



The European Asylum Crisis: Towards Collective Reception and Fair Quotas

SVR's Research Unit: To The Point 2015-1

The refugee policy of the European Union (EU) is facing an unprecedented challenge: This year, more refugees than at any time before have died trying to reach safe European ports. Similarly, the number of asylum applications has increased considerably – and continues to do so.¹ As a result, the national asylum systems of many EU member states are under immense pressure and increasingly unable to deal with their case load. In this situation it is necessary to relieve pressure from the asylum systems of the member states. To begin with, asylum-seekers who originate from crisis-torn countries whose citizens are frequently granted refugee status could be admitted more efficiently through collective processing. This includes asylum-seekers from Syria, Eritrea and Somalia.² Implementing such collective reception procedures could help prevent thousands of refugees from embarking on the life-threatening journey across the Mediterranean Sea. Furthermore, these measures could free up some much needed administrative capacities for processing indivi-

dual applications from other countries. Through an agreed European contingent, asylum-seekers from Syria and other especially affected countries could enter the European Union directly. This would also mitigate the humanitarian problems in neighbouring countries such as Lebanon, Turkey and Jordan, which bear the largest refugee burden and are in danger of being destabilized unless they receive international support.³

However, collective procedures at the European level should always adhere to two principles: First, they must not be used as a substitute for the individual's right to asylum but merely as a mechanism to lower the administrative burden in cases in which a positive decision is expected. Second, the EU has to ensure that the collective procedures can rely on the contribution of all member states – unlike the current reception practice for asylum-seekers which leave some member states unaffected while others shirk their responsibilities. Instead, the EU needs a fair and equitable distribution of responsibility.

1 According to the International Organization for Migration (IOM), 1,780 refugees died in the Mediterranean Sea in the first four months of the year 2015, compared to 96 deaths in the same period in 2014 (<http://www.iom.int/news/iom-monitors-migrant-arrivals-deaths-mediterranean>, 6 May 2015). In the 28 member states of the EU, the number of asylum applicants increased from 279,000 (2012) to 374,000 (2013) to 562,000 in 2014 (http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en; 6 May 2015). This year in Germany alone, authorities expect 400,000 new applicants. In the EU, the total number could exceed one million.

2 In 2014, an average of 95 percent of Syrian asylum-seekers were granted some sort of protection by EU member states.

3 So far, close to 4 million Syrians have fled to neighbouring countries. As of 26 April 2015, around 1.8 million of them were living in Turkey, 1.2 million in Lebanon and 0.6 million in Jordan (<http://data.unhcr.org/syrianrefugees/regional.php>; 6 May 2015).



Making Use of Resettlement and Temporary Protection Programmes

In the context of the latest Mediterranean Sea disasters, the EU is actively seeking solutions for the unfolding refugee crisis, including better access to the protection mechanisms (FRA 2015). For this purpose, two established instruments are available, however, none of which is used sufficiently.

One instrument is **resettlement programmes** which target people who have fled to neighbouring countries as a response to war and persecution and whose need for protection has been clearly established (COM 2009). Through resettlement schemes, a state can actively resettle a designated number of refugees to its own territory. Last year, 15 member states have offered national contingents for resettlement, but only in very limited capacity.⁴

The second instrument comprises **schemes for temporary protection**, which are designed to offer easy access to protection in the case of humanitarian crises with high numbers of displaced persons (UNHCR 2014). Unlike resettlement programmes, temporary protection schemes assume that participants return to their countries of origin once it is safe to do so. With its Temporary Protection Directive (2001/55/EC) the EU has long possessed the legal basis for such collective reception procedures. However, although the current crisis in Syria calls for the application of said directive, the European Council has yet to make use of it.⁵

Refugee Reception: The Distribution Challenge

One of the reasons for the reluctant approach of many EU countries is the lack of confidence in the Dublin system. As a rule, the Dublin Regulation (No. 604/2013) obliges the country through which a refugee has first entered the European Union to take responsibility of his or her asylum claim.⁶ Consequently, countries located at the Union's southern and eastern borders bear the lion's share in protecting the refugees who arrive at their shores and border checkpoints. These member states deem the current Regulation unfair and as a result, some of them have begun to ignore their responsibility to adhere to minimum standards for reception, processing and protection of asylum-seekers. At the same time, a number of western and northern European states are taking in disproportionately more asylum-seekers who after crossing the EU's external

frontiers travel to these countries in order to apply for international protection.

These especially affected countries are increasingly discontent with the lack of support by other EU member states who are shirking their responsibilities. Hence, there is a low willingness to take joint action to address the refugee crisis. The current deadlock can only be overcome by establishing a fair and equitable distribution of responsibility among European countries. If the member states of the EU cannot agree on a joint approach, today's unequal burden-sharing is expected to grow even less equitable and thus may question the viability of the common system of refugee protection in Europe.

Reception Quotas: Fair Burden-Sharing

Fair reception quotas could help increase support for collective action within the European Union. As a prerequisite to determine these quotas, EU member states would have to agree on a proportional quota system which sufficiently accounts for country context and the economic, demographic and territorial differences within the EU (Matrix Insight et al. 2010). The calculation of reception quotas may include a variety of factors. In 2013, the SVR's Research Unit and the German Institute for International and Security Affairs developed a multi-factor model which is capable of calculating a fair reception quota for every EU member state based on publicly available official data (SVR Research Unit 2013). This model takes into account the economic strength, population, size of territory and unemployment rate of individual EU countries (Fig. 1). The model could also be applied to resettlement and temporary protection programmes as shown below.

The example of a hypothetical EU-wide intake of 10,000 refugees through resettlement and/or temporary protection programmes highlights the model's effect on the distribution of refugees: As shown by the data in Table 1, the majority of EU member states would receive less than 300 refugees while around one in every three countries would have to take in less than 100. Only four countries would receive just over 1,000 persons. Furthermore, smaller countries with weaker economies would receive a lower number of refugees than is currently the case (Table 1).

The allocation of refugees based on the multi-factor model would allow less active member states to contribute their fair share and thereby show that they take their humanitarian responsibilities seriously.

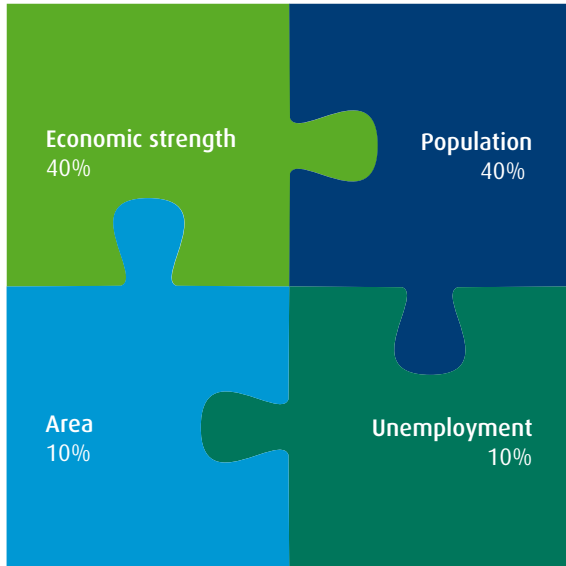
4 Overall, 6,380 people from more than 30 different countries were resettled to the EU. Around one-third originated from Syria (http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyresa&lang=en; 6 May 2015).

5 So far, only Germany has committed to receiving a significant number of refugees through its temporary protection schemes, which pledge to admit more than 30,000 Syrians with a special need for humanitarian protection.

6 Exceptions apply in the case of minors and existing family ties in other member states (Article 8-11). In addition, a member state becomes responsible for an asylum applicant once it grants him or her a visa waived entry (Article 14).



Fig. 1 Multi-factor model for calculating reception quotas



Source: Authors

In sum, the EU as a whole would offer fast and easy access to protection status to a significant number of asylum-seekers fleeing from some of the most dangerous conflict zones in the world.

Outlook

The unfolding refugee crisis stresses the need for both types of collective protection measures – resettlement and temporary protection – at the European level (SVR 2015: 78f.). The EU should address this need by implementing pilot programmes which seek contributions from every member state. The **introduction of a quota-based reception of refugees from Syria’s civil war** – first through an initially small European contingent – could **pave the way towards fairer responsibility sharing** in European asylum policy.

By agreeing on a joint programme, Europe’s heads of state should take the first step. Subsequently, the member states should instruct the European Commission to draft the **terms for collective reception procedures**. First and foremost, these terms should define clear and objective selection criteria for refugees. Family ties and personal preferences of asylum-seekers could also be considered when it comes to intra-European distribution. Furthermore, the EU-wide mechanism should establish **clearly defined minimum standards** for family reunification, access to the labour market and social benefits. Both the resettlement and the temporary protection programmes require close **collaboration between the EU and the United Nations High**

Table 1 Distribution of 10,000 refugees according to multi-factor model, first asylum applications 2014, absolute numbers

	Hypothetical allocation	De facto first asylum applications
Germany	1,607	173,070
France	1,319	58,845
UK	1,175	31,265
Italy	1,057	63,655
Spain	817	5,460
Poland	523	5,610
Netherlands	384	21,810
Sweden	336	75,090
Romania	299	1,500
Belgium	251	14,130
Austria	248	25,700
Finland	216	3,495
Czech Rep.	195	915
Greece	193	7,590
Portugal	179	445
Denmark	174	14,565
Hungary	161	41,215
Ireland	126	1,440
Bulgaria	122	10,805
Slovakia	98	230
Croatia	88	380
Luxembourg	79	1,030
Lithuania	72	385
Slovenia	68	355
Latvia	59	365
Malta	55	1,275
Estonia	55	145
Cyprus	42	1,480
EU28	10,000	562,250

Note: Reception quota based on population size, GDP and unemployment rate (average of last five years, if data are available) and size of the territory. For further methodological details see SVR Research Unit 2013: 6f.

Source: Eurostat, own calculations



Commissioner for Refugees (UNHCR). Both parties could receive administrative support from the European Asylum Support Office (EASO) which is officially mandated to facilitate this type of high-level coordination.

By committing to receiving an initially small European contingent of asylum-seekers, the EU could increase its chances of winning the support of those member states which have so far rejected any form of binding reception targets.⁷ At the same time, an EU-wide agreement to pilot a quota model would possess significant symbolic power as it would emphasise European solidarity as well as the capabilities of a common area of protection. Should the pilot initiative succeed, these and other collective reception programmes could be expanded further in the years to come.

Further reading

COM – Commission of the European Communities 2009: Communication from the Commission to the European Parliament and the Council on the Establishment of a Joint Resettlement Programme, COM(2009) 477 final, Brussels (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0447:FIN:EN:PDF>; 6 May 2015).

FRA – Fundamental Rights Agency 2015: Legal Entry Channels to the EU for Persons in Need of International Protection: A Toolbox. FRA Focus 02/2015, Vienna (http://fra.europa.eu/sites/default/files/fra-focus_02-2015_legal-entry-to-the-eu.pdf; 6 May 2015).

Matrix Insight Ltd/Thielemann, Eiko/Williams, Richard/Boswell, Christina 2010: What System of Burden-Sharing between Member States for the Reception of Asylum Seekers? Study Requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, Brussels (<http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=29912>; 6 May 2015).

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SVR Research Unit 2013: European Refugee Policy. Pathways to Fairer Burden Sharing, Berlin (<http://www.svr-migration.de/wp-content/uploads/2014/11/EU-Fluechtlingspolitik-SVR-FB.pdf>; 6 May 2015).

UNHCR 2014: Guidelines on Temporary Protection or Stay Arrangements, Geneva (<http://www.refworld.org/pdfid/52fba2404.pdf>; 6 May 2015).

⁷ Hesitant member states could be offered certain freedoms in order to increase their willingness to contribute to an EU-wide programme. For example, countries with heavily overburdened asylum systems could be granted 'bonus points', which would lower their reception quota. If an agreement of all 28 member states is unattainable a 'coalition of progressives' should take a first step towards fairer sharing of responsibilities in the EU.



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About the Expert Council's Research Unit

The Expert Council's Research Unit conducts independent, practice-oriented research projects in the field of integration and migration. The project-based studies focus on emerging trends and issues with education as one of the main research focal points. The Research Unit complements the work of the Expert Council. The core funding is provided by the Stiftung Mercator.

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