



RESEARCH SOCIAL
PLATFORM ON MIGRATION
AND ASYLUM

NATIONAL
STAKEHOLDER
REPORT

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ASYLUM

Responsibility sharing in
EU asylum policy





The **National stakeholder reports** aim at taking the academic debate provided by the ReSOMA discussion briefs to the national level throughout the EU. For each topic, a **structured feedback process** has been implemented in a number of Member States where the issue at hand is most relevant in terms of current developments and upcoming trends. Leading experts discussed the **possible consequences of evolving (or lacking) EU policies for the Member State**, and the **country's role in shaping the EU agenda**. These feedback loops enabled researchers, practitioners and policy-makers to exchange experiences and strategies to face issues related to migration, asylum and integration matters.

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National stakeholder report

Responsibility sharing in EU asylum policy*

Responsibility Sharing in Asylum Policy

As a result of the large number of asylum seekers arriving in the EU during 2015 and 2016, the debate on the distribution of asylum responsibilities in the EU has gained relevance. Several immediate measures have been introduced, such as the hotspots approach implemented on Member States faced with disproportionate pressure to help them swiftly identify, register and fingerprint migrants, and assist in the implementation of relocation and returns and the emergency relocation mechanism which the Council adopted in September 2015 to relocate 160,000 asylum seekers from Greece and Italy to other Member States within two year time. While drawbacks are observed in the implementation of these measures, there have been rather more structural reform attempts towards a [Common European Asylum System](#), which includes a set of new measures related to operational support based on hotspots' experiences, as well as further responsibility sharing and the reform of the Dublin system to include a permanent corrective allocation mechanism in case of a similar migratory pressure in the near future.¹

As noted in the [Ask the expert policy brief](#), there are limitations on fair and equal responsibility sharing unless alloca-

tion mechanism covers all times and not only crisis circumstances. Lack of harmonised procedures and a central authority as well as unduly high threshold for some countries are issues that researchers stress as potential bottlenecks on the way to a sustainable system.

Stakeholder outreach and feedback

This report reaches out to stakeholders from a variety of countries where the responsibility sharing has been a concern. It provides an overview and analysis of the feedback provided by these stakeholders in relation to the strengths and limitations of responsibility sharing that have been developed in earlier [ReSOMA publications](#). This involves the following countries:

- Austria
- Germany
- Greece
- Hungary
- Italy
- The Netherlands

In each of these countries, between 6 and 10 stakeholders were consulted (see appendix for a full but anonymized overview). This includes policy actors working at the national as well as the local level, NGOs working in the social field and experts from the various national contexts with specific topic of the consultation. In many cases, the consultation took the form of an individual interview (via Skype

¹ See ReSOMA Ask the Expert Brief on asylum and the ReSOMA Synthetic state of the art policy brief on Responsibility Sharing, 2018.



or Gotomeeting); in several cases where this was seen as appropriate, the consultation took a form of a virtual meeting with several stakeholders at the same time, allowing for interaction on specific topics. The consultations followed a standardized template and were implemented by experts with access to networks in the selected countries. For this report, this involved the European University Institute (Austria, Italy, Germany and Greece), UPF-Barcelona (The Netherlands) and the Institute for Minority Studies of the HAS Centre for Social Sciences (Hungary). Based on reports of the stakeholder consultations, the stakeholder outreach report was compiled by the ReSOMA team of Erasmus University Rotterdam.

The consultations focused on three topics that emerged as central from the Ask the expert policy briefs and the synthetic state of the art report on responsibility sharing. These three topics include:

- *The relevance of responsibility sharing*: How relevant is the topic of responsibility sharing with other member states in each country? What do different stakeholders think about responsibility sharing?
- *Implementation of principle of solidarity*: The European Commission put forward ['four axes' for reinforcing intra-EU solidarity in the field of asylum](#), that is, practical cooperation and technical assistance, financial solidarity, effective allocation of responsibilities and improving tools for governance of the asylum system. What is the national stakeholders' take on that? What are the suggestions for

the implementation of the principle of solidarity in the best possible way?

- *Effects of a common asylum agency*: How will the European Asylum Support Office's (EASO) becoming a full-fledged agency with expanded mandate and resources affect different member states, its asylum system and the asylum applicants?

The relevance of responsibility sharing

This is a highly politicized topic. Stakeholders from all countries agree that it is a central issue but for different reasons. The reasonings seem contingent upon on the position of the country of the stakeholders, whether it is a frontier state like Greece and Italy, on the Balkan route like Hungary or a supposedly destination country like Germany and the Netherlands. For Hungarian governmental actors and NGOs working in the social field, one-size-fit-all response offered by Dublin and European Asylum policy framework is not appropriate and, instead, a diversified understanding and approach to the current situation is necessary. For Italian NGOs, Dublin has to be reformed with the ultimate goal of reaching a more integrated approach in CEAS but not through top-down decisions as it was the case for relocation and hotspot approach. While the Dutch experts call for "obligatory solidarity" if necessary, German NGOs working active in the social field admit that it is very difficult for countries like Greece and Italy come to an agreement with countries like Hungary and Poland with completely opposite views on responsibility sharing.



It is also underlined that each country is selective in the way they share the responsibility. For example, Austria is cooperating with its neighboring countries for the purpose of border control while at the same time showing willingness to receive unaccompanied minors and women. This makes stakeholders in frontier states like Italy and Greece even more pessimistic about the prospects of responsibility sharing because the cooperation is limited to saving lives at sea with no intention for admission or integration and solidarity only with those who are already inside Europe.

“More than a problem of quotas, the problem lies in the fact that there is no ‘EU residence permit’ or an ‘EU refugee status’. Once the individual obtains the international protection, he/she cannot move to another country.” (Italian NGO)

At the local level, grassroots solidarity initiatives are free, active and growing in many member states consulted, except Hungary. Where they are free to voice their opinion, they also support an idea of cross-country responsibility sharing that is not imposed by law and that puts the best interest of the asylum seekers at the center of asylum procedures. NGOs working in the social field underline the best interest of the child, as also mentioned during the consultations for family reunification, and argue that considering asylum seekers' requests for settlement in a country where they have communal ties, is more helpful for their integration, hence has more positive societal impacts in the longer run.

Implementation of principle of solidarity

There is a general agreement that solidarity has to take place at two levels: first level among member states, and second level between member states, migrants and the EU. At the first level, Member States do provide the financial and technical assistance such as mobilizing funds to support the Greek government in response to the migration crisis, but an increase in funding does not necessarily result in actual improved capacity. According to the Greek stakeholders consulted, capacity building would involve increasing staff and strengthening support to the asylum processing services. It was underlined that enhanced capacity would also facilitate the timely processing of applications, thus easing the pressure on the Greek asylum system and asylum seekers themselves. Especially Greek NGOs working in the social field reported not seeing sufficient mobilization of human resources and expertise on the ground. While Dutch NGOs consider this as a procedural issue and blame it on governments' lack of political will to improve procedures, Greek NGOs suggest that the EU funding moved into Greece had to be monitored effectively or directly moved down to lower levels of governance, namely the municipal level. In the words of one Greek NGO,

“When one country is facing a significant issue, and does not have the capacity to respond, it is not enough to mobilise funding: Capacity does not necessarily come with funding”

At the second level, in its current form, Dublin Regulation consider the prefer-



ences of neither member states nor beneficiaries of international protection. The key question, as one Hungarian government representative underlines, is who gets to decide on applications and, from Hungarian perspective, a European-level decision is doomed to cause more tension within the EU. Similarly Austrian NGOs working in the social field also underline that it is counterproductive to force member states that are overtly unwelcoming to refugees and migrants as they will be one then terribly affected by exclusive attitudes in the longer term. Additionally, one Italian NGOs highlight that lack of solidarity at the EU level actually nourishes xenophobic movements as in the case of Hungary. In this case what is meant by solidarity is empathy with the specific conditions of each country which Hungarian NGOs also call for. While being quite pessimistic about the prospects of solidarity, some Greek NGOs underline the need to move beyond Dublin and beyond expansion of the reception capacity, that consider the preferences of frontline states, preferred destinations and the will of refugees, when designing a new responsibility-sharing policy.

Interestingly, even the same IO may have nuanced views that reflect the needs of the country context they operate. Whereas IOM/AT stress the importance of cooperation at international level, IOM/IT underlines that cooperation, short of an EU-wide unified asylum system, is not sufficient. The experience with relocation sheds light on the technical and bureaucratic limits of existing procedures: lots of documents needed, many different offices involved even for people already selected and declared eligible for relocation.

Effects of a common asylum agency

There is a general agreement that the the [Common European Asylum System](#) helps harmonizing recognition rates which at the moment vary too much among member states. For example Somalian nationals have 20% of recognition rate in the Netherlands while in Germany it goes up to 80%. Yet, as underlined by some Austrian and German NGOs working in the social field, this new system allows standardization in recognition procedures whereas integration of refugees remains a matter of national jurisprudence. Lack of response or opinion from other stakeholders that are service providers clearly show the limited role and mandate of [EASO](#) at the moment.

Furthermore, stakeholders expressed contrasting opinions regarding the ways in which EASO is currently involved in the recognition phase. While some stakeholders see value in the role of EASO to make decision making process faster in Greece and Italy and also think that it might be effective for relocation and reunification processes, majority of interviewees even in Greece and Italy were highly critical of EASO's involvement. In December 2017, Italian government agreed to boost EASO's role and support in the management of the asylum requests (from the registration to the assessment in the 'Commissioni Territoriali'). To this aim, during 2018 EASO has increased its Italian based staff with 200/300 new people. For IOM/IT, this is a step towards a truly unified asylum system in the EU. However, according to a German governmental representative, involvement in identification, examination



and vulnerability assessment is beyond EASO mandate of supervision. In most cases EASO experts do not receive proper briefings, do not have advanced competences in EU law and country-specific expertise, and their turnover is high. Similar concerns were raised by Greek NGOs with respect to EASO's work in Chios and their interaction with the Greek asylum staff which Greek NGOs describe a non-consultative form of recommendation giving.

Conclusions and policy observations

Most national stakeholders agree on the relevance of the principle solidarity on asylum policy in the longer run. There is also a shared understanding that at the moment the principle of solidarity is still too abstract and not embedded in realities on the ground. Stakeholders, however, differ in the solutions that are offered. As opposed to those in frontier states, like Italy, calling for unified procedures for effective implementation, governmental and nongovernmental actors in Hungary call for a diversified approach and are critical of both Dublin and European Asylum policy framework which they see as a one-size-fit-all response. Hence there are deep disagreements and lack of political will on the way to a full-fledged European asylum policy.

Several key observations can be drawn from the feedback provided by stakeholders that are relevant for future policies:

- Solidarity among EU member states has to go hand in hand with consideration of best interests of international

protection seekers. There is general agreement on the need to move beyond Dublin and towards a new relocation programme that has to consider realities of countries of arrival, destination countries and the preferences of refugees at the same time, hence show solidarity with protection seekers as well as among member states.

- Solidarity cannot be enforced by law. This is partly why top-down and not well-informed EASO involvement and relocation decisions have not been effective initiatives so far.
- There are seemingly contradictory but complementary expectations from achieving standardization of recognition criteria. While for some stakeholders common procedures may reduce discrepancies, harmonise assistance and reduce secondary movements across Europe and tensions among MS, others hope to reach a possible "EU residence permit" or "EU refugee status" which would prevent irregular movements. Hence it is not that secondary movements would be ever prevented but they could be monitored in such a way that it would be beneficial both for receiving countries and international protection holders.
- Global and local level solutions are necessary. Several academic experts to IO representatives referred to 2016 New York Declaration for Refugees and Migrants and mentioned that responsibility sharing is needed on the global level. As one Hungarian NGO specifies, this then entails an active peace policy, including high taxation on weapon exports and increase in the budget of UN agencies. It is also mentioned that capacity building is



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not successful unless it involves local actors in the frontline of asylum system from the beginning. This seems crucial to overcome national governments'

obstructions on responsibility sharing and to achieve more effective policies of responsibility sharing.



Appendix I: Consulted stakeholders

Country	City	Institution
Austria	Wien	Asylkoordination österreich
Austria	Wien	Austrian Red Cross
Austria	Wien	Flüchtlinge Willkommen
Austria	Wien	IOM Austria/EMN
Austria	Wien	IOM Austria/EMN
Austria	Wien	Jesuit Refugee Service
Austria	Wien	University of Wien
Austria	Wien	University of Wien
Austria	Graz	Refugee Law Clinics of University of Graz
Germany	Hannover	Lower Saxony Refugee Council
Germany	Berlin	Office of a member of Parliament
Germany	Berlin	Jesuit Refugee Service Germany (JRS)
Germany	Berlin	German Diakonie
Germany	Kiel	Medibüro
Germany	Gütersloh	Bertelsmann Stiftung
Germany	Berlin	University of Berlin
Greece	Athens	Solidarity Now
Greece	Athens	Norwegian Refugee Council
Greece	Athens	Ministry of Migration Policy
Greece	Athens	Danish Refugee Council
Greece	Athens, Thessaloniki	Diotima Centre for Research on Women Issues
Greece	Athens	Babel Day Centre for Migrants' Mental Health
Greece	Thessaloniki	Association for the Social Support of Youth (ARSIS)
Greece	Athens	Greek Council for Refugees
Hungary	Budapest	IOM Hungary
Hungary	Budapest	National Police Headquarters
Hungary	Budapest	Menedék Association
Hungary	Budapest	Menedék Association
Hungary	Budapest	Prime Minister's Office
Hungary	Budapest	Hungarian Helsinki Committee
Hungary	Budapest	UNHCR Regional Representation
Hungary	Budapest	Metropolitan Municipality of Budapest
Hungary	Budapest	Central Statistical Office
Italy	Rome	Civico Zero
Italy	Rome	IOM Italy
Italy	Rome	Caritas
Italy	Palermo	Centro Astalli
Italy	Bergamo	CESVI
Italy	Rome	"Victims of Torture Programs"- Médecins Sans Frontières
Italy	Milan	NAGA
Italy	Udine	SIMM
Italy	Rome	UNAR and Università la Sapienza
Netherlands	Amsterdam	Ministry of Justice
Netherlands	Amsterdam	Stichtinglos
Netherlands	Rotterdam	Municipality
Netherlands	Rotterdam	NGO
Netherlands	Utrecht	Municipality
Netherlands	Utrecht	Municipality
Netherlands	Amsterdam	NGO



ReSOMA - Research Social Platform on Migration and Asylum

is a project funded under the Horizon 2020 Programme that aims at creating a platform for regular collaboration and exchange between Europe's well-developed networks of migration researchers, stakeholders and practitioners to foster evidence-based policymaking. Being a Coordination and Support Action (CSA), ReSOMA is meant to communicate directly with policy makers by providing ready-to-use evidence on policy, policy perceptions and policy options on migration, asylum and integration gathered among researchers, stakeholders and practitioners.

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