001, <<http://news.bbc.co.uk/1/hi/uk/1524588.stm>>.

(and not even the most important) factor influencing the distribution of asylum burdens. Existing research in this area tends to focus primarily on the effectiveness of national policy measures (Holzer and Schneider 2000; Neumeyer 2003; Hatton 2003; Thielemann 2003c). Accordingly, there have been only few systematic analyses of the role of the EU in tackling the unequal distribution of asylum 'burdens' across Europe (Noll 1997, 2000; Thielemann 2003a).

This article's quantitative analysis of West European asylum data for the period 1985–2000 suggests that while European efforts to coordinate national asylum legislation and harmonise policy at the EU level appear to have deflected substantial numbers of asylum seekers to less developed countries, they have done little to address the issue of unequal distribution of asylum burdens among Western European states. European initiatives which so far have heavily focused on the integration of deterrence measures have had the tendency to consolidate the imbalance of asylum 'burden' created by deeply structural migration pull factors. The harmonisation of restrictive policy measures alone must therefore be regarded as being counter-productive to the aim of more equitable asylum burden-sharing in Europe.

The discussion in this article is structured as follows. In the first part of the article, I give an overview of the evolution of asylum applications/burdens in Western Europe since the mid 1980s. Part two highlights the principal steps that Western European states have undertaken both unilaterally and in cooperation to address what some have referred to as Europe's 'asylum crisis'. In the final part, the article assesses the relative importance of the key determinants for asylum seekers' choice of host country to support the claim that attempts to achieve a more 'equitable balance of efforts' through the harmonisation of national deterrence measures have in fact led to the consolidation of Europe's burden-sharing problems.

2. The Evolution of Asylum Figures in Europe

In a 2003 survey commissioned by a leading UK tabloid newspaper,² a sample of people in Britain were presented with six issues and were asked to choose the one which they regarded as the most important political issue for the UK. The highest number of respondents (39 percent) chose 'immigration and asylum seekers', followed by 'law and order' (32 percent) and 'the war on terrorism' (9 percent). In the same survey, only 18 percent of those questioned agreed with the truism that 'relative to their population, a number of other European countries have more asylum-seekers than Britain'. 80 percent of respondents agreed with the statement that 'the problem of asylum-seekers is out of control'.³ There can be little doubt that uncer-

² YouGov survey on Immigration and Asylum for *The Sun* conducted between 11 and 14 August 2003, available at <www.YouGov.com>.

³ In the same YouGov survey, 81 percent of the 2309 respondents were in favour of holding all asylum-seekers in detention on arrival in the UK while their applications for asylum are processed. However, some of the survey results also show the deep confusion that is evident in the UK debate on these issues. While 54 percent felt that as a result of immigration over the past fifty years 'Britain has changed for the worse, because something of our traditional character has been lost', 64 percent of respondents felt that Britain had benefited from recent immigration in terms of music, sport, food, etc.

tainty and concern about asylum numbers are not unique to Britain and that one would hear similar sentiments expressed about this issue in other European countries. This is of course supported by the electoral success of far-right, anti-immigrant parties in recent years in countries such as Belgium (Vlaams Blok), Austria (Freedom Party), Netherlands (Pim Fortuyn) or Italy (Northern League). In Switzerland, a referendum on asylum in May 2003 rejected by only the narrowest of margins yet another initiative from the Swiss People's Party which would, if successful, have turned Swiss asylum legislation into the most restrictive currently operating in Europe today.

While certain politicians from different political persuasions have sometimes fuelled xenophobic feelings among parts of the general public, these sentiments are at least in part seen as a reaction to the increased absolute numbers of asylum seekers arriving in Western Europe since the late 1980s. Figure 1 shows how the absolute number of asylum applications increased rapidly after 1988, reaching a peak at the height of the Bosnian conflict in 1992. In the mid-1990s, applications in Western Europe fell sharply only to rise again (albeit somewhat more slowly) in the late 1990s when they peaked again at the time of the Kosovo crisis and the subsequent war in Afghanistan. The figures presented here also show how the three biggest European countries (Germany, France, and UK) were very unevenly affected by these conflicts. While Germany was the country most affected by the crises in former Yugoslavia (in particular the Bosnian war when asylum applications in Germany made up almost 70 percent of all applications registered in Western Europe at the time), more recently, during the war in Afghanistan, the UK received the largest absolute number of asylum applications in Europe. On average over the past 15 years, Germany has had by far the largest number of asylum applications per year, followed by France, the UK and the Netherlands (see Figure 2).⁴

A focus on the absolute number of asylum applications received by individual countries, however, often tends to be misleading, given the very different size and different reception capacities of European destination countries. A comparison of relative numbers of asylum seekers (applications per thousand of population) as shown in Figure 3 and 4 is therefore more meaningful if one seeks to study the degree of relative responsibilities or 'burdens' that different European states have encountered as a result of people applying for refugee status over the years. If one compares the average number of asylum seekers received each year between 1995 and 2000, it is striking to note that some of Europe's largest countries, such as France, the UK and Italy, have had to deal with significantly fewer asylum-seekers (in relation to their population size), than some of Europe's smaller states, such as Switzerland, Sweden and Denmark.

If we take the UK situation as an example, one discerns that despite the strong increase in applications in recent years, on average over the past sixteen years relative numbers in Britain have been one sixth of those in Switzerland and less than half of the EU (15) average. In the light of these figures one must seriously question

⁴ It is very likely that for many years Italy under-reported the true number of asylum seekers arriving on its territory as a result of administrative shortcomings. With Italy joining Schengen and adopting the EURO-DAC fingerprint database, there has now been much more accurate reporting in Italy in recent years.

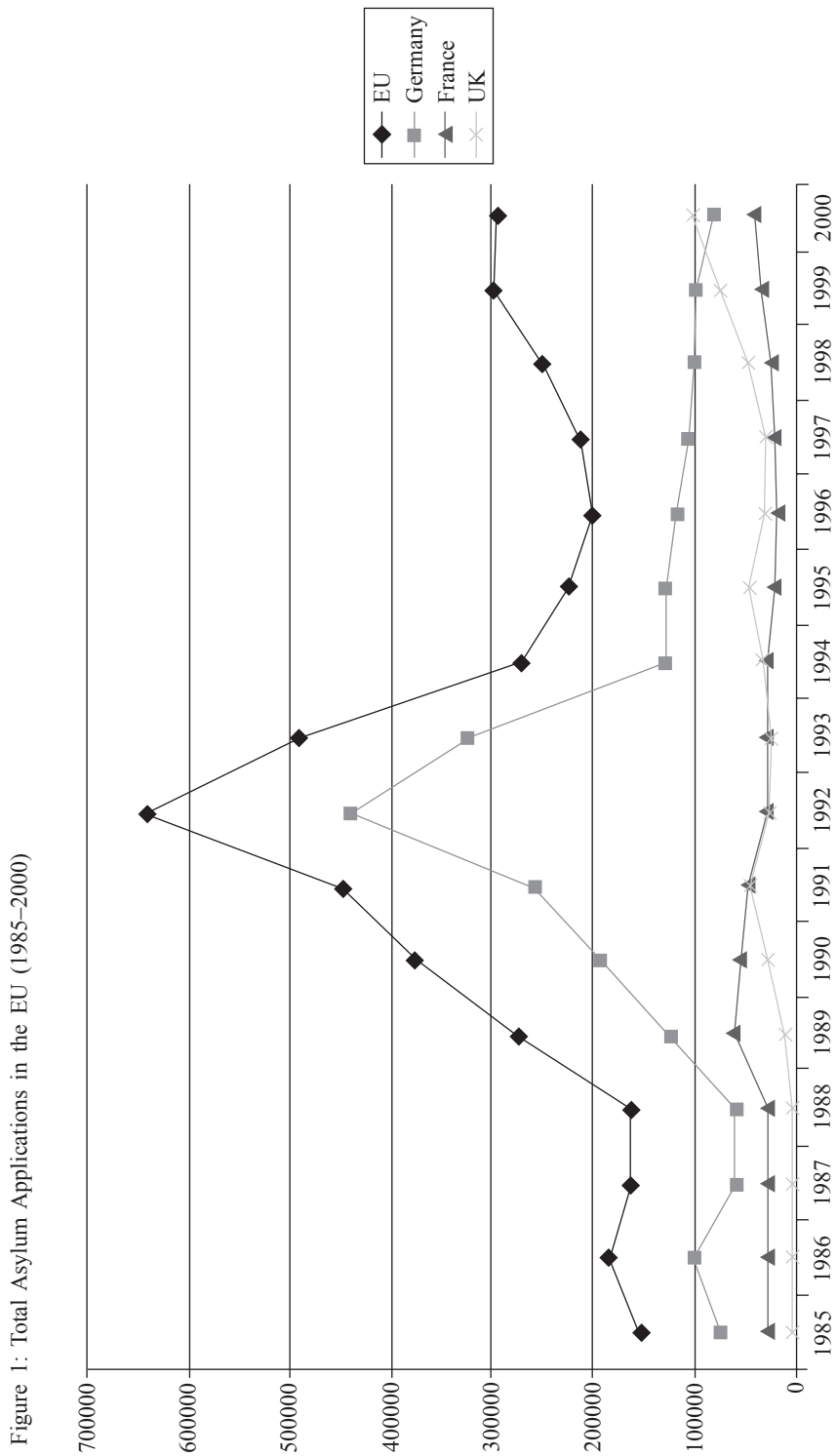


Figure 1: Total Asylum Applications in the EU (1985-2000)

ASYLUM POLICY HARMONISATION

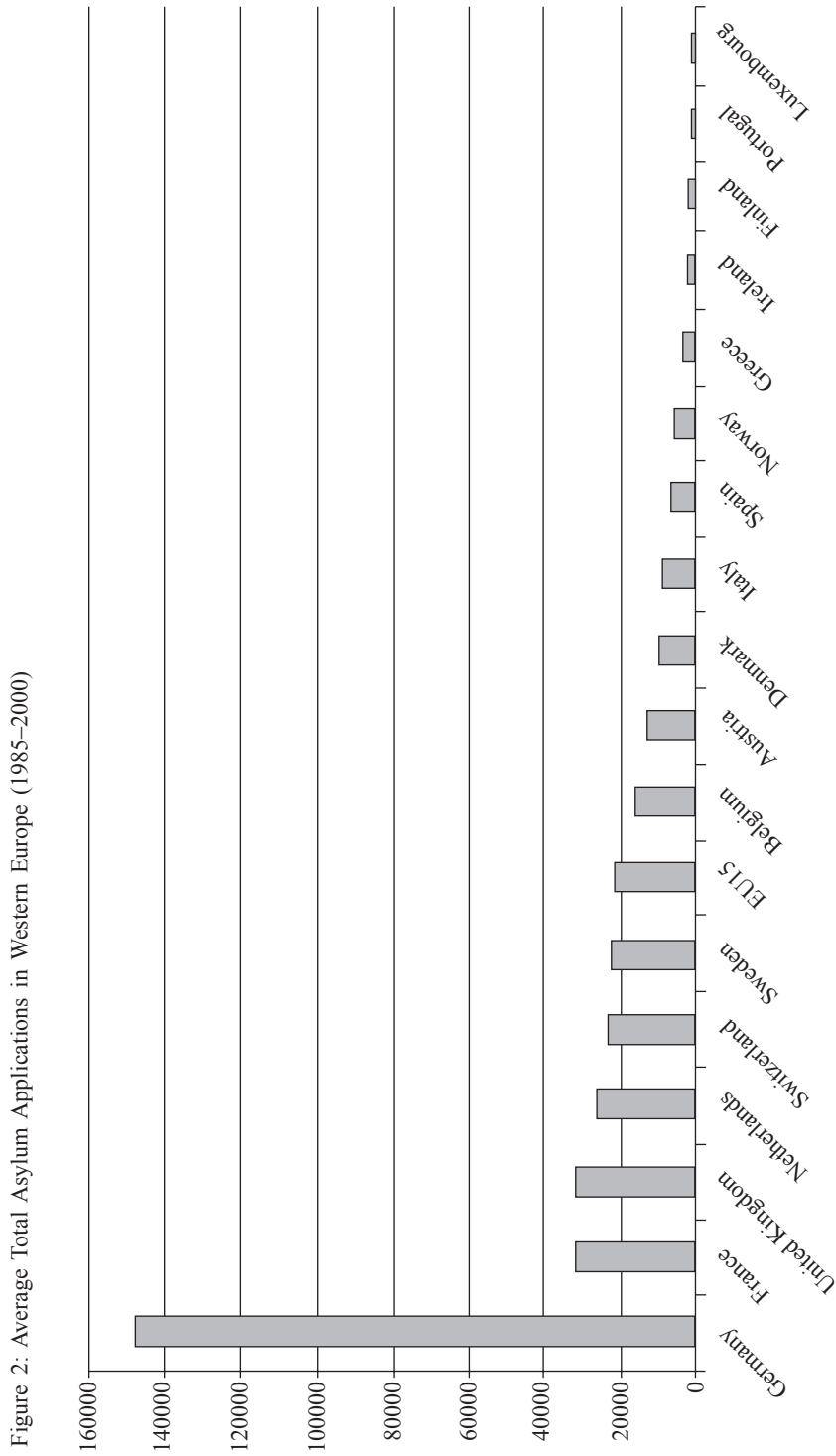


Figure 2: Average Total Asylum Applications in Western Europe (1985-2000)

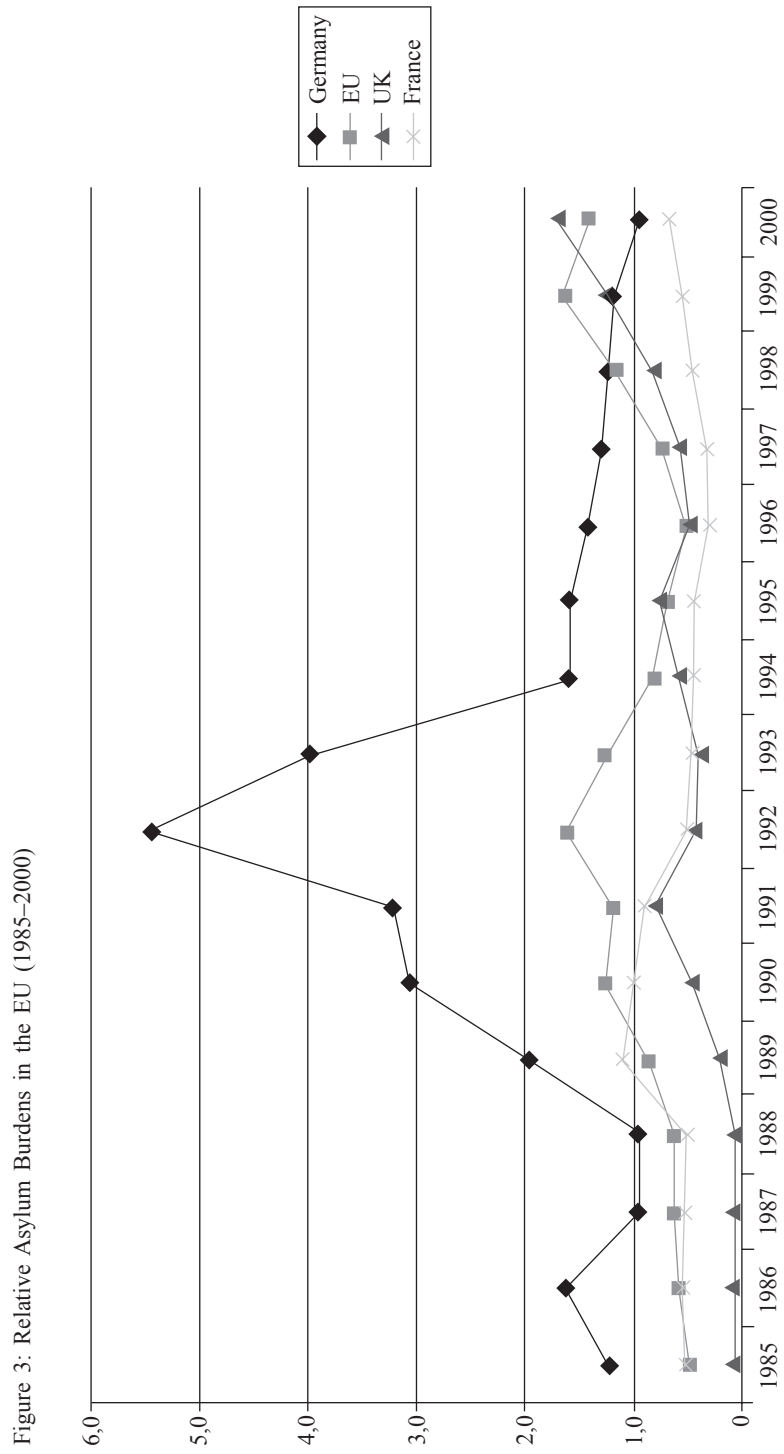
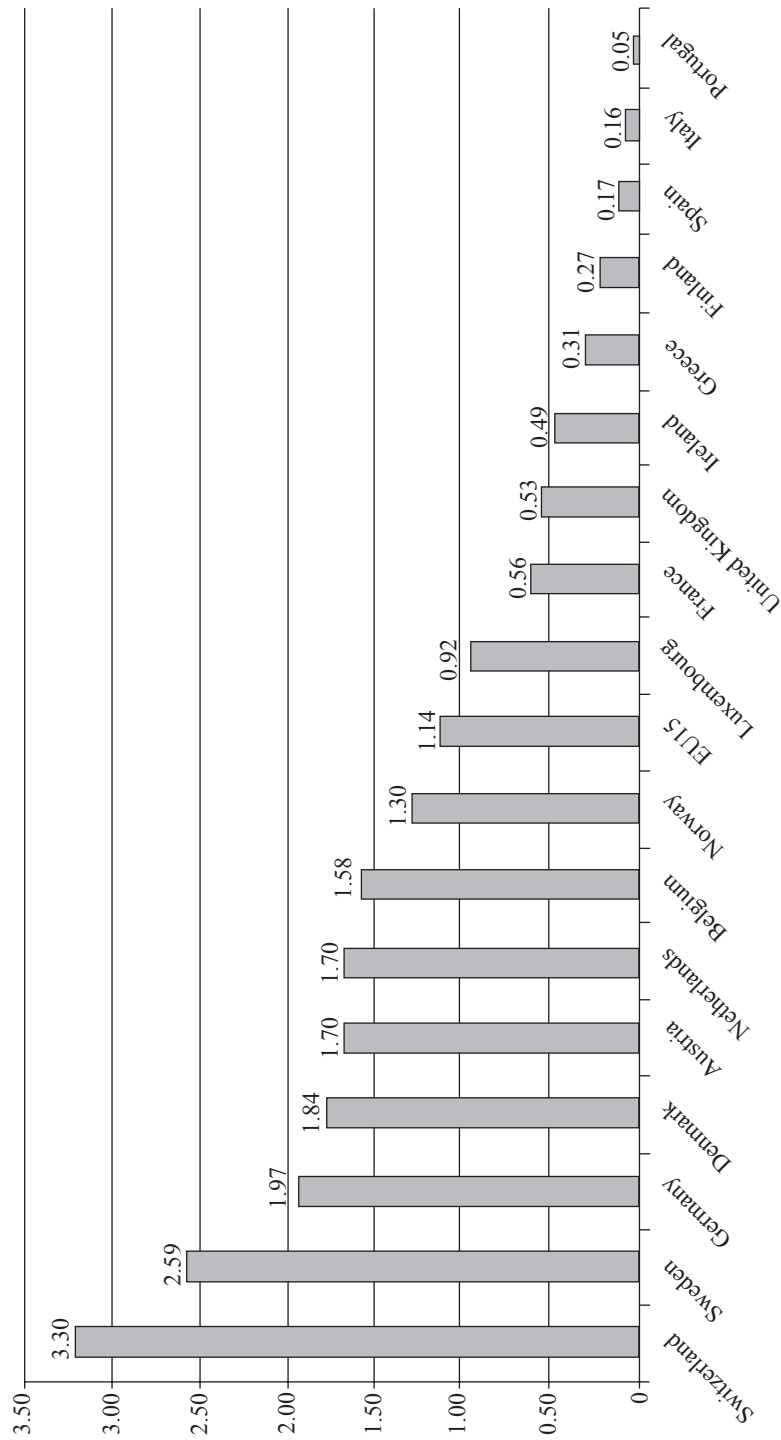


Figure 3: Relative Asylum Burdens in the EU (1985-2000)

Figure 4: Average Number of Asylum Seekers Per Year, 1985-2000 (per thousand of population)



what in some quarters appear to have become two accepted cornerstones of the British asylum debate. First, the belief that the UK has been a magnet for asylum seekers. Having been well below the European average over the past two decades in terms of applications per head of population, such claims are unfounded. Secondly, as asylum applications in Britain averaging around five claimants per 10.000 of population, official claims that asylum seekers overburden the UK's welfare services are equally difficult to sustain, especially since the introduction of the UK wide dispersal system for asylum seekers in April 2000, which is specifically designed to work against the concentration of asylum seekers in certain metropolitan areas. Even in recent years, when the UK was faced with an unprecedented number of applications, Britain has had fewer than 17 applications per 10.000 of population. The comparable figure in Germany during the Bosnian war was close to 55 applications per 10.000 inhabitants.

These remarks notwithstanding, national policy makers and the public at large have clearly been concerned about the real or perceived increase in asylum 'burdens'. There appears to be a widely held belief that the unequal distribution of asylum applications across Europe is due to the relative restrictiveness of states' asylum policies. This widely held view has resulted in two principal policy responses. First, countries have embarked upon an international competition to make national asylum legislation more restrictive (relative to those of our neighbouring countries). Second, there have been attempts to coordinate and harmonise national asylum legislation at the European level in an attempt to prevent a potential race to the bottom in protection standards and to eliminate policy differences among Member States.

3. National and European Responses

National policy making over the past 10–15 years in Europe has been characterised by the adoption of various legislative and administrative instruments aimed to control absolute and relative numbers of asylum seekers. Policy-makers have introduced changes in three areas in particular in their attempt to raise the deterrence effect of their countries' policy regimes and to lower their countries' relative attractiveness for asylum seekers. First, measures in the area of *access control policy* (that relate to rules and procedures governing the admission of foreign nationals) have included the tightening of visa policies, regulations for carriers, safe third country provisions, etc. Second, rules concerning *determination procedures* have also been made more restrictive. These have included the operation of countries' refugee recognition system, appeal rights, and rules concerning subsidiary protection. Finally, *integration policy* has been tightened in the process of toughening up countries' asylum regimes. This has meant that rules concerning the rights and benefits given to asylum seekers inside a country of destination (e.g. work and housing conditions, rules on freedom of movement, welfare provisions, educational opportunities, etc.) have also been made more restrictive.⁵ In order to assess how countries policy regimes

⁵ For an overview of changes introduced at the domestic level across European states, see Bloch, Galvin and Schuster (2000).

have evolved over time in terms of their relative restrictiveness, this article creates a 'deterrence index' which seeks to quantify cumulatively the resulting mix of countries' changing asylum rules. Owing to limitations in the available data, it is impossible at present to include all restrictive measures in the calculation of such an index. However, by focusing on five key deterrence measures that capture all three principal deterrence dimensions (access, determination and integration), it is possible to arrive at a reasonable approximation of such a ranking.⁶

The five measures chosen have been widely regarded by policy makers as having the potential to significantly influence an asylum seeker's decision as to which country to apply to (see e.g. UK Home Office 2002b). First, in the area of *access control*, arguably the most important deterrence measure was the introduction of so called 'safe third country' provisions, which mean that persons seeking asylum in country A will be refused entry into that country, if on their way to country A, they have travelled through state B, a country which country A regards as a 'safe country' and in which the asylum seeker could have applied for asylum. If an asylum seeker's travel route only transpires in the course of the determination procedure, he or she would then be sent back to the 'safe third country' B. The introduction of 'safe third country provisions' across Europe meant that asylum seekers travelling 'overland' to Europe were no longer able to legitimately claim asylum in the country of their destination, as the responsibility for their case was shifted on neighbouring countries through which they had travelled.

Second, with respect to a country's *determination procedures*, the most important potential pull factors that can be influenced by national policy-makers are the rules concerning the granting of subsidiary protection status which allow asylum seekers to remain in a country of destination even though their application for full refugee status under the Geneva Convention is refused. Destination countries have complete discretion in defining the requirements that protection seekers have to fulfil to be awarded such subsidiary status which means that within Europe the percentage of asylum seekers allowed to stay in a country on the basis of the award of some protection status varies from single figures to over 70 percent (UNHCR 1999).⁷

Finally, much of the discussion of the past few years has focused on the potential pull-effects entailed in a third category of asylum policy, namely that of *integration measures* for asylum seekers. Here three policy choices have generally been regarded as crucial: first, freedom of movement vs. a compulsory dispersal policy; second, cash welfare payments vs. a system of vouchers; and third, the right to work under

⁶ To calculate the index, I analysed two sets of annual yearbooks, the OECD's 'Trends in International Migration' (SOPEMI) and the US Committee for Refugees' 'World Refugee Survey' for the years 1985–2000. Each describes and analyses developments in national asylum policy measures for each country in the paper's data set. For each measure I created a dummy variable which takes the value 1 for each year that a particular measure was in operation in a particular country and the value 0 for all other years. This leaves me with an index ranging from between 0 (lowest deterrent effect) to 5 (highest deterrent effect) for each country in each year.

⁷ Here I created a dummy variable which takes the value 1 if a country of destination is below the European average with regard to the percentage of asylum seekers it allows to stay in its country in a particular year and which takes the value 0 if the percentage of protection seekers allowed to stay is above the European average.

certain conditions vs. a general prohibition to take up employment as an asylum seeker. The first of these concerns the right of asylum seekers to move freely within their country of destination until their asylum claim has been determined. While federal states, such as Germany, have long had central reception centres from which asylum seekers are dispersed to the different subnational states according to their relative population size, the UK has only recently introduced similar measures. Although dispersal measures first and foremost are an attempt to alleviate pressures from particular (usually metropolitan) areas which are faced with a strong concentration of asylum seekers, such measures are also designed to deter unfounded asylum claims by making it more difficult to find (illegal) employment. Second, the payment of welfare benefits in 'cash' (instead of payments 'in kind' or through a voucher system) has sometimes been regarded as a pull-factor for asylum seekers.⁸ This has led a number of OECD countries to stop giving asylum seekers cash benefits and to replace cash payments by the direct provision of housing, food and health care. In 1999, the UK and Ireland introduced a voucher system for asylum seekers, despite the fact that the two governments were advised that such a system would be more costly to administer than a cash-based system.⁹ However, governments have been attracted to vouchers due to the deterrent effect envisaged by such schemes. Finally, allowing asylum seekers to work while their claim to asylum status is being assessed has also sometimes been regarded as a potential pull factor for asylum seekers. All countries of destination have work restrictions for asylum seekers in place. However, a number of countries have gone further and now prohibit asylum seekers to undertake any work until their asylum claim has been accepted.

Looking at the graphic illustration of deterrence measures for the three biggest EU Member States and for the EU15 as whole (Figure 5), we see that the big three European countries are representative of a more general trend in the EU towards greater restrictiveness. It can also be seen that along those five criteria chosen here, UK asylum has changed most significantly in recent years. More lenient than that of other European states until the late 1990s, the UK's asylum regime today is more restrictive than the European average and at the same level as the French one. However, Germany's policies are still more restrictive than British and French ones and tougher than the European average.

Policy responses at the *European level* have complemented measures introduced unilaterally. EU Member States have cooperated to address the issue of the highly unequal distribution of asylum burdens along three basic dimensions: physical burden-sharing, fiscal redistribution and policy harmonisation.¹⁰ First, they have tried to make progress on the thorny issue of which Member State is ultimately responsible for a particular asylum seeker who uses the lack of internal borders to travel from one Member State to the next and whether asylum seekers could be moved from

⁸ The British government, for example, initially resisted pressures to abolish the UK's voucher scheme. Government advisors warned that 're-introducing cash benefits would create a "pull factor" for thousands more asylum seekers' ('Details of Blunkett's asylum shake up', *The Guardian*, 7 February 2002).

⁹ In the light of strong protests by human rights NGOs and rising costs, the UK has recently abandoned its voucher scheme and reintroduced the previous cash-based system.

¹⁰ Noll (2000) uses the categorisation of 'sharing people', 'sharing money' and 'sharing policy'.

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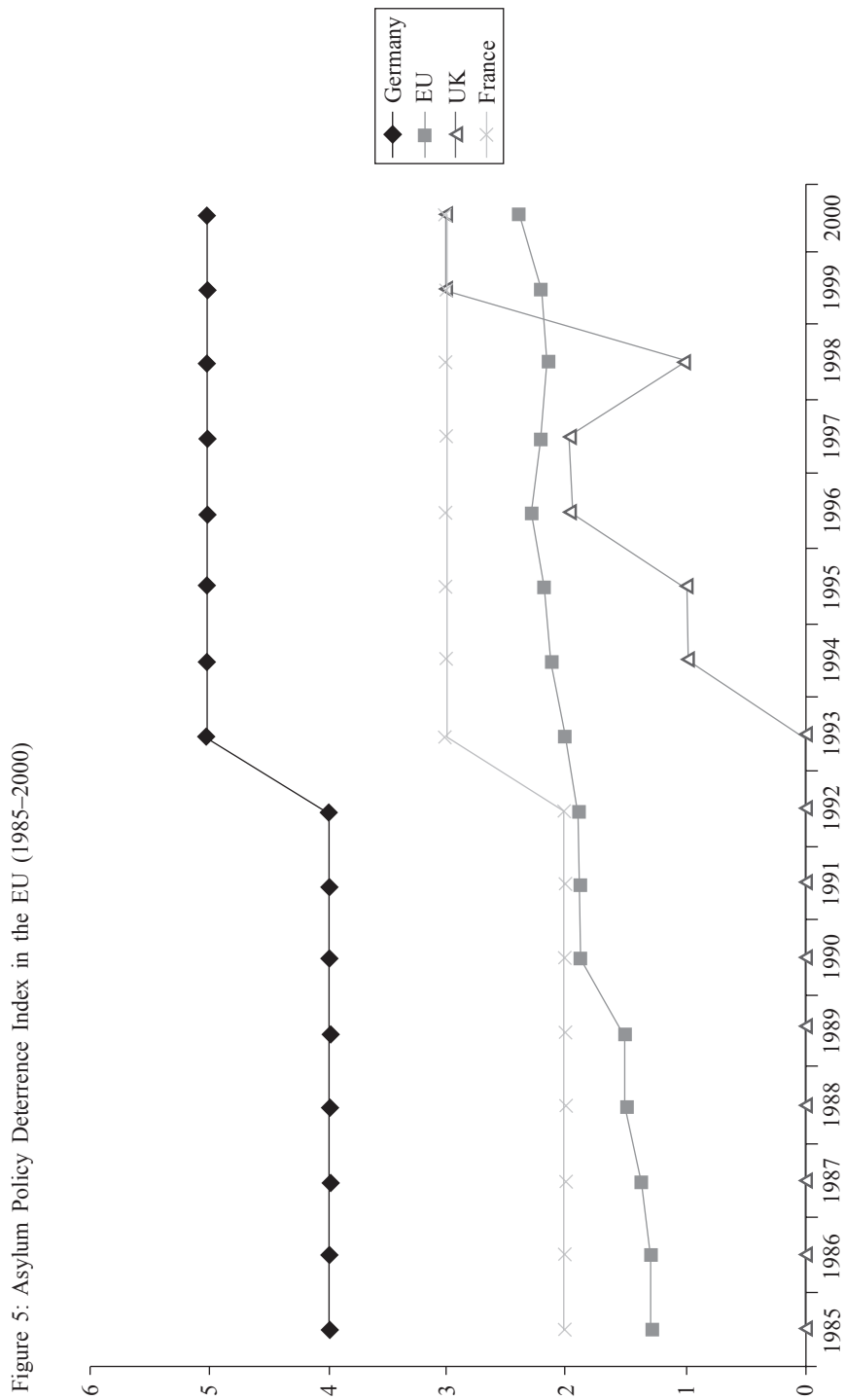


Figure 5: Asylum Policy Deterrence Index in the EU (1985–2000)

one Member State to another in an attempt equalise burdens (*physical burden-sharing*). The Dublin Convention,¹¹ which determines the Member State responsible for the examination of an asylum request, does not represent an effective burden-sharing mechanism. Since the Convention assigns responsibility primarily to ‘the country of first entry’, it seems obvious that Member States with long external borders will be disproportionately affected by this rule. However, there have been a number of recent EU initiatives which have taken the idea of people-sharing more seriously. These have been influenced not only by the recent experience with the refugee crises in Bosnia and Kosovo but also by people-sharing arrangements existing in the refugee regimes of several Member States (Boswell 2003). In 1992, the German government proposed a European wide asylum burden-sharing system. The German proposal¹² foresaw the distribution of asylum seekers across Europe according to a distribution key composed of three criteria which were given equal weight (population size, size of Member State territory and GDP).¹³ This proposal, however, did not find the necessary support among other countries, with the UK in particular strongly objecting to such a scheme.¹⁴ It is true that the German proposal set the scene for discussion which ultimately resulted in the 2001 *Council Directive on Temporary Protection in the Case of Mass Influx*.¹⁵ Since Member States were unable to agree on a fixed distribution key for protection seekers, the directive developed a range of ultimately non-binding mechanisms based on the principle of ‘double voluntarism’, i.e. the agreement of both the recipient state and the individual protection seeker is required before asylum seekers can be moved from one country to another. More recently, ideas of ‘processing and protection in the region of origin’ have found interest in a number of EU states (see e.g. UK Home Office 2002a) and in the European Commission (European Commission 2002). These proposals suggest the central processing of asylum claims outside the EU and the subsequent distribution of recognised refugees among the Member States according to certain distribution keys that take account of the differences in Member States reception capacities.¹⁶

¹¹ The intergovernmental Dublin Convention is about to be replaced by a new EC directive following a political decision at the Copenhagen European Council in December 2002.

¹² Council Document 7773/94 ASIM 124.

¹³ The form of the suggested redistributive mechanism followed the example of German domestic legislation, which stipulates a similar key for the distribution of asylum seekers among the German Länder. See section 45 of the German Asylum Procedure Act (*Asylverfahrensgesetz*).

¹⁴ BMI, Pressemitteilung vom 1.12.1994, FAZ 27.1.1995, p. 2; BT-Drs. 13/1070, 55; Integrationsbericht, p. 92.

¹⁵ Council Directive 2001/55/EC of 20 July 2001, OJ L 212, 07/08/2001.

¹⁶ In contrast to the long and arduous birth of an intra-EU people-sharing instrument, Member States have found it much easier to agree on measures aimed at ‘shifting’ the burden of refugee protection to countries outside the EU, in particular to transit countries in Central and Eastern Europe (Lavenex and Ucarer 2002; Byrne 2003). Readmission agreements, for example, have long been a popular instrument for many Member States and the Council has recently given the European Commission the mandate to negotiate such agreements on behalf of the Union. The first of these was signed with Hong Kong in 2001. While EU readmission agreements are a relatively new phenomenon, it is a practice that builds on standard readmission clauses which have long featured in some of the EU’s Association and Co-operation Agreements. The conclusions of the European Council in Seville (European Council 2002: 10) urged that any future cooperation, association or equivalent agreement which the European Community concludes

Secondly, another way to address disparities retrospectively is through the payment of financial compensation to the most popular destination countries (*fiscal redistribution*). The establishment of the European Refugee Fund (ERF) which was put in place to support and encourage efforts of the Member States in receiving and bearing the consequences of receiving refugees and displaced persons (European Council 2000) is a clear manifestation of fiscal burden-sharing in the European Union. The European Refugee Fund, which is commonly financed by the Member States, seeks to support special projects for the reception, integration and repatriation of refugees and displaced persons (Thielemann, 2003b). Despite its rather modest budget, in financial terms it is the largest EU programme on asylum and immigration. Over time its resources have increasingly been dispersed 'proportionately to the burden on each Member State by reason of its efforts in receiving refugees and displaced persons' (European Council 2000, para 2). The Fund's burden-sharing objectives are clearly stated in the preamble of the Council decision establishing the ERF which holds that the implementation of European asylum policies should take place on the basis of the idea of solidarity between the Member States.

Finally, *policy harmonisation* is yet another, and sometimes seen as the most promising, approach to achieve a more equitable distribution of 'burdens' in this area. Since the mid 1980s, the EC Member States have worked towards the convergence of Member States' laws on forced migration. What started with initially non-binding intergovernmental instruments has since then been followed by developments in Community law. Important stepping stones were the 1995 Resolution on Minimum Guarantees for Asylum procedures,¹⁷ the 1999 Amsterdam Treaty establishing a Common European Asylum System (for an overview see Guild and Harlow 2001), the 2002 political agreement at the Brussels JHA Council regarding a common definition for persons eligible for refugee and subsidiary protection status and the 2003 directive on common reception conditions.¹⁸ Notwithstanding the importance of these initiatives, it is true to say that policy harmonisation can only address imbalances owing to differences in domestic legislation. However, policy differences are of course only one of several determinants for a protection seeker's choice of host country; other structural factors, such as historic networks, employment opportunities and a host country's reputation are often equally important.

In addition, if one examines the effectiveness of recent policy initiatives undertaken in Europe (both at the national and the European level), one discerns that their impact on disparities in the distribution of asylum burdens has been very limited. Figure 6 shows the evolution of asylum disparities over time as the standard deviation of relative asylum burdens in the 15 Member States for the period 1985–2000.¹⁹ Instead of a gradual convergence of relative asylum burden as a result of

with any country, should include a clause on the joint management of migration flows and on compulsory readmission in the event of illegal immigration.

¹⁷ Council Resolution of 20 June 1995, OJ C 274.

¹⁸ OJ L/2003/31/18.

¹⁹ The standard deviation is a measure of how widely values are dispersed from the average value (the mean). If the distribution of relative asylum burdens over the time period under investigation had been distributed in a perfectly equitable way (i.e. proportional to population size) then the graph would be a straight horizontal line at value zero. The closer to zero, the more equitable the distribution of burdens among states at that particular point in time.

increasingly similar national asylum policies and the steps undertaken in Brussels to achieve policy harmonisation in this area, the evolution of disparities in asylum burdens appears to be strongly 'crisis-driven', with the largest disparities being recorded at the time of the Bosnian war in 1992 and again during the Kosovo conflict in 1999.

Therefore, migration push factors in countries of origin not only have affected the absolute number of people applying for asylum in Europe at different times. They also appear to have had an impact on the relative distribution on asylum seekers across different countries of destination. However, in order to more fully understand the distribution of asylum applications across countries, it is necessary to analyse in more detail migration pull factors, i.e. specific country characteristics that are likely to influence an individual's asylum seeker's choice of host country.

4. Determinants for the Choice of Host Country

Table 1 demonstrates that structural determinants are more likely to explain the relative distribution of asylum burdens in Western Europe since the mid-1980s than policy-related factors. Table 1 provides two sets of figures. First, it ranks Western European countries according to their average number of asylum applications per thousand of population (the variable we want to explain here). Second, it ranks the same countries with regard to six indicators that stand for potential determinants or pull factors for an asylum seeker's choice of preferred host country. The correlation coefficient in the bottom row of Table 1,²⁰ gives some indication as to how closely each one of the six indicators (explanatory variables) listed correlates with the relative asylum burden that individual countries are faced with (column 1).

The first two indicators are economic in nature. Economic migration models (Ranis and Fei, 1961; Harris and Todaro 1970, Todaro 1969) explain the decision to migrate as one of income maximisation in which wealth differentials and differences in employment opportunities constitute important pull factors. International migration is expected to be determined by geographic differences in the supply and demand of labour. On this account, it is wage differentials and employment opportunities which explain movements from low-wage countries to high-wage countries. In Table 1, we find that the relative number of asylum applications is very highly and positively correlated with countries' prosperity ranking and one finds a negative and still quite strong correlation with countries unemployment rates. In other words, this suggests that countries which are relatively rich and possess relatively favourable labour market opportunities tend to receive relatively high numbers of asylum applications.

²⁰ A correlation describes the strength of an association between variables. For a set of variable pairs, the correlation coefficient gives the strength of the association. The correlation coefficient is a number between 0 and 1. If there is no relationship between the predicted values and the actual values the correlation coefficient is 0 or very low (the predicted values are no better than random numbers). As the strength of the relationship between the predicted values and actual values increases so does the correlation coefficient. A perfect fit gives a coefficient of 1.0. Thus the higher the correlation coefficient the better.

Figure 6: Standard Deviation of Relative Asylum Burdens in the EU (1985-2000)

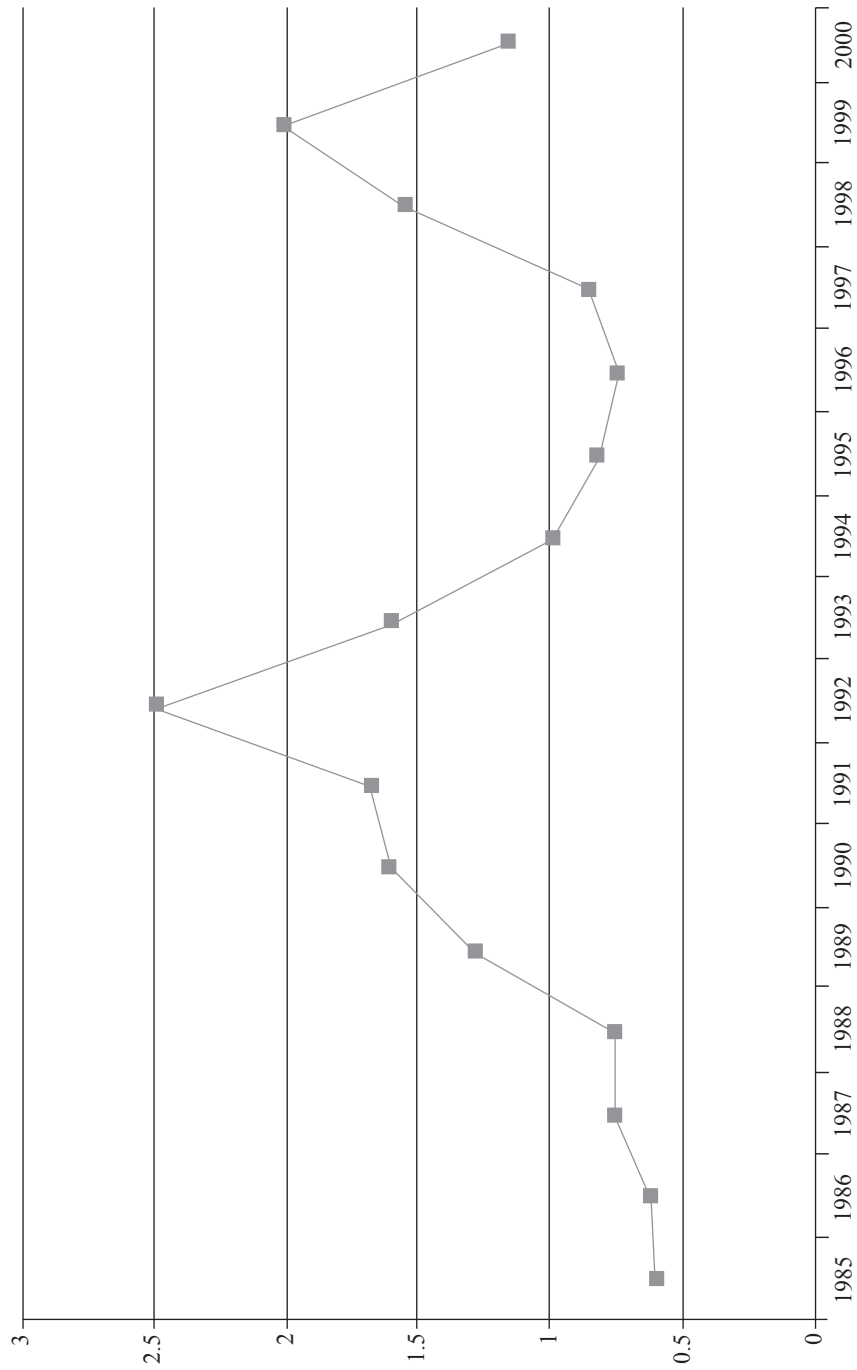


Table 1: Determinants of Relative Asylum Burdens (Averages 1985–2000)*

	Structural Determinants							Policy-Related Determinants		
	Economic			Historical		Political		Geographic		Deterrence-Policy
Relative Asylum Burden	GDP per Capita	Unemployment Rate	Foreign (Born) Population	ODA	Distance	Deterrence Index				
1 CHE	3.3	LUX 0.033	ESP 19.5	AUT 60.9	NOR 1.02	PRT 4886	DEU 4.5	1		
2 SWE	2.6	CHE 0.032	IRE 14.4	DEU 41.6	SWE 0.92	ESP 4461	CHE 4.0	2		
3 DEU	2.0	NOR 0.028	BEL 12.1	DNK 29.6	DNK 0.86	IRE 4355	AUT 3.0	3		
4 DNK	1.8	DNK 0.026	ITA 11.2	NLD 26.3	CHE 0.68	NOR 4224	PRT 2.9	4		
5 AUT	1.7	SWE 0.025	FRA 10.6	CHE 21.8	DEU 0.51	GBR 4043	GRC 2.8	5		
6 NLD	1.7	DEU 0.023	FIN 9.4	SWE 16.4	FIN 0.41	FRA 3918	FRA 2.5	6		
7 BEL	1.6	FIN 0.022	DNK 9.0	NOR 9.7	AUT 0.40	BEL 3805	ITA 2.5	7		
8 NOR	1.3	AUT 0.021	GRC 8.1	BEL 9.6	FRA 0.36	NLD 3783	ESP 2.2	8		
9 LUX	0.9	FRA 0.021	GBR 7.9	FRA 7.4	LUX 0.36	LUX 3718	NLD 1.8	9		
10 FRA	0.6	NLD 0.020	DEU 7.9	ITA 5.3	NLD 0.36	CHE 3642	LUX 1.6	10		
11 GBR	0.5	BEL 0.020	NLD 7.0	FIN 3.9	BEL 0.34	FIN 3612	DNK 1.5	11		
12 IRE	0.5	GBR 0.018	AUT 6.0	GBR 1.3	IRE 0.27	DNK 3502	IRE 1.5	12		
13 GRC	0.3	ITA 0.018	PRT 5.9	GRC -	ITA 0.26	SWE 3473	BEL 0.9	13		
14 FIN	0.3	IRE 0.016	SWE 4.5	IRE -	ESP 0.22	ITA 3409	NOR 0.9	14		
15 ESP	0.2	ESP 0.012	NOR 4.1	LUX -	GBR 0.21	DEU 3380	SWE 0.8	15		
16 ITA	0.2	GRC 0.009	CHE 2.5	PRT -	PRT 0.18	AUT 3166	GBR 0.8	16		
17 PRT	0.0	PRT 0.008	LUX 2.2	ESP -	GRC 0.14	GRC 2929	FIN 0.8	17		
Correlation Coefficient	1.00	0.70	-0.52	0.63	0.43	-0.37	0.21			

* AUT: Austria; BEL: Belgium; CHE: Switzerland; DEU: Germany; DNK: Denmark; ESP: Spain; FIN: Finland; FRA: France; GBR: Great Britain; GRC: Greece; IRE: Ireland; ITA: Italy; LUX: Luxembourg; NLD: Netherlands; NOR: Norway; PRT: Portugal; SWE: Sweden.

The third indicator relates to historical ties (colonial links, language ties, cultural networks, etc.) between countries of origin and destination that often have led to transport, trade and communication links between such countries. Links which have tended to facilitate movements of people from one country to the other (Massey *et al.*, 1993: 445–7). One possible way to study the strength of such ties is to estimate the number of current or former citizens of a particular country of origin, who are resident in different countries of destination. Drawing on this, Table 1 shows that high asylum burdens correlate strongly (and positively) with historical links between countries of origin and countries of destination. Host countries in which one already finds a large number of people originating from countries from which large numbers of asylum seekers tend to come from, are likely to be countries confronted with relatively high asylum burdens.

The fourth indicator is more political in nature, and seeks to capture the reputation that a particular country of destination enjoys abroad and in particular in the developing world from which the large majority of asylum seekers originate from. Asylum seekers can be expected to be concerned about personal security and the difficulties they might face regarding their acceptance into a new host society. Here, we try to capture the reputation of a country in terms of its 'liberal credentials' and concern for foreigners by analysing countries' track records in the area of overseas development aid. The assumption is that countries which spend relatively more of their GDP on aid to the Third World will tend to have a more liberal reputation. Table 1 finds quite a strong and positive correlation between relative asylum burdens and host countries' reputation measured in this way. Host countries which spend a relatively high proportion of their GDP on overseas development aid tend to attract a relatively high share of asylum applications.

Fifth, although perhaps less than some years ago as a result of technological advancements, geographic distance between countries of origin and destination can still be regarded as an important proxy for the cost of movement between countries. With regard to the role of geographical factors, we find a negative, albeit weaker, correlation between relative asylum burdens and the average distance between countries of destination and the five most important countries of origin in any particular year. In other words, those countries which are more closely situated in geographic terms to important countries of origin, are the ones more likely to encounter a disproportionate share of asylum applications.

Finally and more importantly for the purposes of our discussion, we find a positive and rather weak correlation between relative asylum burdens and policy related deterrence measures. Despite quite substantial variation in countries' average deterrence index for the time period under investigation, we find little evidence for the claim that countries with stricter asylum regimes are the ones which find themselves with relatively smaller burdens in comparison to those which (on average) have operated more lenient regimes.²¹ On the contrary, we find that some of the countries with the highest relative asylum burdens, such as Germany, Switzerland and Austria,

²¹ With the use of more advanced statistical techniques and the use of lagged independent variables, it can be shown that while newly introduced deterrence measures can have a significant effect on the relative distribution of asylum burden, this effect tends to be short lived due to copy-cat strategies by other countries which swiftly cancel out the desired effect of such measures (Thielemann 2003a).

have also been the ones which on average have had the largest numbers of deterrence measures in place. The adoption of deterrence measures therefore appears to have been a rather ineffective strategy for deflecting asylum applicants onto other West European states.²²

5. Conclusion: Why Policy Harmonisation Undermines Burden-sharing

This article challenges perceived wisdom about asylum in Europe in a number of ways. *First*, although asylum figures today are higher than in the mid 1980s, we do not find steadily increasing asylum applications. Instead, we find that asylum flows are clearly influenced by specific (often violent) conflicts in specific countries of origin. Being faced with 650.000 asylum applications during the Bosnian war in 1992, applications in Western Europe were down to below 300.000 in the year 2000, despite the worsening situation in Afghanistan and other countries of origin around the world. *Secondly*, the discussion has shown that some Western European countries have indeed been faced with substantially higher asylum burdens than others. Controlling for differences in population size, it has been shown that some smaller countries such as Switzerland, Sweden, Denmark and Austria have been much more affected by asylum claims than Europe's big countries (with the partial exception of Germany as a result of the Bosnian war). *Thirdly*, this article calls into question the general perceived wisdom that it is differences in countries' relative policy restrictiveness which are responsible for the vast disparities in asylum burdens across Western Europe. Instead I have highlighted the role of structural factors in determining relative asylum burdens across countries. The fear that a country's asylum system might come to be seen as a 'soft touch' leading to a subsequent uncontrolled influx of asylum seekers must therefore be regarded as exaggerated, if not largely unfounded. *Finally*, if, as this article suggests, structural factors are indeed more important than policy related factors in determining how asylum applications are distributed among countries, then the current European emphasis on the harmonisation of deterrence measures is misplaced. The EU's exaggerated concern with potential pull factors, not only has pushed to the side joint initiatives aimed to tackle the root causes of asylum flows, but it has also undermined its declared burden-sharing objective, since European initiatives in this area do little to address the principal underlying *structural* causes for the unequal distribution of asylum burdens. Even if Europe succeeded in harmonising restrictive policy measures, the unequal distribution of asylum burdens would persist as a result of the continued effect of differences in the structural pull factors of European states. Current EU initiatives neglect the underlying causes for asylum and undermine Member States' ability to use distinctive policy tools to counteract the effect of structural factors that influence the distribution of burdens in this area. By so doing, they tend to undermine rather than advance the goal of equitable burden-sharing.

²² However, it appears that countries in Western Europe have had more success in using deflection measures to shift asylum burdens onto countries in Central and Eastern Europe (Lavenex 1999; Noll 2000).

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