

A Comparative Analysis of the Asylum Policy of Seven European Governments

LIZA SCHUSTER

Faculty of Humanities and Social Science, South Bank University, London

This paper picks up the themes addressed in the individual papers of this volume and seeks to highlight the emerging differences and similarities in the different states. It will ask whether harmonization under the new regimes that have been discussed in these papers continues to mean convergence towards a lowest common denominator and it will explore some of the constraints on policy formulation in this area. The purpose of the paper is to link the various themes raised throughout this volume, asking in particular whether the political shifts that have been discussed have resulted in changes in policy and practice at both national and European levels and to what extent national policy is dictated by the EU and its most powerful members.

Introduction

The focus of this special issue is how the asylum policies of selected European countries have been affected by a major political shift. The last four years have witnessed a move from a situation in which the majority and most powerful of European Union member states were governed by parties of the centre-right to one in which 11 out of the 15 EU states are governed by parties of the centre-left. To facilitate a comparison of asylum policy and practice in the light of this shift, the contributors have each provided a brief description of asylum policy and practice in their chosen case study state, and where there have been political changes, have outlined the positions of the various political parties relating to asylum prior to the most recent electoral changes. In many of the countries under discussion, there have recently been new legislation and changes in policies. The authors consider the extent to which this has been due to changes in government or to other pressures. They further consider state interaction with the EU, and assess the impact of policy development on asylum seekers themselves.

In this paper, the asylum policies and practice of France, Germany, Greece, Italy, the Netherlands, Sweden and the UK are compared. While exploring the differences and increasing convergences between them, particular attention is paid to policies relating to entry, welfare and temporary protection. It would

seem that the political shift has not led to a significant liberalization of asylum practice or policy in any of the seven states, and so we go on to explore possible constraints on policy-makers. This is followed by an assessment of the interaction among the states and between the states and the EU. The comparison ends with an attempt to draw some tentative conclusions about those factors that are most significant in shaping asylum policies.

Historical Background: Emigration to Immigration

All the countries surveyed here have been countries of emigration, sending large numbers of migrants to the United States, Canada, Australia and New Zealand throughout the nineteenth century. All have become countries of immigration as the number of those who leave has declined and the number of those entering, whether for work or protection, has increased. This change has, however, occurred at different times and rates in the different countries. Broadly speaking, the shift proceeded in fits and starts throughout the post-war period in France, Germany, the Netherlands, Sweden and the UK, while the transformation in Greece and Italy did not begin until the 1980s and has been much more rapid.

The former group subdivides again into those which have a colonial history (France, the Netherlands and the UK) and those without. Each of these three states has been host to significant numbers of people from former colonies such as Algeria, the Dutch Antilles and the Commonwealth for decades, and laid claim early on to being open, tolerant and, in the case of the UK, multicultural states. This is in spite of the racism and occasionally violent hostility towards migrants and minorities in each of these countries.

France and the UK refer to a history of granting asylum stretching back over centuries, while Sweden and Germany focus on their post-war history of liberal asylum practice. France has enjoyed a liberal reputation in relation to migration, based on its claim to be the birthplace of human rights and its policy of favouring the permanent settlement of migrants (for economic and demographic reasons—see Weil 1998: 10 and Delouvin in this volume), at least until the early 1970s. The UK's reputation rests on its *laissez-passer* response to refugees, especially during the 18th and 19th centuries, when refugees of every nationality and ideological persuasion could be found congregating in London (Porter 1979).

The significance of a state's historical baggage for asylum policy can be clearly seen in Germany. Though there had been calls to amend Germany's constitutional asylum provision, its historical legacy acted until recently as a constraint on all governments. Nonetheless, over the last two decades SPD and CDU-led coalitions introduced legislation that attempted to reduce the numbers of asylum seekers, a process described by Bosswick in his contribution to this volume. It finally took a concerted and occasionally violent campaign to amend the asylum article (Art. 16(2)) that had been considered a cornerstone of the liberal republic. For Sweden, as Abiri points out, the role of conscience to

the world, emphasizing humanitarian and moral responsibility to asylum seekers and refugees, is central to the self-image of that state. As the various authors have pointed out, France, Germany, Sweden and the UK have all used their reputations as liberal and generous countries of asylum (not always well-deserved) to excuse the introduction of harsher asylum policies.

The oil crisis of 1973 was a turning point for France, Germany, the Netherlands, Sweden and the UK. The economic recession was the occasion for dramatically reducing (though not ending) the flow of migrants into these countries. While the Cold War ensured that it was still relatively easy to claim and receive asylum at this stage, especially if coming from a 'communist' state, the difficulties associated with leaving Eastern Bloc states meant that such claims remained relatively few until the collapse of the Soviet Union, and that the generosity of the West European states was not tested too rigorously. As a result of the opening of borders to the East, and the outbreak of conflict in Europe, all the countries surveyed here saw a quantitative change in the numbers of people seeking asylum and began to consider ways of limiting their liability.

The rapid shift from being countries of emigration to being countries of immigration caught Greece and Italy unawares. It is only within the last decade, as the opening of Eastern borders coincided with the closure of the borders of the traditional destination states, that these countries have been forced to develop immigration and asylum policies and legislation. However, the pressure is not just a result of the presence of larger numbers of people with particular needs; it has also come from the other member states. A number of the authors of this volume have pointed out that until recently, asylum policy in some of the traditional immigration countries has also been developed on an *ad hoc* basis. Van Selm notes that until 1977, the Netherlands tended to respond to specific crises such as the coup in Chile or the Vietnamese boat people, as and when they occurred. The UK has only recently (1993) passed legislation confirming its commitment to the Geneva Convention on Refugees (1951).

What is perhaps most remarkable about all the countries discussed in this volume is that, in spite of their different histories and experiences of granting asylum, asylum policy in each state has been so reactive. Asylum policy is developed and changed in response to particular crises (from Chile and Vietnam to Bosnia and Kosovo) and even though the last decade has seen an explosion of legislation and regulation of every aspect of asylum, there is still no clear, coherent and comprehensive strategy in place for dealing with the large- or small-scale movement of people seeking protection. What we are seeing instead is a process of convergence that began in the 1980s and accelerated in the 1990s around three practices in particular: restricting access to the state's territory, restricting access to welfare as a means of discouraging applications, and the substitution of temporary protection for permanent asylum. This convergence is not complete and there remain marked differences between the countries, but all are approaching and striving for this common

policy. In the last three to four years a series of elections shifted the ideological position of Europe as a whole, without, however, significantly altering this process. Harmonization remains an ideal to which all these countries are committed, though there are different understandings of what it might mean.

Policies: Continuities rather than Change

Though there are enormous differences in policy and practice across Europe, certain common trends are visible. France, Germany, the Netherlands, Sweden and the UK have all developed, especially in the last ten years, an impressive array of regulations and legislation relating to asylum, most of it designed to restrict access to those states. In spite of changes in government there is a marked continuity in policy and practice. The new countries of immigration lag far behind these states in terms of asylum procedures and legislation. Neither Greece nor Italy have much in the way of legislation regulating entry (though in the case of Italy, new regulations have recently been introduced (November 1999)) and they differ considerably from each other in terms of the welfare they afford asylum seekers (Greece's welfare provision generally lags some way behind the other states). Nonetheless, they too are developing policies in line with and frequently under pressure from their more experienced neighbours. These trends are examined in relation to three particular areas of asylum policy that are here compared across national boundaries and across parties: entry, welfare and temporary protection.

Entry

The asylum problem as currently defined by European states is one of numbers: the numbers that gain access to the territory of these states, and the numbers that gain access to welfare benefits. Though the impression given is of steadily increasing numbers, in fact they fluctuate in response to crises and conflicts, as reflected in the total numbers for all seven countries (see Table 1). The picture for individual countries is more complicated, in some cases reflecting the removal of asylum seekers from the asylum process by redefining them as civil war refugees (Germany 1993, Italy 1992, the Netherlands 1994 and Sweden 1992/3) and in Germany (1993), the amendment of the constitution to create a buffer zone around its territory (see Bosswick this issue).

The response chosen by these states to the 'problem' of increasing numbers is to strengthen controls at the point of entry, or where possible even before, by imposing visas, containing the refugees within the region in safety zones (Roberts 1998) and most recently, as in Kosovo, by engaging in preventative action. All the states referred to in this volume have introduced or are considering introducing measures designed to prevent the entry of large numbers of asylum seekers into their territory; in most cases these include the introduction of visas and carriers' liability. The UK has gone further than the

Table 1

Annual Number of Asylum Applications Submitted in Selected Countries 1988–1997 (in thousands)

	France	Germany	Greece	Italy	N'lands	Sweden	UK	Total
1988	34.4	103.1	8.4	1.3	7.5	19.6	5.7	180.0
1989	61.4	121.3	3.0	2.3	13.9	30.3	16.8	249.0
1990	54.8	193.1	6.2	4.8	21.2	29.4	38.2	347.7
1991	47.4	256.1	2.7	26.5	21.6	27.4	73.4	455.1
1992	28.9	438.2	1.9	6.0	17.5	84.0	32.3	608.8
1993	27.6	322.6	0.8	1.6	35.4	37.6	28.0	453.6
1994	26.0	127.2	1.3	1.8	52.6	18.6	42.2	269.7
1995	20.2	167.0	1.3	1.7	29.3	9.0	55.0	283.5
1996	17.4	149.2	1.6	0.7	22.2	5.8	37.0	233.9
1997	21.4	151.7	4.4	1.9	34.4	9.7	41.5	265.0
Total	339.5	2,029.5	31.6	48.6	255.6	271.4	370.1	

Data pertaining to 1997 are generally provisional and subject to change.

NB: compilation of statistics varies from country to country.

Source: UNHCR statistics 1998

other states in sending Airline Liaison Officers to certain countries such as Pakistan to check documents before take-off, and in introducing financial bonds for travellers who, it is believed, may intend to overstay. The UK, together with Germany, France, the Netherlands and Sweden, uses the Dublin Convention, which specifies the criteria for establishing which country is responsible for processing claims, in order to refuse entry or to return people to states they have passed through, a process recognized in former transit countries like Greece and Italy as a means of burden-shifting (see Vincenzi this volume).

'Efficient border control by neighbours after all makes good neighbours' as Nicholas Sitaropoulos puts it, and Germany in particular has invested in assisting neighbours such as Poland, Hungary and the Czech Republic (Lavenex 1998) to improve the efficiency of their controls. Furthermore, those countries, such as Greece and Italy, that have not had much in the way of immigration controls are also anxious to become good neighbours. However, the challenges facing Greece and Italy are particularly onerous compared to the other five states, owing to their proximity to what are at the moment the main sending countries for Europe: the former Yugoslavia and Albania and, in the case of Italy, North Africa. Italy and Greece are therefore seen by states such as Austria and Germany as gateways to their own territories. Though Italy initially rejected demands for tighter controls from its northern neighbours (following a sudden increase in the arrival of Iraqi Kurds), eventually the Italian government did agree to introduce detention centres to facilitate speedy deportations. This was in order to meet the criteria for entry into the Schengen area. Those discovered attempting to enter Italy without the correct

documentation are held in these centres, but are usually released if their claim for asylum is registered.

All these countries insist that these measures are targeted at so-called 'bogus' asylum seekers and that there is no intention to prevent so-called 'genuine' asylum seekers from entering. In this respect there is no noticeable difference between the rhetoric of any of the states or of their political parties. Nonetheless, in each of the states warnings have been voiced that measures designed to make immigration controls more efficient inevitably have a negative effect on 'genuine' asylum seekers. So far, these warnings have had little impact.

Welfare

Access to welfare has become the second line of defence in the fight to reduce the number of asylum seekers and in many of the cases explored here, economic considerations appear to drive asylum policy. The costs of granting asylum, albeit to 'bogus' asylum seekers, are frequently cited as justification for the introduction of restrictive legislation relating both to entry and to sojourn. It is argued that welfare benefits are responsible for the increase in numbers because they act as a magnet for economic migrants. The logical conclusion of this train of argument is to cut welfare benefits (and bills), thus ending the incentive to asylum seekers. One would expect that, if welfare benefits do act as an incentive, most asylum seekers would make for those states that make generous provisions.

Across Europe, there is great disparity between states in the provisions for asylum seekers (Duke *et al.* 1999), although the level of benefits only varies very slightly between similar welfare assistance regimes (Efnay-Mäder 1999). Some states continue to pay benefits in cash (Sweden), while many have introduced or are in the process of introducing benefits in kind (Germany, the Netherlands, the UK) and still others make strictly limited provision (France, Italy for 45 days only) or none at all (Greece). There is currently very little research into the factors that shape decisions on asylum destinations,¹ but if we examine the numbers entering the different countries (see Table 1), it would seem that the welfare benefits paid to asylum seekers do not have as much impact as conflict, or the ease or difficulty with which one can enter a state. For example, the numbers entering the UK rose in the years following the withdrawal of benefits from many asylum seekers (see Table 1 above and Bloch, this volume). Though Germany has for some time been very restrictive in terms of the benefits it gives asylum seekers, it continues to receive large numbers. On the other hand, France, which is also very niggardly in this respect, saw the numbers of asylum seekers steadily decline until 1997, only recently seeing an upturn (Delouvin, this volume).

It is widely acknowledged that the substitution of benefits in kind is more expensive than cash benefits (Home Office 1998) and that cuts in benefits are not necessarily (if at all) followed by a reduction in numbers. While it may not

be possible to say that the level of welfare benefits has *no* impact on the numbers claiming asylum, there is certainly no conclusive evidence from any of the seven countries examined here, that it has any impact. In the absence of strong economic arguments, it would seem that cuts in benefits are driven by political considerations.

Temporary Protection

In 1998, in preparation for taking over the Presidency, Austria submitted a strategy paper (ASP) for the K4 Committee. It declared its intention to continue the development of a comprehensive European migration strategy, covering the following issues: reducing migratory pressures, possibilities of controlling migration, border controls, position of third country nationals, development of the asylum system and relations with countries of origin and transit countries. While the continued emphasis on the need for a comprehensive and integrated policy was generally welcomed, nonetheless the strategy paper was criticized for focusing excessively on Fortress Europe.

Although the proposals relating to asylum contained in the ASP were greeted with alarm and rejected by the other European states as four steps too far, the manner in which the Kosovo crisis was dealt with paralleled those steps very closely. In line with the ASP, intervention was undertaken to prevent the escalation of the conflict and the mass exodus of refugees (NATO attacks). When this failed, and the numbers of refugees increased at an alarming rate, they were accommodated as far as possible within the region (in Albania and Macedonia). As the numbers grew and the stability of Albania and Macedonia was threatened, the EU states agreed to accept limited numbers of refugees, but under strict conditions—the most important being that they would not have to go through the normal asylum procedures and that their stay would be temporary. Nonetheless, in France and Italy (as in Belgium and Spain), the new arrivals could choose to apply for asylum, although only a minority chose to do so. In this way, this group of refugees would not have access to the rights guaranteed to refugees under the Geneva Convention.

Many of the contributors to this volume (Bosswick, Delouvin, van Selm, Vincenzi) have tracked this shift towards temporary protection, beginning with the Bosnians and Croatians and culminating with the strictly limited temporary protection offered to refugees from Kosovo. Germany and Italy both granted temporary protection in the early 1990s to refugees from the former Yugoslavia, taking them out of the normal asylum channels, and were quickly followed by most of the other EU states. France and Italy have both recently (1998) followed Germany's example and formalized this practice by creating specific legal categories (Delouvin and Vincenzi, both in this volume). However, the granting of temporary protection in all seven states remains within the discretion of the relevant Minister.

Granting temporary asylum or protection reduces the number of asylum seekers by removing large numbers of them from the asylum process. However,

while sometimes guaranteeing those people better treatment than asylum seekers, it maintains them in a status that confers fewer rights than refugee status (e.g. in terms of family reunion, rights to travel outside the host state). In Italy, those granted temporary protection are also allowed to work (Vincenzi). UNHCR has generally approved the development of temporary protection since it allows a rapid response to an emergency. However, UNHCR also argues that temporary protection is not a substitute for refugee status, and that many of those given this status would meet the criteria specified in Art. 1 of the 1951 Convention (Hall 1999 and personal interview with Johannes van der Klaauw, UNHCR Brussels). While Italy and the Netherlands seem to view temporary protection as a means of getting vulnerable people out of dangerous situations as a prelude to offering them permanent protection, other governments (Germany, Sweden and the UK) discussed here have chosen to use it as a means of further hollowing out the 1951 Convention.

The Kosovo crisis occurred after the political shift to the left in most of these countries. Whatever may be said about the response to Milošević's actions, the response to the victims of the policies pursued in the former Yugoslavia has not differed significantly from the early to the late 1990s. The restrictions on entry and welfare and the promotion of temporary protection as an alternative to refugee status have all been continued by centre-left governments. The response to Van Selm's question 'How low can the lowest common denominator go?' would seem to be very low. The governments of the European Union are opting for offering the barest minimum possible to asylum seekers—the acceptance of a few token, carefully chosen refugees who will be entitled to minimal support from host governments (who rely increasingly on cash-starved NGOs and charities to act as safety nets) for limited and renewable periods of time.

Contemporary Politics: To the Left?

All seven countries analysed in this volume have a centre-left government. Germany and the UK have in the last two years elected parties of the left following a prolonged period in opposition. In Sweden and Greece, while the right have recently had terms in government, the centre left parties have been in power longer and more often. While this is also true of France, the situation is complicated by the cohabitations between Presidents and governments of differing political persuasion. In the Netherlands, the Social Democrats have been in government since 1989, as senior coalition partner since 1994, and, significantly, have provided the Secretary of State charged with asylum and immigration matters since 1989 (van Selm this issue). In Italy, after many years of Christian Democrat dominated government, the situation became more fluid and for the first time a centre-left coalition formed a government in 1996. However, as discussed above, the change in governments in these countries has not led to sharp changes in policy in general and asylum policy in particular.

Comparing the different papers in this volume, the level of continuity in asylum policy between governments in each country is particularly striking.

The new governments in place in these states have not moved away from the restrictive policies of their predecessors, in spite of some initial and encouraging signs. On coming to power, the Labour party abolished the White List in the UK, yet the new Immigration and Asylum Act would seem to depend on the operation of an unofficial list; and though there may be some progressive provisions in Italy's proposed legislation, the new Ulivo coalition has not yet implemented it after two years. Greece's Socialist government routinely denies access to its procedures and offers no support to asylum seekers, while the Social Democrats in Germany are overseeing steadily worsening conditions for asylum seekers in many of the *Länder*.² According to van Selm, it seems the coalition led by the Social Democrats is in danger of abandoning the 1951 Convention, and the most recent new restrictions in Sweden have also been introduced by a Social Democrat-led coalition.

What could account for the similarities across the political spectrum? There are a number of possible political factors—the constraints of coalition government, the impact of a rise in support for parties of the far right, and the close proximity of different political parties in relation to asylum, based on an acceptance of particular political constructions of the asylum 'problem'.

Single and Multi-Party Governments

In Greece, Sweden and the UK centre-left parties govern without the assistance of coalition partners. While France has a Socialist government, it also has a powerful Conservative president. In Germany, the Social Democrats are supported by a Green/Civil Rights party (Bündnis 90/Die Grünen). The governments of Italy and the Netherlands are also led by Social Democrat parties, and are forced to depend on a number of smaller parties. Being independent of coalition partners should mean greater room for manoeuvre. If being in coalition was a constraint on policy-making in the area of asylum, one would expect Greece, Sweden and the UK to be free to promote liberal policies since coming to power, but they have not done so.

Sitaropoulos (this volume) has pointed out that the Socialist government of Kostas Simitis has not initiated any legislative programme regarding asylum seekers, but instead relies on the EU for policy and legislative initiatives, while failing to introduce the domestic legislation to give them effect. The UK's Labour government is about to introduce the most draconian measures to date and its large majority has ensured that opponents had only limited success in tempering the legislation. The opposition to the Bill has come from a scattering of Labour backbench MPs and the small Liberal Democrat party, whereas the largest opposition party, the Conservatives, has supported the Government.

Writing on Sweden, Abiri has pointed out a pattern similar to that of the UK in that the different approaches to asylum cut across parties. She notes that the rhetoric employed by the parties is very similar and demonstrates that alliances

and support for different policies frequently unite opposition and government parties, pointing to collaboration between the Social Democrats and the conservative Moderates.

In France, the Socialist government contented itself with giving a legal basis to an established practice by creating a new category of asylum—'territorial asylum'—which so far has been granted primarily to Algerians. Delouvin's analysis (this volume) of the legislation and changes that have been introduced gives little reason to expect any amelioration of the situation of asylum seekers there. It seems more likely that they will continue to swell the numbers of the 'sans papiers'.

If we turn to the coalition governments, in Germany, coalition partners have not had an enormous impact on asylum policy. In order to change the Constitution, Chancellor Kohl was dependent not so much on his Liberal (FDP) coalition partner, as on the opposition SPD, since a two thirds majority was necessary for the amendment. The new Red/Green coalition has no plans to undo legislation that it is argued has 'solved the asylum problem', and as Bosswick remarks, this has enabled the new coalition to focus on broader immigration and integration issues, though again, it is the Right that continues to set the agenda in these areas.

Van Selm points out that the Social Democratic party has been in coalition in the Netherlands since 1989, and has had responsibility for immigration and asylum matters for all of those 10 years. This points to a high level of continuity through the changes in government and, in fact, there seems to have been a consistent movement towards more restrictive policies in the Netherlands, which joined with Austria in calling for a shift away from the 1951 Convention.

Italy's political landscape, which has a long history of coalition governments, has always been remarkable for the range and variety of political parties. While ideology remains an important means of distinguishing the parties, Vincenzi stresses that it is not such a major factor in the formation of Italian asylum policy since until now 'Italy has not had an asylum policy' (Napolitano, Minister of the Interior, cited by Vincenzi). That this is about to change, according to Vincenzi, appears to have less to do with the political orientation of the coalition government and more to do with the need to respond to a relatively new phenomenon and pressure from elsewhere in Europe.

It would seem then that being in coalition or having a large majority has not been particularly decisive in terms of the substantive content of asylum policy. So far, the discussion has focused on the major parties, those of the centre-right and centre-left, but immigration and asylum have been a favourite theme of far right parties, and they in turn have been significant in setting the agenda in some European countries.

Racism and the Far Right

France, Germany, and Italy have each seen a rise in support for parties of the far right, and though this support has not always translated into electoral

success, it has had an impact on the political agendas of those countries, and indirectly on other countries, where lessons are drawn. Immigration control remains a fundamental plank of far right policies, evident in the manifestos of the Front National, the Republikaner, the National Partei Deutschland, the Northern League and Sweden's New Democracy and Swedish Democrats. All these parties call for a cessation of further migration.

The support for these parties has been accompanied by an increase in the number of attacks on asylum seekers and those who are visibly different. These attacks have taken place in all seven countries featured in this issue. The received wisdom appears to be that increasing numbers of asylum seekers lead inevitably to increased racism (van Selm, this issue) and hostility to asylum seekers and foreigners, even where that racism does not translate into electoral support for far right parties, as in Greece and the UK. Certainly, as the numbers of asylum seekers have increased in the last decade, there has been an increase in racist hostility and violent attacks in countries without a history of such attacks, such as Greece and Italy.

It would seem inevitable that causal links are made between increasing numbers of foreigners and violence directed against them. This has been the case in the media (Kaye 1998; Klausmeier 1984), though a discussion of the role of the media lies, unfortunately, outside the framework of this paper. However, on closer examination, it becomes clear that the main political parties also have to bear some of the responsibility, since their response to the increase in numbers has been to adopt the language of the far right to stress the need to close the gates, to bemoan the financial cost, to reiterate that the majority of asylum seekers are 'bogus', and to insist on temporary protection and repatriation. This has served to legitimate such discourse and the attacks on asylum seekers. The clearest example of this was the response of some of the German governments at *Land* and Federal level, to the attacks on asylum seekers. Edmund Stoiber, Interior Minister for Bavaria at the time of the attack at the asylum home at Rostock-Lichtenhagen, wrote:

The abuse of the right to asylum is creating unrest and anger in the population, and thereby the basis for toleration of the extremists, which they would not otherwise enjoy (*Bayerncurier* 3 October 1992).

The UK too is not immune from violent confrontation, as demonstrated by attacks on asylum seekers and refugees in Dover in August 1999.

Although the 1990s have seen centre-left parties forming governments in most EU states, this has not been accompanied by a move away from the policies of their predecessors. Instead, these parties have accepted the agenda of the far right, which sees the number of asylum seekers as a problem for the states and which stipulates the need for strict controls on entry, as a means of cutting off support and of preventing asylum seekers from becoming a burden on the welfare state. It is unsurprising that there is hostility among the broader population to a group of people identified by all parties, not just those of the 'far right', as cheats and spongers.

The European Union and Uneven Power Relationships

In the introduction to this volume, the development of asylum policy at EU level was outlined. However, it is important to add that this policy was not formulated in open and transparent discussions, but rather is the result of discussions that took place in intergovernmental fora such as TREVI, Group of Coordinators and the Ad Hoc Group on Immigration (see Introduction). What is more, it is clear from some of the papers in this issue that there are conflicting agendas at work and that different states have different expectations of EU policy.

For example, it is generally agreed by these seven states that harmonization is necessary, but there is little agreement about what harmonization should mean. In each case it seems that what is required is that *other* states should take more asylum seekers and that *other* states should not act as transit states. Harmonization is seen particularly by Germany and Sweden as a means to ensure burden-sharing—a 'fairer' distribution of asylum seekers around Europe, or at least a fairer sharing of the financial burden.

Though the ratification of the Dublin Convention was a slow and difficult process, now that it has come into force, its significance in terms of burden sharing is growing. The UK is currently putting pressure on Belgium and France not to allow rejected asylum seekers to embark for the UK, on the grounds that the UK has no responsibility for them once their claim has been rejected. As host to the largest numbers of asylum seekers, Germany is relying on the Dublin Convention to ensure that Austria and Italy accept responsibility for those asylum seekers who would cross their territories en route to Germany. Italy, as Vincenzi explains in this issue, is fully cognisant that this policy will hugely increase the number of claims to be examined, since like Greece, Italy is the first EU state entered by many asylum seekers.

France, too, looks to Europe for a resolution to the 'asylum problem', though according to Maxim Tandonnet of the Ministry of the Interior (1998), this would best be carried out on a day-to-day, pragmatic basis by the civil servants of the various interior ministries. Van Selm points out that the Dutch 'Purple' coalition 'often refers to so called "best practices" in fellow EU states and compares these to new domestic legal changes', while as Sitaropoulos and Vincenzi have shown, Greece and Italy rely on the EU to provide guidelines on asylum and immigration policy and legislation, without enacting the legislation necessary to realize them. Officials from the Secretariat of the Council of Ministers explained in a recent interview³ that countries putting in place asylum legislation frequently consult with representatives of the EU on the new legislation. In this instance the EU is acting as a transmitter of the agendas of the more powerful states, such as France, Germany and the UK, to less powerful states. Alberto Colella of the Italian Ministry of the Interior (interview 8 November 1999) agreed that in most cases Italy, Greece, Spain and Ireland in particular were receivers of European policy. He gave as an example the joint Anglo-Franco-German statement of aims and targets for Tampere

that was prepared without informing or consulting the other states. He did stress, however, that the most powerful partners did not always get their own way, suggesting that they had been disappointed in some respects at Tampere.

Nonetheless, inevitably perhaps, the uneven power relations at work in the EU mean that asylum policy is largely driven by the concerns of the most powerful partners and their interests. As a result, voices such as those of the Italian Interior Minister announcing that the 2,500 Kurds who arrived in Italy during the last six months of 1997 hardly constituted an invasion and that Italy would also welcome refugees with 'open arms' (*Der Spiegel* March 1998: 117) are quickly silenced by those who focus on the issue of control.

Conclusion

When this special issue was first mooted by the three editors, our impression was that asylum policy had not been significantly liberalized with the coming to power of centre-left governments in Europe. To a large extent this assumption has proved well-founded in spite of the distinctive migration and political histories of these countries. Because there are such differences between these countries, the convergence around restricting entry and welfare and introducing temporary asylum is thrown into sharper relief. Throughout Europe, it is agreed that there is a problem of control: the states of the European Union fear that they cannot control who enters their territories, and asylum is seen as the reason. Regardless of political ideology, each accepts that control of one's borders is essential to state sovereignty. Maintaining and asserting sovereignty or control, in collaboration with partners, or alone as in the case of the UK, necessitates stricter border controls and the introduction of disincentives to enter: that is, it is made as difficult and unpleasant as possible to remain in these countries if one is an asylum seeker. Conditions for those brought in under special arrangements, such as temporary protection, are marginally better because it is assumed that the state controls their entry and sojourn, and it is further assumed that the state can and will return them to their countries of origin.

The Treaty of Amsterdam has stated that a European Union migration policy must be in place by 2004. This collection of papers indicates what the asylum element of that policy will look like. Much of this is already in place and the states are learning from each other. It is becoming increasingly difficult for people to reach EU states and to request asylum, unless they are brought in as quota refugees for limited periods (all seven states). Having entered, they are segregated from the host population in bed and breakfast accommodation, hostels and areas where accommodation is cheap (all states). Asylum seekers are being deprived of autonomy and dignity, allowed to buy food only using vouchers and only in designated shops (all states except Greece where they are given nothing).

While asylum seekers in Germany, Sweden and the Netherlands have access to legal aid, in Italy and Greece there is no such provision. In France, there is a

ceiling of around FFr.1,000, which as Delouvin points out, 'does not permit a serious defence by a lawyer'. Free legal representation is available to asylum seekers in Britain, subject to a means test, and in the case of appeals, dependent on the strength of their case; thus a negative decision from the Legal Aid Board could seriously prejudice an appeal. When asylum seekers are detained in the UK, they usually have no idea how long their detention will last and it may be for as long as 14 months. The shift from a Europe dominated by centre-right governed states, to one where most are now governed by the centre-left, gives scant hope for improvement in the conditions of asylum seekers. The bleak situation described can no longer be alleviated by the possibility that a change in government will mean a more liberal asylum policy. Governments have changed in the last few years, but little else in this area has.

1. An exception is Khalid Koser's 1997 study, 'Social Networks and the Asylum Cycle: Iranians in the Netherlands': There is discussion in migration literature more generally on the factors affecting the choice of destination, especially historical factors such as colonial ties, economic factors such as labour recruitment by European states, and social factors such as familial and social networks, e.g. Castles and Miller (1998), Cohen (1987), Papastergiadis (2000). Areti Sianni (ECRE) also drew my attention to the study commissioned by the European Commission and undertaken by the Institute for the Sociology of Law at the University of Nijmegen in the Netherlands entitled 'Asylum Migration to the European Union: Patterns of Origin and Destination' (1997).
2. At a meeting of the Berlin Refugee Council on 21 July 1999 attended by the author there was a long and detailed discussion of these developments.
3. These interviews were carried out as part of a research project 'Citizenship, Migration and Integration in Europe' currently being undertaken by Liza Schuster and John Solomos of South Bank University, funded by the Nuffield Foundation.

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