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.

(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 counterproductive 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, 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’.

There can be little doubt that uncer-

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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.