



**KAUNAS UNIVERSITY OF TECHNOLOGY**  
**FACULTY OF SOCIAL SCIENCES, ARTS AND HUMANITIES**

**Gintarė Stankevičiūtė**

**MANAGING THE REFUGEE CRISIS IN THE EUROPEAN UNION:  
CASE STUDIES OF GERMANY AND POLAND**

Final project for Master degree

**Supervisor:**

Assoc. prof. Dr. Rasa Daugėlienė

**KAUNAS, 2018**



**KAUNO TECHNOLOGIJOS UNIVERSITETAS  
SOCIALINIŲ, HUMANITARINIŲ MOKSLŲ IR MENŲ FAKULTETAS**

**Gintarė Stankevičiūtė**

**PABĖGĖLIŲ KRIZĖS VALDYMAS EUROPOS SĄJUNGOJE:  
VOKIETIJOS IR LENKIJOS ATVEJAI**

Baigiamasis magistro projektas

**Vadovas**

Doc. dr. Rasa Daugėlienė

**KAUNAS, 2018**

**KAUNO TECHNOLOGIJOS UNIVERSITETAS**  
**SOCIALINIŲ, HUMANITARINIŲ MOKSLŲ IR MENŲ FAKULTETAS**

**PABĖGĖLIŲ KRIZĖS VALDYMAS EUROPOS SĄJUNGOJE:  
VOKIETIJOS IR LENKIJOS ATVEJAI**

Baigiamasis magistro projektas

**Europos Sąjungos Tarptautiniai santykiai (kodas 621L20016)**

**Vadovas**

(parašas) Doc. dr. Rasa Daugėlienė  
(data)

**Recenzentas**

(parašas) Doc. dr. Audronė Telešienė  
(data)

**Projektą atliko**

(parašas) Gintarė Stankevičiūtė  
(data)

**KAUNAS, 2018**



**KAUNO TECHNOLOGIJOS UNIVERSITETAS**

Socialinių, humanitarinių mokslų ir menų

---

(Fakultetas)

Gintarė Stankevičiūtė

---

(Studento vardas, pavardė)

Europos Sąjungos tarptautiniai santykiai, 621L20016

---

(Studijų programa, kursas)

Baigiamojo projekto „Pabėgėlių krizės valdymas Europos Sąjungoje: Vokietijos ir Lenkijos atvejai“

**AKADEMINIO SAŽINGUMO DEKLARACIJA**

20 18 m. sausio 10 d.  
\_\_\_\_\_ Kaunas \_\_\_\_\_

Patvirtinu, kad mano, **Gintarės Stankevičiūtės**, baigiamasis projektas tema „Pabėgėlių krizės valdymas Europos Sąjungoje: Vokietijos ir Lenkijos atvejai“ yra parašytas visiškai savarankiškai ir visi pateikti duomenys ar tyrimų rezultatai yra teisingi ir gauti sąžiningai. Šiame darbe nei viena dalis nėra plagijuota nuo jokių spausdintinių ar internetinių šaltinių, visos kitų šaltinių tiesioginės ir netiesioginės citatos nurodytos literatūros nuorodose. Įstatymų nenumatytų piniginių sumų už šį darbą niekam nesu mokėjęs.

Aš suprantu, kad išaiškėjus nesąžiningumo faktui, man bus taikomos nuobaudos, remiantis Kauno technologijos universitete galiojančia tvarka.

---

(vardą ir pavardę įrašyti ranka)

---

(parašas)

Stankevičiūtė, Gintarė. Pabėgėlių krizės valdymas Europos Sąjungoje: Vokietijos ir Lenkijos atvejai. *Magistro* baigiamasis projektas / vadovė Doc. dr. Rasa Daugėlienė; Kauno technologijos universitetas, Socialinių, humanitarinių mokslų ir menų fakultetas.

Mokslų kryptis ir sritis: Socialiniai mokslai, Politikos mokslai

Reikšminiai žodžiai: *Europos Sąjunga, pabėgėliai, krizės valdymas, Lenkija, Vokietija.*

Kaunas, 2018, 65 p.

## SANTRAUKA

Baigiamajame magistro projekte „Pabėgėlių krizės valdymas Europos Sąjungoje: Vokietijos ir Lenkijos atvejai“ buvo įvertintas pabėgėlių krizės valdymas tiek viršnacionaliniame tiek ir nacionaliniame lygmenyje. Tema aktuali dėl šiuo metu vis dar vykstančios pabėgėlių krizės Europos Sąjungoje, kuri paskatino svarstyti jos priežastis ir pasekmes, taip pat Europos Sąjungos prieglobsčio politikos veiksmingumą. Vykstantys migracijos procesai kelia susirūpinimą dėl Europos Sąjungos valstybių narių pajėgumo priimti pabėgėlius ir užtikrinti tarptautinę prieglobsčio prašytojų apsaugą. Baigiamojo projekto objektas - pabėgėlių krizė. Darbo tikslas – įvertinti pabėgėlių krizės valdymą Europos Sąjungoje ir jos valstybėse narėse - Vokietijoje ir Lenkijoje. Magistro baigiamajame darbe iškelti trys pagrindiniai uždaviniai: parengti teorinį migracijos pagrindą ir nustatyti rizikos valdymo sistemos ypatumus; nustatyti Europos Sąjungos poziciją prieglobsčio politikos klausimais ir, kokių priemonių ji ėmėsi sprendžiant pabėgėlių krizę; įvertinti Vokietijos ir Lenkijos atsaką į pabėgėlių krizę Europos Sąjungoje. Tyrimo problema apibrėžiama klausimu: kaip skirtingos valstybės narės atsako į vykstančią pabėgėlių krizę Europos Sąjungoje? Problema kyla iš teiginio, kad Vokietija ir Lenkija skirtingai valdo pabėgėlių krizę ir sprendžia prieglobsčio politikos klausimus. Viena iš pagrindinių problemų, susijusių su vis didėjančiais migracijos srautais yra tai, kad Europos Sąjungą sudaro struktūriškai skirtingos šalys, kurioms taikomos skirtingos politinės ir socialinės paskatos bei tai, kokį dėmesį šalys skiria suvereniai ir atsakingai migracijos politikai. Nepaisant bendros Europos prieglobsčio sistemos veikimo, kuri suderina prieglobsčio prašymo nagrinėjimo bei priėmimo procedūras, Vokietijoje ir Lenkijoje vis dar taikomi skirtingi įstatymai, procedūros ir praktikos pabėgėliams priimti. Šalių atsakomybė priimti pabėgėlius kyla iš Pabėgėlių Konvencijos pagrindo, kuri nustato tarptautinį įsipareigojimą suteikti visapusišką apsaugą pabėgėliams. ES institucijos ėmėsi veiksmų siekiant atsakyti į pabėgėlių krizės keliamus iššūkius ir nustatė teisiškai įpareigojančias Direktyvas ir Reglamentus kaip priemones, kurios padėtų sumažinti nevienodą pabėgėlių pasiskirstymą šalyse narėse ir užtikrinti Europos Sąjungos solidarumo principo veikimą. Europos Sąjunga

valdo pabėgėlių krizę stiprindama kolektyvines priemones, siekiant stabilizuoti sudėtingą padėtį. Ypač didelis dėmesys skiriamas prieglobsčio prašytojų perkėlimo ir perskirstymo programų įgyvendinimui šalyse narėse, prieglobsčio procedūrų harmonizavimui ES, tarptautinės apsaugos asmenų kvalifikavimo standartų ir finansavimo didinimui valstybėms narėms bei tarptautiniam bendradarbiavimui su trečiosiomis šalimis. 2015 m. Vokietijoje pagrindinis dėmesys buvo skiriamas priemonėms kovais su dideliu pabėgėlių antplūdžiu, tokioms kaip organizacinės ir administracinės struktūros tobulinimams, prieglobsčio prašytojų priėmimo ir registracijos pakeitimams. 2016 m. dėmesys labiau skiriamas ne organizacinėms, o procedūrinėms tvarkos pakeitimams, pastangos dedamos tam, kad prieglobsčio prašytojų procedūros būtų efektyvesnės, taip pat būtų įgyvendinta perkėlimo ir perskirstymo programos. Aukštas prieglobsčio prašymų ir trečiųjų šalių pabėgėlių Lenkijoje atmetimas atspindi ES solidarumo klausimus šalyje. Vertinant pabėgėlių perkėlimo ir perskirstymo programų įgyvendinimą ir tai, kad šalis nepriėmė nei vieno pabėgėlio daroma išvada, kad šalis nevykdo pagal Tarybos sprendimais priimtų tarptautinių įsipareigojimų.

Stankevičiūtė, Gintarė. *Managing the Refugee Crisis in the European Union: Case Studies of Germany and Poland: Master's thesis* / supervisor assoc. prof. Rasa Daugėlienė. The Faculty of Social sciences, Arts and Humanities, Kaunas University of Technology.

Research area and field: Social science, Political science

Key words: *European Union, Refugees, Crisis Management, Germany, Poland*

Kaunas, 2018, 65 p.

## SUMMARY

The final project “Managing the refugee crisis in the European Union: Case studies of Germany and Poland” assess the management of the refugee crisis in the European Union as at supranational level as well as in the Germany and Poland as at national level. The relevance of the research endures due to ongoing refugee crisis that the European Union is facing now. The refugee crisis has inspired deliberations on causes and consequences as well as the effectiveness of the European Union asylum policy. This crisis provokes many concerns of capacities of the EU Member States to accept refugees and to ensure international protection for asylum seekers. The object of the final project is refugee crisis. The final project aims to assess the refugee crisis management in the European Union and its Member States Germany and Poland. Three primary tasks are established in the master's thesis in respect of the structure: to arrange a theoretical approach to migration and risk governance; to identify European Union position on Asylum Policy; to examine the responses to the refugee crisis in the European Union Member States - Germany and Poland. The problem of the research is raised by the question: how different Member States are responding to the ongoing refugee crisis in the European Union? The issue comes from the statement that Germany and Poland are responding to the crisis differently. One major issue in dealing more uniformly with the growing migratory flows is that the European Union is made up of structurally diverse countries that are subject to opposing political and social incentives and which retain full sovereignty over, and complete responsibility for, migration policy. The main findings of different Germany and Poland management of the refugee crisis lie in the thesis that despite the operating Common European Asylum System which harmonises the procedures for claiming asylum, Germany and Poland still have different laws, systems and processes for admitting refugees. The collective action challenges of refugee protection arise from the requirement in the Refugee Convention for states to assess whether a claimant is a refugee only once she or he has reached its territory. The European Commission has carried forward work on managing the refugee crisis and establishing mechanisms for distributing the refugees between states equitably and ensure that solidarity clause is working. Through its Directives and Regulations, the

European Union has reinforced the standards and obligations for providing international protection, complying with the commitments taken by all EU Member States under the Refugee Convention. The European Union is managing the refugee crisis by stepping up collective measures to stabilise the challenging situation in particular mechanisms: relocation, resettlement, asylum procedures, standards for the qualification for individuals for international protection, funding the Member States in need as well as cooperation with neighbouring countries and developing international agreements. In 2015, when the persistently high number of asylum seekers was the main issue, Germany introduced instruments in dealing with a massive influx. The primary focus in 2015 was on the organisational structure improvements as well as asylum seekers reception and registration amendments. During 2016, the political, social and administrative focus shifted gradually from organisational to the procedural arrangements, taking into account registration and accelerating asylum procedures. Moreover, the efforts were put towards the allocation of asylum seekers to individual municipalities, as well as the implementation of resettlement programmes integration. Widespread rejections of asylum applications and refugees from the third countries in Poland reflects the questions and considerations of the solidarity within the EU. As to relocation and resettlement mechanisms, Poland has not yet reached its target appointed by the European Commission. During the shaping and implementing the EU asylum policy presents a significant challenge for Poland to maintain cooperation and partnership with other European Union Member States. The coordinate and systematic exchange of information and experience between national and global institutions play a vital role in the field of international protection for refugees.



## CONTENT

<b>SANTRAUKA.....</b>	<b>5</b>
<b>SUMMARY.....</b>	<b>7</b>
<b>LIST OF ABBREVIATIONS.....</b>	<b>10</b>
<b>LIST OF TABLES .....</b>	<b>11</b>
<b>LIST OF FIGURES .....</b>	<b>12</b>
<b>INTRODUCTION.....</b>	<b>13</b>
<b>1. OVERVIEW OF THEORETICAL APPROACH TO THE MIGRATION AND RISK GOVERNANCE .....</b>	<b>15</b>
<b>1.1. The main theories on migration and risk governance .....</b>	<b>15</b>
<b>1.2. Terminological dilemmas related to migration .....</b>	<b>22</b>
<b>1.3. Responsibility of sharing in the context of refugees.....</b>	<b>26</b>
<b>2. IDENTIFICATION OF THE EUROPEAN UNION POSITION ON ASYLUM POLICY .....</b>	<b>30</b>
<b>2.1. Background of the current refugee crisis in the European Union.....</b>	<b>30</b>
<b>2.2. European Union response to the refugee crisis .....</b>	<b>34</b>
<b>3. ASSESMENT OF GERMANY AND POLAND RESPONSES TO THE REFUGEE CRISIS IN THE EUROPEAN UNION.....</b>	<b>42</b>
<b>3.1. Methodology of the research .....</b>	<b>42</b>
<b>3.2. Case study of Germany.....</b>	<b>43</b>
<b>3.3. Case study of Poland.....</b>	<b>50</b>
<b>CONCLUSIONS.....</b>	<b>56</b>
<b>LIST OF REFERENCES .....</b>	<b>58</b>
<b>1 ANNEX.....</b>	<b>63</b>
<b>2 ANNEX.....</b>	<b>64</b>
<b>3 ANNEX.....</b>	<b>65</b>

## LIST OF ABBREVIATIONS

<b>BAMF</b>	Federal Office for Migration and Refugees
<b>CEAS</b>	Common European Asylum System
<b>EASO</b>	European Asylum Support Office
<b>EC</b>	European Commission
<b>EFTA</b>	European Free Trade Association countries (Iceland, Liechtenstein, Norway, and Switzerland)
<b>EMN</b>	European Migration Network
<b>EP</b>	European Parliament
<b>EU</b>	European Union
<b>IOM</b>	International Organisation for Migration
<b>IRGC</b>	The International Risk Governance Council
<b>MS</b>	Member State
<b>TEU</b>	Treaty on the European Union
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>UNHCR</b>	United Nations High Commissioner for Refugees

## LIST OF TABLES

**Table 1.** Vertical and horizontal levels of governance.

**Table 2.** Asylum applications (non-EU) in the EU-28 Member States 2008–2016.

**Table 3.** Total asylum applications by country of origin in EU/EFTA 2014- 2016.

**Table 4.** The first phase of the development of the CEAS.

**Table 5.** The revised legal instruments of the CEAS.

**Table 6.** Relocated persons from Italy and Greece (As of 12 December 2017).

**Table 7.** First instance decisions on asylum applications in Germany.

**Table 8.** Key facts of Poland.

**Table 9.** First instance decisions on asylum applications in Poland.

## LIST OF FIGURES

**Figure 1.** Classification of functionalist theories.

**Figure 2.** Classification of historical- structural theories.

**Figure 3.** Risk Governance Framework.

**Figure 4.** Total asylum applications in the EU by the country of origin in 2016.

**Figure 5.** Percentage change of asylum applications in EU by year.

**Figure 6.** Asylum applications in Germany 2008-2016.

**Figure 7.** General asylum procedure in Germany.

**Figure 8.** Asylum applications in Poland 2008-2016.

**Figure 9.** General asylum procedure in Poland.

## INTRODUCTION

**The relevance of the research.** Movements of people into and within Europe is not a new phenomenon and migration as a process has been a part of EU history. There have been significant changes in migration in terms of features of migration movements and of state efforts to regulate them. It is agreed, that migration has an impact on the sending and receiving countries and these arguments lie in the various migration theories in the works of Castles (2010), Castles, Haas, Miller, (2014), Portres (2010), Morawska (2007), Mansoor and Quillin (2006) which invoke that migration should be theorised not isolated, but taking into account globalisation, social networks, differences in political stability, human rights situations, general rule of law may also affect migration. Theories on risk governance endure significant approach to understand the concept of crisis management better. Risk governance studies lie in the works of Renn (2008) as well as Van Asselt and Renn (2011). The International Risk Governance Council (IRGC) support effective risk governance to deal with global risks. Moreover, Scholten and Penninx (2016) discussed the multilevel governance in the field of migration.

**The actuality of the research.** Besides, there were several migration crises in Europe, but the current one in Europe and Mediterranean capture the attentiveness globally. The European migrant crisis or European refugee crisis attracted the most prominent considerations in 2015 when the highest recorded numbers of people made the passage to the European Union in need of international protection. This inspires the deliberations and questions about the causes and consequences of massive influxes of refugees in the European Union as well as the effectiveness of EU policy on migration and asylum. This crisis provokes many concerns of capacities of the European Union Member States to accept refugees, and these concerns are reinforced by unequal distribution of migrating people among EU states. The argument of a fair share of refugees between the countries submitted by the Gibney (2015), which consider that question of justice between the Member States in the distribution of responsibility for refugees. Furthermore, the Miller (2015) perception supplemented that legitimate states have a general right to control their borders and decide who to admit as future citizens and these rights are constrained by the principles of justice. Furthermore, there is apprehension, that management of the refugee crisis in the European Union is distinctive because of a national approach prevails over the EU one. This leads to **the problem of the research:** how different Member States are responding to the ongoing refugee crisis in the European Union?

**The aim of the research is** to assess the refugee crisis management in the European Union and its Member States Germany and Poland.

In order to achieve the aim, the following **tasks** have to be completed:

1. Arrange the theoretical approach to migration and risk governance;
2. identify the European Union position on Asylum Policy;
3. examine the responses to the refugee crisis in the European Union Member States - Germany and Poland.

**The object of the research:** refugee crisis.

**Research methods:** the thesis examines the management of the refugee crisis at supranational-European Union, as well as national level- Germany and Poland. For the theoretical approach – literature review and synthesis. For the research- case studies and statistical data analysis.

**The scientific relevance** of the research is to assess the refugee crisis management in the European Union and its Member States Germany and Poland by taking into account national asylum procedures, first instance decisions on asylum applications and implementation of the EU's adopted relocations and resettlement programmes.

**Structure:** the thesis consists of three main parts, starting with a theoretical approach to migration and risk governance- overview of the main theories on migration as well as the main terminological dilemmas in the field of international migration and asylum. Furthermore, within this part, the risk governance concept, as well as the fair share of refugees between states and justice concepts has been explained. In the second part, the recent development of the refugee crisis in the European Union have been designated, including the key facts and figures on the refugee crisis in the EU. Within this part, the European Union position on asylum policy would be established by taking into account measures on the management of the refugee crisis. The analysis of the management of the refugee crisis in Germany and Poland would be in the third part, make allowances for the measures, taken by EU.

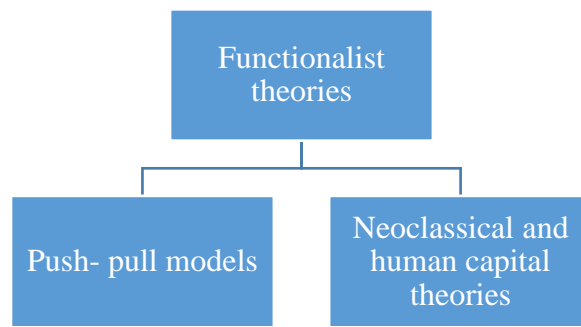
# **1. OVERVIEW OF THEORETICAL APPROACH TO THE MIGRATION AND RISK GOVERNANCE**

The phenomenon of migration in Europe could be characterised by using the plural- migrations. It encompasses different processes and movements of people globally. Because of the complexity of migration, it could not be explained by using one theory, and it incorporates various approaches such as functional or structural. To clarify the peculiarities of migration processes as such, this part of the thesis is devoted to arranging the main threats of theorising the migration. Moreover, the terminology related to migration would be conducted as well as the responsibility of sharing in the context of refugees would be discussed within this part. The risk governance concept would be revealed to highlight the significance of different levels of actors and communication while managing the crisis.

## **1.1.The main theories on migration and risk governance**

Migration could be considered as one of the most complex processes due to its political, social and economic aspects. These complexities and challenges of theorising migration endure due to global processes of migration. In order to achieve a more comprehensive understanding of migration processes and management of the crisis, this chapter reviews various migration theories on causes of migration as well as the main threats theorising the migration. Furthermore, the risk governance conception would be revealed in the context of the refugee crisis that EU is facing now. The current approach to the migration theories would be touched as well within this part.

Research on migration is interdisciplinary and could not be explained by using one theory. Despite that, migration theories could be grouped into two main categories, namely ‘functionalist’ and ‘historical-structural’ theories (Castles, Haas, Miller, 2014). According to these authors’, functionalist theory sees society as a system in which individuals and actors are functioning like an organism, in which a tendency of equilibrium exists; while historical- structural theories are linked to the perspective that social, economic, cultural and political structures have a direct impact on the individuals’ behaviour and there is no equilibrium at all. According to these two main perspectives, the categorisation could be as shown in figure 1 and figure 2. The figure 1 represents the push-pull model as well as neoclassical human capital theory is attributed to the functionalist theories.



**Figure 1.** Classification of functionalist theories. Constructed by the author according to the (Castles et al., 2014).

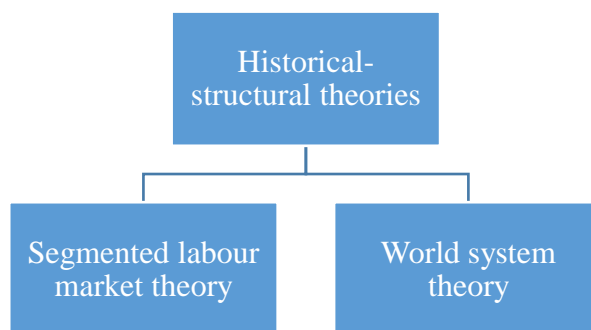
The early contribution of *push-pull* models refers to the Ravenstein (1885; 1889) as well as Lee (1966) theories, where these authors argue that migration decisions are made by origin and destination area or push and pull factors in parallels (as cited in Castles et al., 2014). According to this model push factors include mostly negative facts related to poverty, poor governance, human right abuses or numerous kinds of discriminations, while pull factors lead to economic opportunities, various prospects of the higher standard of living, safety, security and other positive links. This model suggests the appealing perspective because it covers all major migration decision- making aspects, but it does not take into account the role of other factors like environmental or demographic. “Differences in political stability, human rights situations, and the general rule of law may also affect migration, because these factors serve as a proxy for the level of individually perceived countries” (Mansoor and Quillin, 2006, p. 78). According to these authors’ perspective, migration patterns could vary due to peculiarities of individual states and simplistic view could distort the real causes of migration.

*Neoclassical and human capital* theories derive from the works of Hicks (1932), Lewis (1954), Haris and Todaro (1970) and Massey et al. (1993) and they supplement the understanding of migration by using push-pull models; neoclassical theories understand migration to be driven by differences in labour supply and demand, and this leads to distinction of wages between labour rich and capital rich countries (as cited in Kurekova, 2011, p. 5). The human capital theory attributes the same functionalist theories position, complements the preceding approach, and it sees the migration at microeconomic and macroeconomic levels (Castles et al., 2014). At the micro level, migrants operate like individual actors, who take an option and make a determination to move from low- waged to high- waged regions and make rational calculations of costs and benefits of migrating. “They then make the decisions regarding migration (or non-migration) by calculating the expected wages as returns to labour investment (and other costs related to relocation) over the expected length of stay at their destinations” (Morawska, 2007, p. 4). At the macro level, migration makes the distribution of production factors optimised. Besides that, migration imposes that dynamics of supply and demand for labour leads to the removal of wage differentials (King, 2012).



Therefore, the centre of neoclassical theories based on individual rational choice, labour mobility of supply and demand factors as well as the appliance of benefit. On the other hand, the neoclassical migration theory has been viewed as ignoring the effects of home and host countries; it ignores the importance of politics and policies, which shapes the international movements (Kurekova, 2011). The neoclassical migration theory has come to challenge to explain migration reality, and it has been critiqued for a narrow focus on economic motivations of potential migrants.

The different approach to migration was made by historical- structural representatives and they criticised neoclassical approaches by arguing that individuals are forced by structural forces, and they do not have a free choice. (Figure 2) shows the classification of historical- structural theories which could lead to Globalisation theory or differently named World system theory as well as segmented labour market theory.



**Figure 2.** Classification of historical- structural theories. Constructed by the author according to the (Castles et al., 2014).

The first theory of *segmented or dual labour theory* helps to understand how the demand for high and low skilled immigrant labour is segmented into economies. Piore (1979) argues that segmented labour market or dual labour market theory is primarily driven by pull, not push factors and these pull factors are the dominant force which is the structural power of demand for cheap and flexible labour (as cited in King, 2012). According to this perspective, the dual labour market refers to “a primary labour market of secure, well- paid jobs for native workers; and a secondary labour market of low-skill, low-wage, insecure and generally unpleasant jobs in factories and the service sector, filled mainly by migrant workers because such jobs are shunned by local workers” (King, 2012, p. 16). The pull factors promote that migrants or foreign workers accept these low- wage jobs because these are more preferred than poverty and unemployment in home countries. Segmented labour market theory could be criticised because it excludes push factors from its scope. Furthermore, it is unable to account for different immigration rates in countries with similar economic structures (Kurekova, 2011).

The following theory related to the historical- structural models refers to the *World system theory*, which emphasised the need to understand migration as part of broader relationships between societies. As Wallerstein (1974) argues, the world system theory views migration as a function of globalisation, the increased interdependence of economies (as cited in King, 2012). Furthermore, Wallerstein classified countries according to their position in the global market economy, where the dominant capitalist powers refer to the “core”, while the poor countries lie in the “periphery”, dependent through asymmetric ties of trade, capital penetration and migration (King, 2012). The theory sees interconnected capital and labour mobility while global political and economic equality does not exist. The historical- structural theories bring a set of structural variables, acquired from national or international levels. The critics of historical-structural models prevail due to further weaknesses. First, the causes of migration are not all traced back to the penetration of capital; the migration occurs in much more spontaneous ways, due to the combination of outstanding geographic opportunities when they occur in different parts of the world. Second, the theory does not combine the role of the State in spreading the migration flows. The improvements in theorising the historical- structural models were supplemented by the political economy approach, which “[...] sees the immigration policies of receiving states (or supra-national bodies such as the EU)- quota and admission systems, regulation of entry, duration of stay, work permits, citizenship rights etc. – as directly shaping the volume, dynamics and geographical patterns of international migration flows”. (King, 2012, p. 19). Besides, when talking about international migration, the state has become an undeniably significant actor who may influence the migration and the process of settlement. (Zolberg, 1989). The political economy approach combines the economic as well as national or supranational measures for the coordination of migration.

Both functionalists and historical- structural perspectives could be criticised because it offers more descriptive than practical frameworks. The improvements in theorising migration appeal for interdisciplinary research (e.g. micro, macro, transnational level) as well as sophisticated explanatory approaches. The current status of migration studies by Stephen Castles (2010) and Alejandro Portres (2010) suggested combining the existing theoretical concepts and interdisciplinary dialogues. Furthermore, these authors linked theories of migration to the social change. Castles (2010) states that migration processes indicate a great list of economic, context and historical juncture. The significant role is devoted to the contexts links between migration and other economic, social, political, cultural relationship in particular places in a specific historical context. “A conceptual framework for migration studies should take a social transformation as its central category, in order to facilitate understanding of the complexity, [...] multilevel mediations of migratory processes in the context of rapid global change” (Castles, 2010, p. 1565). The migration is not only affected by national and global social change but is a

part of that change. Migration research must be consolidated in a broader analysis of social structures and relations in the context of globalisation. By using social change and social transformation concepts, migration is not theorised in isolation. The different approach was made by the Portres (2010), which attribute that the social changes are generated by the migration on receiving and sending regions. In reality, changes made by migration processes are not always superior to stability and population movements could have positive as well as negative consequences. The changes generated by migration on receiving societies remains as significant, but not deep and they leave the existing social order more or less intact (Portres, 2010, p. 1556). These authors positions lead to the new insights of migration, taking into account sociology, human geography and cultural studies. The studies did not much modify the theories of the causes of migration but enrich the understanding of the consequences as well as experiences.

Taking into considerations the current refugee crisis, the theories on risk governance endure significant approach to understand the concept of crisis management better. Policies and frameworks emphasise the importance of risk governance, determine priorities and set opinions and other forms of communication. Risk governance studies lie in the works of Renn (2008) as well as Van Asselt and Renn (2011) which refers to the risk governance as a broad concept. The International Risk Governance Council (IRGC) support effective risk governance and put their efforts to deal with global risks. Moreover, Scholten and Penninx (2016) discussed the multilevel governance in the field of migration and claims that migration and integration policies have become increasingly dispersed over various levels of government.

The concept of risk governance jeopardises a comprehensive picture of risks, and it refers to the institutions, processes and mechanisms by which the decisions are taken to reduce these risks. Furthermore, risk governances formulate risk management strategies to avoid or minimise the human and economic costs caused by disasters. It encompasses participation as well as the involvement of various participants of broader legal, political, economic and social contexts in which these risks are appraised and managed (Renn, 2008). Risk governance is understood as a response to the new challenges that globalisations, increased international cooperation or societal changes endure (Van Asselt and Renn, 2011). As defining the governance, the *Glossary* describes it as “[...] the structure and processes for collective decision-making involving government and non-government actors” (Renn, 2008, p. 372) (at the national level). At the global level, it is expressed as “[...] a horizontally organized structure of functional self-regulation encompassing state and non-state actors who bring about collectively binding decisions without superior authority” (Renn, 2008, p. 372). Thus, risk governance means mainly the social, political, and communicative processing or management of risk.

Distinguishing horizontal and vertical governance layers is useful. The horizontal level includes the relevant actors in the decision-making process within a defined geographical or functional layers (such as all relevant actors within a community, region, nation or continent); the vertical level describes the links between these segments (such as the institutional relationships between the local, regional and state levels). (Renn, 2008). This vertical axis covers the political arena in which the actors differ from the local to the global. The horizontal axis can join to the governance process and contributes its values, knowledge and experiences to the process. Table 1 provides a more coherent view of the interactions between horizontal and vertical levels of governance. The horizontal level includes the relevant actors in decision-making processes within a defined geographical or functional segment (such as all relevant actors within a community, region, nation or continent); the vertical level describes the links between these layers (such as the institutional relationships between the local, regional and state levels).

**Table 1.** Vertical and horizontal levels of governance. Constructed by the author, according to the Renn (2008).

		Horizontal levels			
Vertical levels	Local	Governments/agencies	Industries	Science and academia	Civil society/ NGOs
	Regional				
	National				
	Supranational				
	Global				

The International Risk Governance Council (IRGC) as a private and objective non- profit organisation is committed to promoting a multidisciplinary, multi-sectoral and multi-regional approach to risk governance. In the white paper on risk governance (2006) IRGC puts forward a united analytical structure for risk governance which assists in the development of extensive assessment and management strategies to cope with risks. Risk governance looks at the complex web of actors, rules with how management and risk analysis are taken. It comprises several subthemes which have been named as risk management or risk analysis. Figure 3 illustrates the process of risk governance and its framework by which the decisions are taken. It breaks down into three main phases such as pre-assessment, appraisal and management.



**Figure 3.** Risk Governance Framework. Constructed by the author, according to the IRGC (2005).

In the first phase of the risk governance, the purpose of the pre-assessment is to capture the variety of issues that participants and society may associate with a particular risk. Furthermore, an early warning is set that may act as a filter for what is going to be addressed as a risk. The second phase - the risk appraisal objective is to provide the knowledge base for the societal decision on whether or not a threat should be taken. Moreover, it identifies and estimates the hazard and gives a solution how the risk can be reduced or contained. Risk appraisal thus embraces a scientific assessment of both the risk and of questions that stakeholders may have concerning its social and economic propositions. The risk management segment designs and implements the actions required to tackle threats. Moreover, it aims is to reduce avoid or transfer crisis. Risk management starts with a review of all relevant information which was combined during the pre-assessment and risk appraisal. “This information, together with the judgements made in the phase of risk characterisation and evaluation, form the input material on which risk management options are being assessed, evaluated and selected” (IRGC, 2005, p. 40). During this phase, the implementation and decision making are provided to tackle the assessed crisis by delivering various measures delivering effectiveness, minimisation of external side effects and other calculations. Risk managers could call for the consideration of institutional arrangements like the legal framework or other responsibilities of coordination mechanisms. Concerning risk management, risk managers may agree with how given risk situation should be managed or face a challenge to recognise for selecting the appropriate instruments for risk prevention or risk reduction.

The concept of risk governance also performed in the European Commission’s various contexts. So risk governance is a notion presented to the academic discussion through European networks. It is rooted in transdisciplinary work in the interface between risk phases, and policy analysis, especially at the

level of the EU (Van Asselt and Renn, 2011). Risk governance involves core principles of governance to the context of risk and risk-related decision-making in the area of migration. As Scholten and Penninx (2016) admits, besides the national level, the EU level and the regional and local levels have become more involved. Migration and integration as multilevel policy issues and explore the consequences regarding multilevel governance. (Scholten and Penninx, 2016). In the context of immigration, Member States have handed over significant power to the EU, particularly in the perspective of the Common European Asylum System. Immigration policymaking has been characterised by a continued struggle between national governments and the EU about the number of discrete states have in interpreting EU directives. The involvement of local and regional governments in debates about intra-EU migration, particularly East-west migration from new member states, has further complicated the situation.

This chapter has reviewed the most important migration theories on causes of migration as well as the concept of risk governance which is relevant in the context of refugee crisis management. The different theoretical approaches to migration are made by functionalists and historical- structural representatives. Neoclassical theories grant the position that individuals make rationale choice whether migrate or not and freedom of movement would globally equalise wages and opportunities in the long run. However, the reality seems to be different, and critics argue that this perspective could alter the real motive of migration. Historical- structural approach assumes that various classes have unequal access to the recourses and capitalist expansion reinforces these inequalities. The economic, social and political structures constrain the behaviour of individuals, and they do not have a free choice. Nevertheless, this perspective proposes too simplistic view, and it does not justice the diversity of migration. The central motive would be that migration should be conceptualised by using broader processes of social transformation, globalisation and development, instead of moderating it by using push-pull models, neoclassical and historical- structural models. Risk governance builds an observation that collective decisions about risks are taken. The overall process of risk governance overcome interactions between horizontal and vertical actors such as governmental or administrative, science communities or NGOs. It is rooted in transdisciplinary work in the interface between risk assessment, appraisal and management. The idea of governance has been introduced to enlarge the perspective that not only government be the most significant performer in managing situations.

## **1.2. Terminological dilemmas related to migration**

The understanding of scientific debate, related to the current EU migration or refugee crisis, demands to define the terms, concepts and definitions related to migration. This chapter highlights the most significant

definitions used or constructed by global institutions such as United Nations High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), European Migration Network (EMN). Due to definitional diversity, the different contexts (such as global and EU) are being used to arrange a comprehensive terminology.

Migration can be considered as a problematic concept because it encompasses social, political, economic factors. The notion “migration” includes different reasons why people are moving on. Because European migration crisis or the European refugee crisis are often used synonymously, there is a need to make a distinction between these concepts. A great part of terminology would be based on Asylum and Migration Glossary, prepared by European Migration Network (2014) as well as International Organization for Migration and United Nations High Commissioner for Refugees offers a great variety of systemised terminology. Within EMN Glossary (2014), terms could be used in global or EU context. In the global context, International Organization for Migration (2011) describes a term ‘migration’ as a movement of a person or a group of persons, either across an international border or within a State. Moreover, it includes migration of refugees, economic migrants, and persons moving for other purposes. Thus, migration comprises very different reasons for moving- fleeing from persecution, war or looking for a better life with more opportunities. In the context of European Union migration includes both-immigration and emigration, which are the actions by which a person one of two:

- establishes usual residence in the territory of Member State for a period of at least twelve months, having previously been usually resident in another Member State or a third country;
- having previously been usually resident in the territory of a Member State and now desists to have a usual residence in that Member State of that least twelve months (European Migration Network, 2014, p. 190).

Therefore, the relation between migration and migrant could be combined by using the same terminological logic. Within the global context, the term ‘migrant’ can be applied to persons who are citizens or nationals of one state and residing in another state, while in EU context a term ‘migrant’ is connected to the previous or future place of usual residence and the criterion of nationality and citizenship is not applied. Usually, migration set a one- year in the host country.

Another essential but problematic division of migrants made by Koser (2007) which says that migrants could be voluntary or forced migrants, for instance, “economic” migrants versus refugees. Voluntary migrants could decide to leave the home country for a better quality of life, without the intervention of external factors. The latter type of migrants is forced to leave their own country because of conflict, persecution or for other reasons. The categorisation of forced and voluntary migration seems to be too simplistic in practice. As Sales (2007) argues, the theoretical distinction between these two

categories disregard the fact that “[...] conflicts can produce economic devastation which forces people to leave who do not satisfy the 1951 UN Convention on Refugees which stipulates a well-founded fear of persecution due to race, religion or political beliefs” (Sales, 2007, p. 47). Furthermore, related categorisation of different types of migrants is made by International Organization for Migration (2011) where migrants are separated to irregular migrant or economic migrant. Irregular migrant is defined as a person who, owing to unauthorised entry, breach of a condition of entry or the expiry of their visa, lacks legal status in a transit or host country (IOM, 2011). There irregular migrant is comprehended as a person who might not have necessary authorisation or documents to reside in a certain country. In narrower context, i.e. EU context, irregular migrant leads to “a third- country national present on the territory of a Schengen State who does not fulfil, or no longer fulfils, the conditions of entry as set out in the Schengen Borders Code, or other conditions for entry, stay or residence in that Member State” (European Migration Network, 2014, 172). An economic migrant is considered as a person who is leaving the habitual place of residence or country of origin in order to improve his or her quality of life (IOM, 2011). An economic migrant is distinguished from that who are fleeing persecution and do not fall within the criteria for refugee status. The reasons for economic migrants to leave their regular place are mostly connected to positive stimulates such as improve the quality of life and material well- being.

The most comprehensive and influential conceptualisation of the international protection comes from UN Refugee Agency and its 1951 Convention and Protocol relating to the status of refugees. This Convention reveals the concept of refugee and its rights as well as states responsibilities for the international protection of persons. According to the Geneva Convention on Refugees from 1951, in Chapter I: general provisions and in its Article I, the term “refugee” is applied to any person who “[...] owing to well- founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country [...]” (United Nations High Commissioner for Refugees, 2010). This Convention is a basis for the protection of refugees by international law. Besides that, the document has attracted some critics. First, it was written over 60 years ago and it no longer addresses the realities of refugees in nowadays, e.g. the Convention focuses on persecution by the state or political purposes (during the Nazi regime or those who were fleeing Communism) but often in the modern world, refugees flee the general insecurity (Koser, 2007). Second, the critics consider it alone is responsible for the displacements crisis in the world today, whether it is too restrictive or too broad. “The fact is that without the Refugee Convention, the protection regime would lose one of its key regulating components and would likely result in even larger numbers of disorderly movements” (McAdam, 2017, p. 1). Besides critics, the Convention together with the following 1967



Protocol expanding its scope and covers the majority of these vulnerable people outside their country, who need international protection and established a common approach towards refugees that has been one of the bases for the development of a common asylum system within the EU. It further promotes a refugee definition stating that: “any person forced to leave his or her country “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality” should be regarded as refugee” (UNHCR, 2013). The contemporary definition of “refugee” comes from European Migration Network where the status of refugee is related to a third- country national who “[...]owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country [...]” (EMN, 2014, p. 230). Furthermore, the definition includes a stateless person who is unable to return to its country of origin.

The refugee term in EU context refers to a third country national, who is present on the territory of a Schengen State and does not fulfil the conditions of entry, while in the global context, provided by Cartagena Declaration, the refugee is a person who lacks legal status in a transit or host country and is willing to get an international protection. Furthermore, under the same Convention, an application for asylum could be granted. This application is made by a foreigner or a stateless person as a request for international protection under the Geneva Convention of 1951 or national refugee law (EMN, 2014). There is a need to recognise, that asylum seeker is a person, who seeks safety from persecution in its state and is waiting for a decision on the application for refugee status. The refugee status is granted by an EU Member State, which approved that a third country national or stateless person is a refugee. The fair and efficient procedures are crucial for recognising refugee status as well as to ensure that those who are not entitled are abandoned.

*Although the 1951 Convention does not prescribe a particular procedure for the determination of whether a person is a refugee, where an individual assessment is the preferred approach, any procedures must be fair and efficient. This would require that States designate a central authority with the relevant knowledge and expertise to assess applications, ensure procedural safeguards are available at all stages of the process and permit appeals or reviews of initial decisions (Guterres, 2011, p. 5).*

The usage of refugee and asylum seeker as synonyms, calls for the separation of these notions. There is no clear distinction between an asylum seeker and refugee in the 1951 Convention, and each country could set out the guidelines for granting asylum to those who need protection. This is due to the lack of precise definition in the 1951 Refuge Convention. Indeed, according to the IOM, an asylum seeker is “a person who seeks safety from persecution or serious harm in a country other than his or her own and

awaits a decision on the application for refugee status under relevant international and national instruments” (IOM, 2011, p. 12). There asylum seeker claims, that she or he is a refugee who must first be evaluated by the national asylum system of a state. This can vary from country to country and therefore a refugee in the one state can be an unrecognized asylum seeker in the other state, according to their different laws. According to the specific national legislation, a shorter period of support and a regular review of the status may be applied. Asylum seekers could apply for international protection within a state, and their applications are judged by the before mentioned criteria of 1951 Convention. Furthermore, asylum can also be granted for humanitarian reasons as well as temporary protection. An asylum seeker could become a refugee, if he falls under the provision of the mentioned Convention, despite the fact that he is not necessarily a refugee in the beginning. Thus, the international law guarantees that each person who is fleeing persecution, have a right to request asylum in a safe country. The application processes and peculiarities within particular states would be revealed in the research.

It is necessary to draw a clear line between terms such as “migrant” and “refugee” in order to ensure that international protection is given to people who are fleeing war and who can not return due to well-founded persecution in his/her country. Due to terminological complexity in the area of migration, the application of different criteria has consequences in the different interpretation of data on migration. By doing any research in the field of migration, the one contexts should be used- global or EU context. Taking into account the scope of this thesis, the terminology would be used in both- the EU and global context. Besides, terms and definitions would be used, and legal frameworks would be applied - international refugee law, European Union law and national legislation.

### **1.3.Responsibility of sharing in the context of refugees**

International protection for refugees, within the 1951 Convention for Refugees mandate the general principles of human rights. Since the formal application of the international refugee protection regime, there has been a debate, what should take responsibility for the protection of these vulnerable persons. The solutions to displacement crisis could not be reached without international cooperation and without entering the international borders. Within the Convention, the fundamental principles of international solidarity as well as national responsibility for global refugee regime have been set up. National authorities have been considered as responsible for the asylum grant, but the international community seems to face a burden in carrying out its responsibilities.

Movement and displacement of people challenged states with multiple demands of temporary humanitarian assistance to permanent rights of citizenship. This lead to the conditions that decision

makers challenged to answer what should count as a response to the demands of refugees. The question of justice between states in the context of refugees studied in different authors perceptions and have not emerged by chance. The principle of *non-refoulement* reflects the importance of an authoritative international legal norm for distributing the responsibilities for refugees between states. Thus, the principal is the essential element of the 1951 Refugee Convention due to prohibition of returning the refugee to a country that would persecute them. The principle prohibits “[...] not only to persecution based on the refugee definition in article 1A (2), but also to places where someone would face a real risk of being subjected to torture; cruel, inhuman or degrading treatment or punishment; arbitrary deprivation of life; a flagrant denial of the right to a fair trial; or a flagrant denial of the right to liberty and security of the person (McAdam, 2017, p. 3-4). This lead to the position, that states have an obligation to protect these vulnerable persons, who arrive at or within their territorial boundaries. Supplemented approach would lead to the Owen (2016) position, who implies that the protection of refugees could be distinguished in these ways:

- 1.) *The absolute capacity of a particular state: this refers to the total amount of refugee protection that a given state can provide subject to whatever limits on its obligations of justice can be justified (for example, that a state has obligations of justice to protect refugees unless and until this undermines its capacity to secure the human rights of its own citizens).*
- 2.) *The relative capacity of any particular state: this refers to the amounts of refugee protection that particular states can provide at the same level of civic burdensomeness (specified in terms of the metric that is used for determining the justified limits of the obligation). (Owen, 2016, p. 159)*

These arguments imply that states have a responsibility to protect refugees in accordance with their capacity, whether it is absolute or relative. The priority is to provide effective refugee protection as well as to guaranty a fair distribution of effective refugee protection. By taking into account different interest of states as well as weighting of the factors noticeable for determinations of capacity the argument comes from Gibney (2015) perception, who reflects that distribution of refugees across states is a significant normative goal. A just distribution of refugees between states will not suffice the legitimate situation while the restrictive measures are used by states in the global South to prevent the arrival of refugees. “This principle for distributing responsibilities exacerbates inequalities. As most refugees are created in the South, it is Southern countries that bear the brunt of responsibility because they are the countries refugees can mostly easily reach (at least in the first instance)” (Gibney, 2015, p. 451). As a result, the situation leads to the paradox - a fair share of responsibilities in the context of refugees creates the inequalities between states, which are the first instance for asylum seekers. By reducing currently existing barriers and burdens on Southern states, refugees would have more destination options. Furthermore, the

author argues that there is a need for a more detailed account of how responsibilities should be shared between states. The allocation of a fair share of refugees to states should be based on particular state's capacities, relating to population, gross domestic products (GDP) as well as existing refugee population.

The other argument for a fair share of refugees between states is introduced by the Miller (2015). The author's perception comes from the discussion that claims, used by a refugee, emerge from the situation that his human rights are under intimidation. Protection of the vulnerable persons and a share of responsibility must be indicated by one side of all individuals and collectives from the other. A significant feature of Miller's perception comes from the following arguments in which the refugee's claim is qualified. First, the limitation of its scope and time prevails. The scope is limited because it does not extend necessary way to the full set of rights available to make to its citizens by the state. Furthermore, the claim time is limited too. "Because it arises from a present threat that the refugee would face by remaining in her state of origin, it ceases to exist when the danger passes – that is when it becomes safe to return to the country of origin. In other words, the refugee's claim is initially a claim to sanctuary or asylum: to being provided with a place of safety where her human rights are protected for so long as she remains in danger" (Miller, 2015, p. 395). The second argument in which the refugee's claim is qualified is under the responsibility of global scope. The question comes about how it could become a justice claim against the appropriate state. Generally, the practice shows that responsibility is assigned by the refugee arriving at the border of the state and applying for asylum. This could be seen as problematic from the receiving state's perspective to take responsibility of justice because of an arbitrary matter which states the refugee chooses to approach (Miller, 2015). However, the author provides a solution to the possible problem by stating that the state's first responsibility is to determine whether the claim is justified under a reliable procedure. The fundamental aim of the state is to identify individuals who belong to the groups that are under threat in their state of origin. As once this is established, the state must decide how to respond to that claim. The country may decide to admit a refugee on the basis of permanent or temporary protection as well as provide asylum outside its border by agreement with another state on condition that human rights requirements are fulfilled there. "[...] Such agreements are particularly appropriate when we reflect that the initial responsibility to protect human rights was global in scope, which suggests that the burden of discharging it should be shared fairly among capable parties" (Miller, 2015, p. 396). By using this practice, the situation would be managed by an international body which ensures that burden-sharing principles would be assigned.

As can be seen from preceding arguments, the state has an obligation to assess their refugee status partly and it does not seem that the interest a refugee might have in moving to one state rather than another could be sufficient to ground a claim of justice against the favoured state. The essential part is that

the offered destination should provide the appropriate protection for the refugees. Besides solid arguments of a fair share between states, there are some critics related to the collective action problems. As some authors indicate Thielemann and El-Enany (2010), asylum has long been considered as a potential threat to internal security and such policy has led to assertion of a 'Fortress Europe' which means that "[...]EU cooperation on asylum policy has facilitated the introduction of restrictive asylum policies in Europe, making it increasingly difficult for asylum seekers to reach European territory and benefit from effective protection" (Thielemann & El-Enany, 2010, p. 210). The situation performs that some Member States prefer its national rather than international interests.

The arguments of a fair share of refugees between states reflect that responsibility should be granted as the refugees claim for asylum at particular states border. The collective action challenges of refugee protection arise from the requirement in the Refugee Convention for states to assess whether a claimant is a refugee only once she or he has reached its territory. Moreover, the states have a broad scope concerning opportunities to influence the conditions of admission and the length of asylum procedures. The reasonable disagreement between states to determine their shares remain by balancing the three primary standards - population, GDP and refugee population. Despite that, the obligation of a state to take an act of providing the refugee protection arises from the fundamental the 1951 Convention for Refugees as well as general duties of justice and humanitarian duties granted by international law.

## **2. IDENTIFICATION OF THE EUROPEAN UNION POSITION ON ASYLUM POLICY**

As Europe faces the unprecedented refugee crisis, the European Union and its Member States have been charged with a leading response to a range of complex and challenges related to EU immigration and asylum policy. There is no doubt that the ongoing refugee crisis effects both- sending and receiving countries. Receiving countries reflects the European Union Member States, and they need to take an adequate response as well as understand the root causes of flows and what is likely to be the pressure point. These issues call for challenges for global protection systems, EU asylum policy and Member States governments. Within this part of the thesis, the background of the current refugee crisis would be indicated. In addition, the European Union response to the refugee crisis would be discussed by taking into adopted mechanisms on asylum policy.

### **2.1. Background of the current refugee crisis in the European Union**

In recent years, war and severe violations of human rights have driven increasing numbers of people away from their homes, especially in the Middle East and in Africa. More and more of these refugees have been seeking asylum in the European Union. The ongoing refugee crisis reached its peak in 2015 when the highest numbers of people crossed Europe's borders. In order to understand the current situation of the refugee crisis in the European Union, there is a necessity to highlight the main trends of refugees' movements into the European Union based on statistical data.

In many cases, the refugee crisis in Europe can be traced back to the Arab Spring. It must be mentioned that some authors explain that "migration within the Southern Mediterranean has been deeply impacted by the events as outflows of migrants and refugees fled instability and violence in Libya and Syria (Fargues and Fandrich, 2012). Therefore, the highest flows of migrants are from these regions, where are the most considerable part of violence. Such an events in the Middle East and Africa could be named as push factors, which force the individuals to leave their country of origin. Furthermore, the immediate cause of the current crisis is still the ongoing civil war in Syria. This situation is compounded by the breakdown of authority in Iraq, Libya, Eritrea and Afghanistan (Dragostinova, 2011). The main causes of refugees' flow into the EU could be traced to the conflict in Syria between the government of Bashar al-Assad and various other forces, which started in the spring of 2011, continues to cause displacement within the country and across the region (Ostrand, 2015). As Orchar and Milller (2014) pointed out, refugee crisis relates not only to Syria but is a regional refugee crisis which has an impact both – sending and receiving countries. As Asseburg (2013) affirms, Syria's civil war has had spill over

effects: in the form of refugees, economic fallout and amplification of local tensions.

The genesis of refugees' inflow into Europe reflects a combination of different factors such as political instability, violence and security.

The number of asylum seekers to the European Union has been rising gradually. Table 2 represents numbers of total and first-time asylum applications in the European Union Member States from 2008 to 2016.

**Table 2.** Asylum applications (non-EU) in the EU-28 Member States 2008–2016. Constructed by the author, according to Eurostat (2017a).

	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total (thousands)	225,2	263,8	259,4	309,0	335,3	431,1	627,0	1 322,8	1 258,9
First-time applicant	152,9	195,8	206,9	263,2	278,3	372,9	562,7	1 257,0	1 204,3

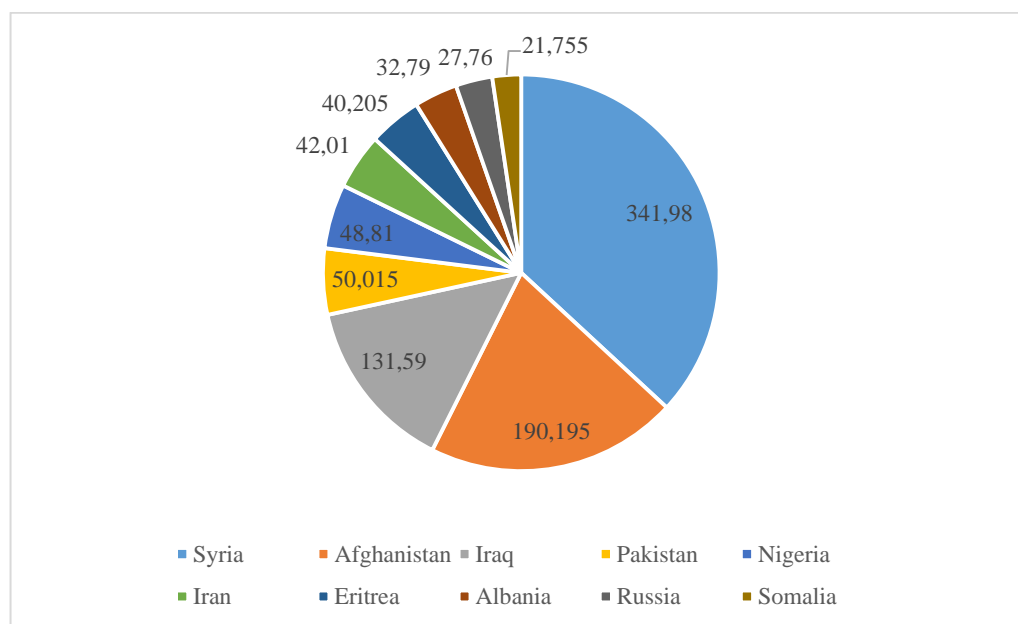
In 2011 the number of total asylum applications was 309 000, and it was gradually increasing by each year. Such an increase in applications was from 2011, and it continues until 2015. The rise of asylum application from the non-EU Member States in 2011 could be traced back to the Syrian crisis. In 2015 Europe has been witnessing the largest inflow of refugees since the Second World War and the number reached 1322,8 thousands of asylum applications. This increase is generally attributable to the rapid rise in people using two migration routes through south-eastern Europe. First, the Eastern Mediterranean route from Turkey to Greece – the vast bulk of whom are refugees fleeing the wars in Syria and Iraq. Second, unprecedented numbers have tried to reach the EU via the Western Balkans, many crossing at the Serbia-Hungary border (Berry, Garcia-Blanco and Moore, 2015). As table 3 represents the total asylum applications by country of origin, Syria has been on the top of the list during 2014- 2016 years.

**Table 3.** Total asylum applications by country of origin in EU/EFTA 2014- 2016. Constructed by the author, according to Eurostat (2017a).

	2014		2015		2016
All countries	663,257	All countries	1,393,285	All countries	1,292,280
Syria	127,865	Syria	383,730	Syria	341,980
Eritrea	46,685	Afghanistan	196,205	Afghanistan	190,195
Afghanistan	42,685	Iraq	130,345	Iraq	131,590
Kosovo*	38,420	Kosovo*	73,215	Pakistan	50,015
Serbia	31,120	Albania	68,730	Nigeria	48,810
Pakistan	22,425	Pakistan	48,555	Iran	42,010
Iraq	21,845	Eritrea	47,025	Eritrea	40,205
Nigeria	21,245	Nigeria	32,260	Albania	32,790
Russia	20,145	Serbia	30,325	Russia	27,760
Somalia	18,080	Iran	28,525	Somalia	21,755

\* Kosovo – its declaration of independence from Serbia has not been universally recognised.

The significant part of such an increase in the numbers of migrants travelling along these routes was generally not only because of the escalation of the civil war in Syria – but also due to the clash, persecution, and shortage in other countries. “Aside from Syrians, the main nationalities represented among recent movements include Kosovars, Afghanis, Pakistanis, Iraqis, and Somalis. While many of these migrants are fleeing war or persecution, there are also substantial numbers of people who are unlikely to be entitled to protection under the terms of the 1951 Refugee Convention” (Hampshire, 2015). Figure 4 indicates the leading applications in the European Union by the country of origin in 2016.

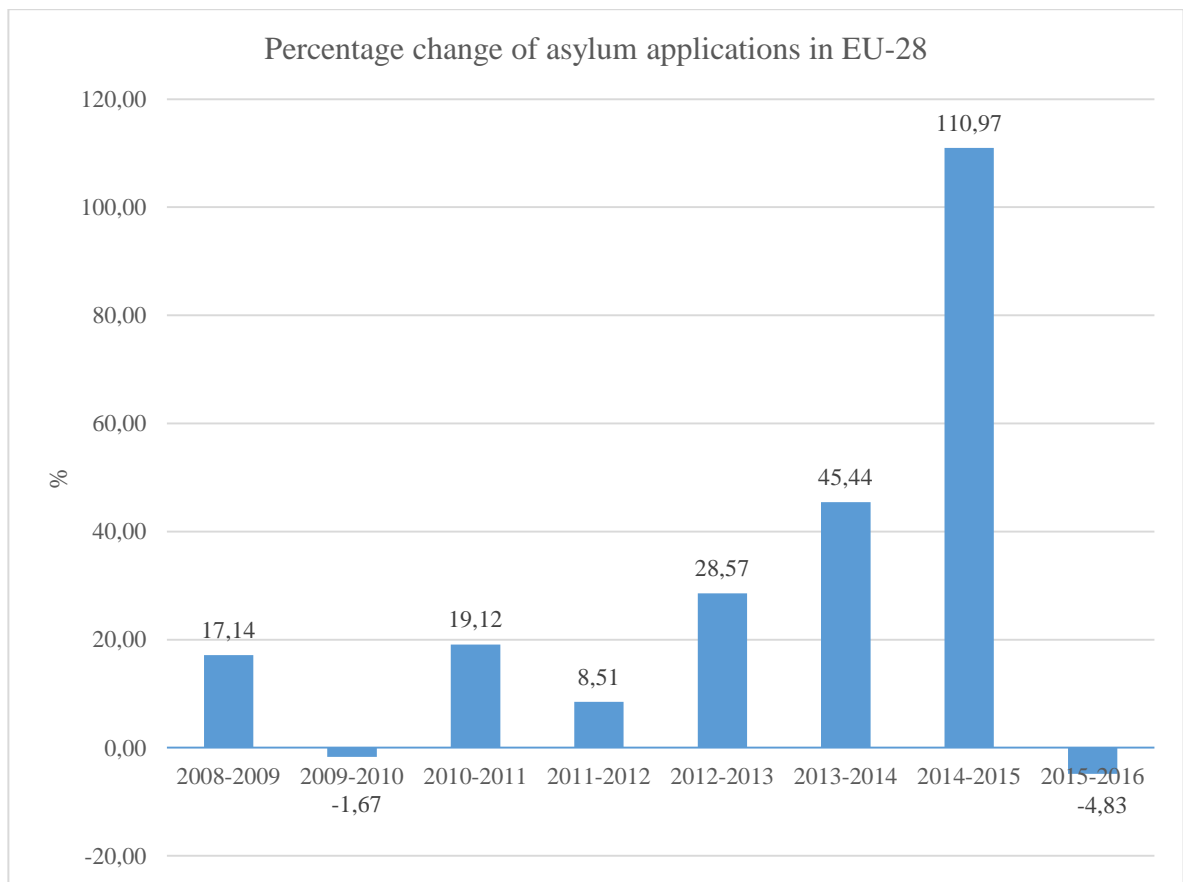


**Figure 4.** Total asylum applications in the EU by the country of origin in 2016. Constructed by the author, according to Eurostat (2017b).

Top five nationalities were Syrians, Afghans, Iraqis, Pakistanis and Nigerians and they remained the main citizenship of people seeking international protection in the EU Member States in 2016. (Eurostat, 2017b), accounting for slightly more than half of all first-time applicants.

Annual growth of asylum applications could be seen in figure 5. It represents the annual change of asylum applications by using percentage (%) change of one year respectively. After 2012, the number of asylum seekers rose at the rapid pace with 28.57 %, from 2013 to 2014 with 45.44% and reached the biggest annual growth in 2015 with 110.97 % of asylum applications. It should be noted that in 2016 there was a decrease of asylum seekers in European Union Member States and the main contribution to it were measures taken by the European Union; one of them – the agreement between the EU and Turkey (other measures will be discussed within the second part of this chapter).





**Figure 5.** Percentage change of asylum applications in EU by year. Constructed by the author, according to Eurostat (2017).

The distribution of applications for asylum remains unevenly among the EU Member States. Annex 2 shows the numbers of asylum applications in different member states. Since 2012, Germany has been the major destination country for asylum seekers in Europe. It received 77485 asylum applications in 2012 alone, and the number of applications increased in each year. The number of asylum applications within Germany arose to 745155 in 2016. Following Germany – Italy, France, Greece and Austria remains among the top countries which gets the biggest number of asylum applications. These countries received 82,9% of all applications for asylum. (Eurostat, 2017). First-time applications submitted by non-Member States were respectively growing as well, and it reached the peak in 2015 with 1277 000 applications. According to Eurostat (2017), asylum applicant means a person has submitted an application for international protection or having been included in such application as a family member during the reference period. First-time applicant means a person having submitted an application for international protection for the first time. With 722 300 first time applicants registered in 2016, Germany recorded 60% of all first time applicants in the EU Member States. It was followed by Italy (121 200, or 10%), France (76 000, or 6%), Greece (49 900, or 4%), Austria (39 900, or 3%) and the United Kingdom (38 300, or

3%) (Eurostat, 2016)

Concerning population size, the number of applications for asylum was especially high in Hungary, Sweden, Austria and Germany. Compared with the population of each Member State, the highest rate of registered first time applicants during the second quarter 2016 was recorded in Germany (2 273 first-time applicants per million inhabitants), followed by Hungary (1 517), Austria (1 241) and Greece (1 113). In contrast, the lowest rates were observed in Slovakia (2 applicants per million inhabitants), Romania (11), Portugal (15), Lithuania (24), the Czech Republic and Estonia (both 26). In the second quarter 2016, there were in total 599 first time asylum applicants per million inhabitants in the EU as a whole (Eurostat, 2016).

The division of refugees between member states concerns both – the level of benefits and the procedures of applying for asylum. Taking a closer look at the division of responsibilities taking refugees, it is found that “there are still considerable opportunities to influence the conditions of admission, the length or quality of the asylum procedure and the acceptance rates on a country-by-country basis” (Altemeyer-Bartscher, Holtemöller, Lindner et al. 2016). Furthermore, there is much anxiety about the distribution of third-country nationals in the EU – starting with the refugees who have been arriving for the last few years from the regional wars in the Middle East. The issue of refugees’ protection sometimes is complicated to understand what the category is under discussion. (Guild, 2016).

As the Arab Spring triggered flows to the European Union and induced changes on regional impact, the responses from its institutions and Member States need to be achieved. It calls for a significant change in migration policies as well as regulatory regimes to be implemented. The next part of this chapter would reveal the measures, taken by European Union institutions, in order to tackle the refugee crisis.

## **2.2. European Union response to the refugee crisis**

With the unprecedented arrivals of refugees, the EU and its Member States are intensifying efforts to establish an effective, humanitarian and safe European asylum policy. Migration is at the heart of the political debate in the EU and, for a few years now, is one of the strategic priorities of the external relations of the Union. The issue of refugees has raised the fundamental questions about European Union sovereignty, security and its capabilities to tackle this crisis. The question of responsibility to accept refugees from non-EU countries have reignited deep internal division between the Member States, thus leading to the situation that EU has struggled to agree a collective and sustainable response. Within this part, the European Union position on asylum policy would be developed by taking into account the fundamental aspects of immigration and asylum policy development. The mechanisms such as the

Common European Asylum System, Dublin regulation, European Agenda on Migration, relocation system and alternative instruments would help to identify what the EU is standing for management of the refugee crisis.

As the European Union is ensuring the free movement of goods, services, people and capital between the European Union Member States, the Justice and Home Affairs has become inevitable in accordance with immigration and asylum policy. The Maastricht Treaty introduced the Justice and Home Affairs- the third EU pillar, which included freedom of movement, immigration policy and police and judicial cooperation (Hix and Høyland, 2011). The Maastricht Treaty had made asylum an EU matter, within the framework of intergovernmental cooperation. Since the Amsterdam Treaty came into force in 1999, it has been adopted common measures on asylum and immigration (The official website of the European Union, (a)). The Treaty extends the EU actions in immigration and asylum, the fight against smuggling and other areas. These areas are transferred from the third to the first pillar of the Union, which means that the decisions taken at the international level are binding on all Member States (The official website of the European Union (b)).

As it was mentioned before, the 1951 Geneva Convention relating to the status of refugees defined who is a refugee and laid down a common approach towards refugees that has been one of the groundwork for the development of a common asylum system within the European Union. Moreover, the issue of the secondary movement was in the first legislative form by the Dublin Convention. It set criteria for determining the State responsible for examining asylum applications lodged in one of the Member States of the European Communities. The Dublin system presupposed similar treatment of asylum applicants and refugees in the Member States (EASO, 2016).

Since 1999, the EU has worked towards creating a common European asylum regime in accordance with the Geneva Convention and other applicable international instruments. At the Tampere European Council of 1999, an ambition toward a CEAS was first announced which aims to have increased cooperation among the Member States. Common European Asylum System (CEAS) sets common standards and procedures for processing and assessing asylum applications and for receiving and treating asylum seekers in each Member State (European Commission, 2014). The Common European Asylum System was built during two phases. Secondary legislation enacted between 2000 and 2005 and the main instruments are situated in table 4. The first period was based on the harmonisation of the legal systems and implementation of the common minimum standards with reception of asylum- seekers. It guarantees that the minimum requirements are adopted in the connection of asylum systems. A well-functioning asylum system within the EU supports refugee's protection and encompasses humanitarian assistance.

**Table 4.** The first phase of the development of the CEAS. Constructed by the author, according to the EASO (2016)

<b>First phase CEAS instruments</b>	<b>Date of entry</b>
The Eurodac Regulation, 2000	15 December 2000
The Temporary Protection Directive, 2001	7 August 2001
The Dublin II Regulation, 2003	17 March 2003
The Regulation laying down detailed rules for the application of the Dublin Regulation, 2003	6 September 2003
The Reception Conditions Directive, 2003	6 February 2003
The Qualification Directive, 2004	20 October 2004
The Asylum Procedures Directive, 2005	2 January 2006

The implementation of the first phase of CEAS development remained significant in order to acquire a higher degree of improved standards. Despite these achievements, the inconsistency of the procedures, assessment and qualification for international protection remains in the Member States. Thus, the second phase of the CEAS emerged with the objective to harmonise the protection standards between the EU. The second period “[...] began with the European Pact on Asylum by the European Commission in September 2008. As underlined in the 2009 Stockholm Programme, its objective was that of ‘establishing a common area of protection and solidarity based on a common asylum procedure and a uniform status for those granted international protection’ [...]” (EASO, 2016, p. 16)

The EU legislative instruments of CEAS consist of primary law (the TFEU, the Treaty on the European Union (TEU), and the EU Charter) and secondary law. (EASO, 2016). After the Lisbon Treaty came into force, it has been abolished the three-pillar system, so Justice and Home Affairs becomes both European Union and Member States competence. In the Treaty on the Functioning of the European Union, in article 79, it is stated that “the Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings” (Consolidated Version of the Treaty on the Functioning of the European Union, 2012, Article 79, 1<sup>st</sup> point.). Lack of common EU Member States practices and different country experiences produced divergent results in the context of asylum procedures. In order to improve the legislative framework, the new EU rules have been agreed in accordance with the Common European Asylum System, and it consists of five legal instruments which are designated in table 5. It explains the main legal CEAS instruments and provides main provisions to improve at that time existing framework.

**Table 5.** The revised legal instruments of the CEAS. Constructed by the author, according to the Poptcheva (2015)

<b>CEAS instrument</b>	<b>Main provisions</b>
The revised Qualification Directive Directive 2011/95/EU	Clarifies the grounds for granting international protection to asylum- seekers.
Dublin III Regulation Regulation (EU) No 604/2013	Develops the protection of asylum seekers during the process of determining the state responsible for examining the application. Clarifies the rules that are governing the relations between MS.
The Reception Conditions Directive Directive 2013/33/EU	Ensures the fundamental rights of the asylum seekers (access to healthcare, education, employment, etc.); detention is applied as a last option.
The Asylum Procedure Directive Directive 2013/32/EU	Establishes common procedures for granting asylum; fairer, quicker and better quality asylum decisions - a regular asylum procedure could not last more than six months.
The Eurodac Regulation Regulation (EU) No 603/2013	Agree law application access to the EU database of the fingerprints of asylum seekers in order to prevent, detect or investigate the most serious crimes (murder and terrorism).

One of the most controversial policies in the CEAS is the Dublin Regulation. This policy requires asylum seekers to be processed by the first EU country in which they initially arrived. The purpose of this regulation is to aid in the efficiency of determining refugee status, prevent asylum seekers from filing for asylum in multiple EU states and also to promote better monitoring mechanisms. This regulation aims to avoid the so- called “asylum shopping” – moving freely and choosing to submit an application for protection in a state where the asylum system appeared to be favourable to the asylum seekers interests. Furthermore, Dublin Regulation prevents the phenomenon of asylum seekers in orbit – those whose request for protection is not admitted by any state when they all apply the concept of the safe third country (Morgades-Gil, 2015). The Dublin Regulation presents another challenge. It has been criticising for placing too much burden and responsibility on entry-point states with exposed borders (such as Greece, Italy and Hungary), straining their capacity to deal with asylum seekers. In practice, many of these entry countries have already suspended the Dublin Regulation and are allowing migrants to pass through to secondary destinations in the North or West of the EU (EY, 2016). The refugee crisis has shown weaknesses of the Member States asylum procedures which do not guarantee a fair sharing of responsibilities to take asylum seekers. In order to improve existing framework for asylum, in 2016, the EU Commission submitted a proposal for Regulation of the European Parliament and of the Council

which is known as the proposal for a Dublin IV Regulation (Commission, 2016). The main objective is recast the current Dublin III Regulation, and it aims to determine a single MS responsible for examining the applications for international protection. Furthermore, the corrective allocation mechanism “[...] would be activated automatically in cases where Member States would have to deal with a disproportionate number of asylum seekers” (Commission, 2016, p. 4). The new scheme would be based on solidarity mechanism as soon as the Member States would transmit an unequal number of these seekers. The ongoing EU Parliament and the Council discussions on Dublin IV Regulation confirmed diverse opinions on the level to which the Dublin Regulation should be reformed. The Parliament has adopted its position on the Commission proposal, while the Council remains at a stage of informal and bilateral consultations between Member States (AIDA, 2017). The proposal is a basis of the CEAS reform and represents the progress made by the EU institutions by operating legal and policy instruments in the field of asylum.

After the 2011 Arab uprisings, an influx of immigrants who entered the EU through the Italian and Maltese coasts of the southern Mediterranean began to excess. As a consequence, the EU has taken urgent measures to respond adequately to the situation. On 4<sup>th</sup> of May in 2011, the Communication from the European Commission to the European Parliament, the Council of the EU, the European Economic and Social Committee and the Committee of the Regions entitled Communication on Migration (European Commission, 2011). As a result, the EC provides various initiatives aimed at implementing a common European immigration policy and managing the potential challenges of immigration.

An immediate response from the European Union concerning the refugee crisis was the European Agenda on Migration on 13 May 2015. Migration management and thus, refugee crisis management is a collective responsibility. Not only European Union Member States, but also transit and origin countries of refugees and migrants should share the burden of management. The European Agenda on Migration provides a new and comprehensive approach to the solidarity among EU and its institutions. (European Agenda on Migration, 2015). The Agenda is built upon four pillars:

1. *Reducing the incentives for irregular migration.* The attention is on attending the root causes of irregular migration in non-EU countries, to crack down smuggling and trafficking networks and defining actions for the better application of return policies. These efforts will be enriched by stepping up the role on the migration of EU Delegations in particular countries, as well as EU’s funding for refugees.
2. *Saving lives and securing the external borders:* this involves better management of the external border, in particular through solidarity towards those MS that are located at the external borders, and improving the efficiency of border crossings. In this context, it was taken the specific measure

to improve external borders security.

3. *Strengthening the common asylum policy*: the EU's asylum policies need to be based on solidarity towards those needing international protection as well as among the EU MS, whose full application of the common rules must be ensured through systematic monitoring.
4. *Developing a new policy on legal migration*: in view of the future demographic challenges the EU is facing, the new policy needs to focus on attracting workers that the EU economy needs, particularly by facilitating entry and the recognition of qualifications (European Agenda on Migration, 2015).

The short-term, as well as long-term strategies, were underlined in order to produce structural solutions for better management of the crisis. The EU relocation system was one part of these initiatives. The disproportioned distribution of asylum seekers across the Member States call actions from the European Union institutions. European Parliament is, therefore, calling for a system, providing a fair distribution of asylum-seekers among the Member States. This results in practical decisions on the relocation of 160,000 asylum seekers from Italy and Greece taken by the Council. The first one – Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and the second one – Greece and Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (European Commission, 2016).

The number of persons allocated to the Member States are based on verifiable criterias (EC):

- size of the population (40%)
- total GDP (40%)
- average number of asylum applications over the previous years (10%)
- unemployment rate (10%)

The relocation of refugees is based on the factors as mentioned above such as economic strength, population, unemployment and area. The numbers of allocations from the Italy and Greece could be seen in Annex 2 (Allocations from Italy) and Annex 3 (Allocations from Greece). The relocation of eligible applicants by the Member States has continued to be a valuable way to help those in definite need of international protection and to reduce pressure on the asylum systems of Italy and Greece. Table 6 indicates the numbers of relocated persons from Italy and Greece. As of 12 of December, 32,427 people have been relocated: 10,845 from Italy and 21,582 from Greece. Allocations would allow the Member States to contribute their fair share of refugees and demonstrate how seriously they take humanitarian responsibilities. However, this relocation process is challenging to implement due to the reluctance of

individual states “as of 18 April 2016, only 1,263 had been relocated. The Visegrad Group – the Czech Republic, Hungary, Poland, and Slovakia – strongly oppose relocation, while key states such as the UK refuse to participate, and states such as Sweden and Austria signal that they are already full” (Susi Dennison and Josef Janning, 2016, p. 2). Some Member States such as Poland, Hungary, United Kingdom and Denmark have not yet relocated any person while other MS like Germany, Sweden, France and Netherlands almost fulfilled its target. This experience could be explained by the fact that asylum and immigration is a policy field where the Union and its Member States share competencies. This makes it a complicated policy field where the Member States still have a broad scope of action. Now, the internal orientation of the migration policy remains (Dimitriadi, 2016).

**Table 6.** Relocated persons from Italy and Greece (As of 12 December 2017). Constructed by the author, according to the European Union Official website.

Member States	Relocation	
	Relocated from Italy	Relocated from Greece
Austria	17	x
Belgium	414	700
Bulgaria	10	50
Croatia	22	60
Cyprus	47	96
The Czech Republic	x	12
Denmark	x	x
Estonia	x	141
Finland	779	1201
France	377	4389
Germany	4392	5332
Greece	x	x
Hungary	x	x
Ireland	x	717
Italy	x	x
Latvia	27	294
Lithuania	29	355
Luxembourg	241	271
Malta	67	101
The Netherlands	891	1744
Poland	x	x
Portugal	326	1192
Romania	45	683
Slovakia	x	16
Slovenia	60	172
Spain	205	113
Sweden	1203	1656
The United Kingdom	x	x
<b>Total</b>	<b>9152 (out of 34953)</b>	<b>19295 (out of 63302)</b>



Another crucial mechanism adopted by the EU is resettlement – a common approach to granting protection to persons in need of protection. This mechanism is a joint responsibility of the international community, with the UNCHR given the task of identifying when people cannot stay safely in their own countries, and it sets a target of 20,000 resettlement places for the EU during each year by the end of 2020. This was followed by the Conclusions of MS meeting within the Council of 20 July 2015, reaching an agreement on a scheme to resettle, through multilateral and national schemes, 22,504 people in need of protection (EMN, 2016b). The EU budget provided dedicated funding of an extra EUR 50 million in 2015/2016 to support this scheme. (European Agenda on Migration, 2015). As a mechanism, resettlement allows both – the European Union and its Member States to accomplish the commanding to help those in need of international protection. Moreover, it allows reducing the motivations for irregular migration. Through resettlement programmes, MS can actively resettle a designated number of refugees to its own territory. As the Commission reports, over 81% of the 22 504 resettlements agreed in 2015 have been completed. “As of 10 November 2017, 18 366 people have been resettled to 20 Member States and four Associated States, mostly from Turkey, Jordan and Lebanon. Since a number of countries with large quota have already fulfilled their resettlement commitment [...], efforts continue to be mainly directed at resettlements under the EU-Turkey Statement” (European Commission, 2017, p. 17). This kind of mechanism is based on “one-to-one” (1:1) principal- for each Syrian national returned to Turkey from Greece, another Syrian national would be resettled to the EU (Council of the EU, 2016). In the context of refugee crisis, this mechanism is an important measure to offer a protection for vulnerable people. Moreover, it reduces the burden on neighbouring countries and express the international solidarity and responsibility. The importance of cooperation between institutions such as UNHCR, IOM and EASO has been recognised in the implementation of this scheme.

The diversity of the current refugee crisis creates challenges for receiving countries in dealing with different flows of migrants – in terms of origin and motivation of moving. Categorisation of economic migrants and asylum seekers is fundamental as these categories are under different levels of protection and support under international law. In the EU CEAS, individual states are responsible for processing asylum applications. Collective asylum procedures at European Union level should be used as a mechanism to decrease the administrative burden and can rely on the contribution of all Member States. The European Union is managing the refugee crisis by stepping up collective measures to stabilise the challenging situation in particular mechanisms: relocation, resettlement, particular asylum procedures, standards for the qualification for individuals for international protection, funding the Member States in need as well as cooperation with neighbouring countries and developing international agreements.

### **3. ASSESSMENT OF GERMANY AND POLAND RESPONSES TO THE REFUGEE CRISIS IN THE EUROPEAN UNION**

European Union refugee crisis demonstrated the shortcomings of member states' commitments on their asylum policies and practices. A great deal of attention has been paid to the European Union and national regulations concerning to the distribution of refugees. The question comes from the fact that Germany and Poland responded to the crisis differently. What are the factors behind differences in how countries deal with asylum claims? One major issue in dealing more uniformly with the growing migratory flows is that the European Union is made up of structurally diverse countries that are subject to opposing political and social incentives and which retain full sovereignty over, and complete responsibility for, migration policy. Despite operating Common European Asylum System which harmonises the procedures for claiming asylum, different Member States still have different laws, systems and procedures for admitting refugees. The European Commission has carried forward work on all the different parts of the European Agenda of Migration. To monitor progress and allow for an evidence-based assessment of the delivery on the commitments taken by EU institutions and Member States, including in European Council Conclusions, the Commission has presented regular progress reports on the implementation of the EU-Turkey Statement, relocation and resettlement and other measures. Each work stream contributes to the overall effectiveness of the EU and the Member States response.

#### **3.1. Methodology of the research**

The research on the management of the refugee crisis in European Union Member States- Germany and Poland would be based on the case studies. These two countries were selected because of the similar size of the country and geographical position as well as their participation in the ongoing debate among the Member States. Based on gathered statistical data and researches from both countries, the study focuses on the implementation of the measures taken by the EU institutions in accordance with the response to the influx of refugees. The analysis covered the period from 2011 to present days. However, the primary focus is on years 2015 and 2016 because there have been major developments on managing the refugee crisis.

Within the previous chapter, the European Position on asylum policy was determined by providing the measures to tackle the refugee crisis. The EU position on asylum policy was discussed by taking into account its institutional reforms, decisions and programs related to immigration and asylum policy. The national states' responses to the refugee crisis were assigned by using publications and researches of EU institutions as well as Eurostat statistical data, annual reports of AIDA, EMN, Federal Office for

Migration and Refugees (BAMF) and other institutions. Such mechanisms as relocation, resettlement, and CEAS would be assessed within the countries. Furthermore, particular asylum procedures, standards for the qualification for individuals for international protection would be assessed in order to reveal the national approach to refugee crisis management. First, the short historical background to the asylum policy would be revealed within Germany and Poland. Second, the national asylum procedures would be evaluated and lastly, the implementations of the EU mechanisms such as the relocation, resettlement would be assessed.

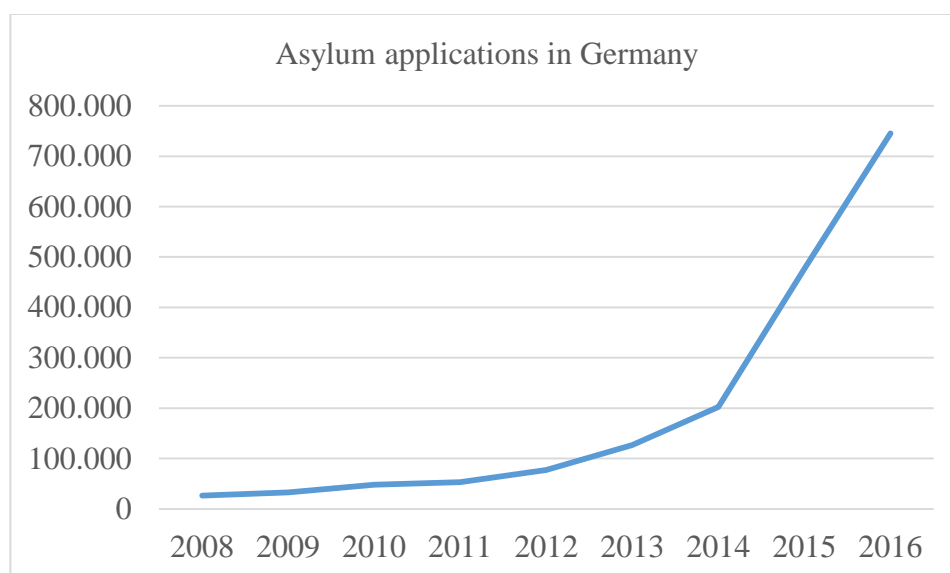
### **3.2. Case study of Germany**

Asylum is an area with controversial claims about the causes and consequences of asylum-seeking, the legitimacy of asylum claims and the impact of policy responses on asylum seekers. The aim of this chapter is to evaluate how Germany is responding to the current refugee crisis by taking into account its historical approach to the asylum policy, implementation of key European Union Agenda on Migration mechanisms, such as reform of CEAS, relocation, resettlement and to evaluate the changes accomplished by its national authorities in accordance to the asylum procedures or institutional reforms. It is argued that Germany is managing the refugee crisis in accordance with the EU position on asylum policy and fulfil its obligations as far its capacities.

In view of the country history in immigration and asylum policy, the period covered the whole post-war era, and it shares a long history of post-war immigration going back to the 1950s and 1960s. Since the late 1970s when asylum first emerged as a real issue for EU countries, policy narratives often emphasised assumed abuse of asylum systems. The first country to experience the significant rise in asylum applications is Germany, rather quickly developed a narrative about bogus asylum-seekers. One of the reasons was an increased proportion of asylum seekers from countries that had traditionally been a source of labour migration, rather than associated with persecution. Legislation heightened this perception of abuse in 1983, which forbade asylum-seekers from accessing employment, serving to underpin perceptions that asylum-seekers were a burden on West Germany's generous welfare system. The notion of "non-genuine" asylum-seeker help legitimise the range of restrictions introduced to asylum systems (Boswell and Geddes, 2011). Throughout its history, Germany has been a typical immigration country, and immigration constitutes an integral part of this country. Following the end of the Cold War and German reunification, large new inflows developed in the 1990s. It received nearly half of Europe's annual asylum applications. "And over the past 30 years, Germany has received at least 3.6 million asylum applications or nearly one-third (32%) of all asylum applications in Europe over the period".

(Connor, 2016, p. 10). These asylum seekers were from a variety of countries, including ‘ethnic Germans’ from the east, war refugees from former Yugoslavia, asylum seekers from the Middle East, Africa, and Asia, contract workers mainly from Eastern Europe, highly skilled workers, and undocumented workers. The history indicates that Germany has a substantial experience of crisis management in the context of refugees and practical cooperation within the country remains in nowadays.

As determined along history, Germany is a state for immigration and as a state of third-country nationals’ destination. Starting with 2011, Germany has become the declared destination of refugees in the Near East, whose number has permanently increased, even throughout 2015. During the refugee crisis in the period 2011-2016, Germany remains the country, which receives the largest number of asylum seekers applications (see Annex 1). In 2016, the country received almost 60% of all the applications, submitted within the European Union. Figure 6 represents the trend of asylum application in Germany from 2011 to 2016. The annual growth of asylum application started from 2011, and the Syrian crisis could imply it. The peak of asylum applications reached in 2016 when Germany received 745155 asylum applications. This great flow of refugees into the country happened despite the fact that Germany is geographically and legally well shielded from overland refugee migrations. Furthermore, the increase of asylum applications in 2016 remains due to the fact that the majority of applications were filed by applicants who had already arrived in 2015 and that time authorities did not manage to register all applications. Favourable conditions for refugees may also affect higher asylum application submitted in Germany, and it becomes more attractive than the first country of entry.



**Figure 6.** Asylum applications in Germany 2008-2016. Constructed by the author, according to the Eurostat (2017a).

Germany has a long history of immigration and it has been developing its asylum system

consistency to the situations. German immigration law is based on international law, EU law, and German constitutional and statutory law (Federal Office for Migration and Refugees, 2017). In the context of asylum procedures as well as reception conditions, the primary legislative German acts are as follows: Residence Act, Asylum Act, Basic Law- German Constitution and Act on Procedures in Family Matters and Matter of Voluntary Jurisdiction (AIDA, 2016a). Based on the legal framework, the main asylum procedures should be discussed in order to clarify asylum system peculiarities in Germany. Furthermore, the main institutions and their roles operating in the asylum procedures should be declared. The Federal Ministry of the Interior (BMI) has primary responsibility in asylum, integration and return policies. In addition to drafting legislation, it addresses European harmonisation and supervises the Federal Office for Migration and Refugees (BAMF) and the Federal Police (BPOL) as the central operational authorities in these areas (Federal Office for Migration and Refugees, 2017). BAMF is a superior federal authority and performs various responsibilities in the field of asylum.

*“Its employees examine the applicants’ right to asylum, which is enshrined in the German constitution, at its arrival centres, branch offices and decision centres, and conduct all asylum procedures in Germany, including the Dublin procedure to determine responsibility in the asylum procedure. They determine the applicants’ right to asylum, their refugee status under the Geneva Convention relating to the Status of Refugees and the requirements for subsidiary protection under the Qualification Directive and for national bans on deportation”* (Federal Office for Migration and Refugees, 2017, p. 14-15)

In addition to the primary responsibilities, the role of BAMF is enhanced in the coordination of Germany’s participation in the EU resettlement and relocation programmes as well as involvement in UNCHR. Its responsibilities vary from the examination of asylum procedures to the obligations for taking measures against threats to public safety under asylum and nationality laws.

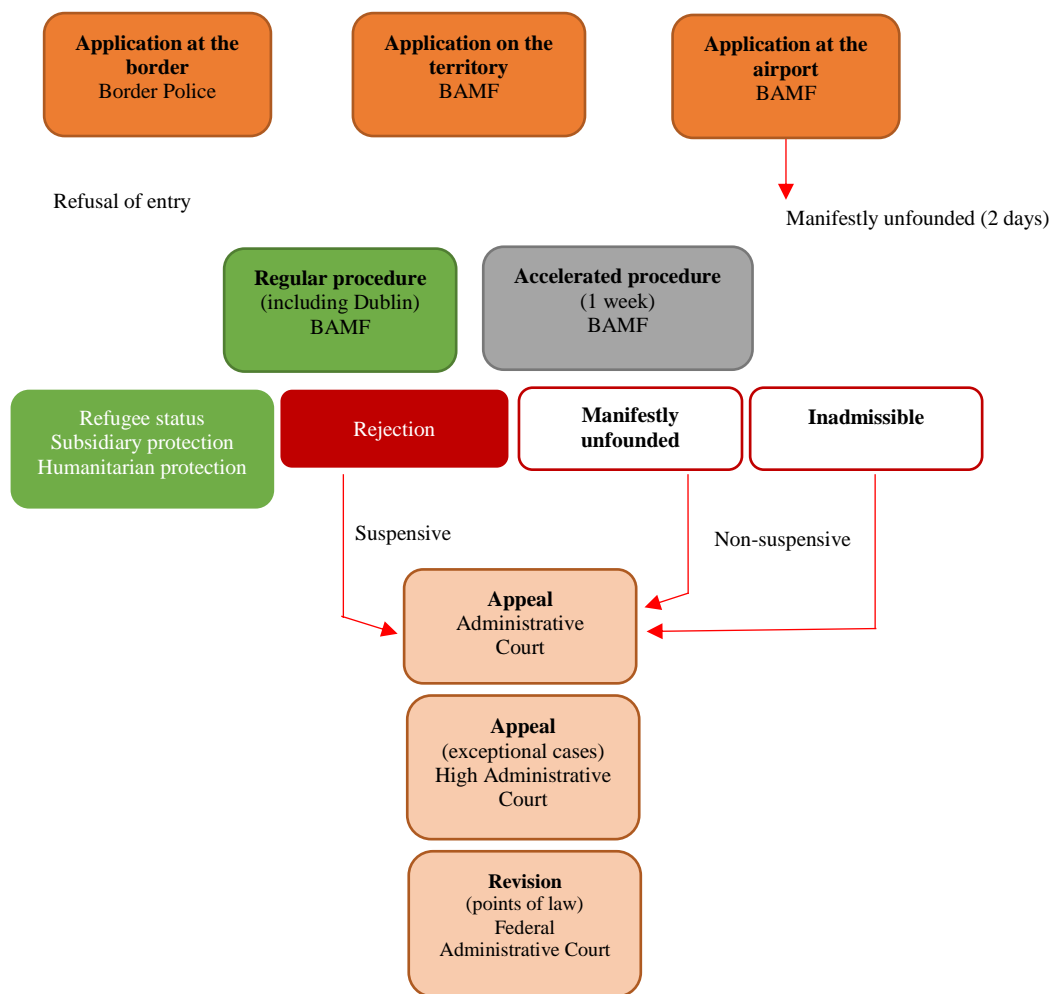
Asylum is preserved under the German constitution and is granted to persons persecuted on political grounds (Basic Law, Art. 16a). Furthermore, the other types of international protection could be given: refugee status under the Geneva Convention relating to the Status of Refugees (Section 3 of the Asylum Act in conjunction with the Geneva Convention), subsidiary protection (Section 4 of the Asylum Act) and protection of humanitarian reasons. Table 7 characterises the number of Germany’s first instance decision on received asylum applications. Germany shared 57,039% of all received asylum applications within all EU Member States in 2016. It adopted 631 085 first instance decisions on asylum applications and it represents 69% positive and 31% negative decisions. The highest number of accepted decisions were based on the Geneva Convention status and it performs almost 37% of total decisions. These numbers represent that Germany is implementing “open doors” asylum policy and the rate of overall protection is in the high level.

**Table 7.** First instance decisions on asylum applications in Germany. Constructed by the author, according to the Eurostat (2017c).

EU MS	Total decisions	Positive decisions	Of which:			
			Geneva Convention Status	Subsidiary Protection	Humanitarian reasons	Rejections
EU-28	1 106 405	672 900	366 485	257 915	48 505	433 505
Germany	631 085	433 905	256 135	153 695	24 080	1970

At this time, the types of asylum procedures vary from Regular, Dublin, Admissibility, Border or Accelerated procedures (AIDA, 2016a). If migrants report at the border, at the airport or on the territory while trying to enter Germany without the necessary documents, the entry has to be denied on the grounds that the migrant has travelled through a safe third country. Before the process of an asylum application, the Federal Office examines whether Germany is responsible according to the criteria set out in the Dublin Regulation criteria - asylum seekers should apply for asylum in the first country they enter. However, this first-country rule is not always followed in practice – Germany abandoned this provision during 2015 when Greece was devastated by the sudden flow of migrants. (Connor, 2016). The regular procedure takes place as the entry is approved at the border or at the airport. The flow of asylum procedure is represented in figure 7. As the asylum procedure has started, the BAMF is examining on which category the procedure entitled: refugee status, subsidiary protection, humanitarian protection or other forms of protection, called prohibition of deportation. (AIDA, 2016a). A personal application is filed with the branch office of the Federal Office or at an arrival centre. “The arrival centres play a key role in implementing the ‘integrated refugee management’ concept, which aims at improving the interaction between the individual procedures and agents during the asylum procedure as well as the integration and return procedures” (Federal Office for Migration and Refugees, 2017, p. 42). According to the law, asylum seekers should be accommodated in these centres for up to 6 months during the first stage of their asylum procedures (ibid.). All the personal data are recorded during the application procedure: photographs, personal documents, fingerprints and etc. This kind of data is compared with those in the Central Register of Foreigners, as well as with those of the Federal Criminal Police Office. As an application of asylum has been filed, applicants receive a certificate of their permission to reside (*Aufenthaltsgestattung*). This kind of permission is territorially restricted to the district (residence obligation) in which the responsible reception facility is located. The Federal Office decides on the asylum application on the basis of the personal interview and of a comprehensive examination of documents (Federal Office for Migration and Refugees,

2016). The decision is taken by the authoritative institution-BAMF under the type of protection. If the application is granted under the refugee status, subsidiary or humanitarian protection, applicants are issued with a residence permit for one to three years, depending on the type of protection. Otherwise, an appeal against the rejection of an asylum application has to be submitted to a regular administrative court, and this is usually the final stage of the asylum procedure.



**Figure 7.** General asylum procedure in Germany. Constructed by the author, according to the AIDA (2016a, p. 13).

Policy developments at the national level have an influence on Member States' asylum systems, particularly- Germany asylum system, from access to the asylum procedure to reception conditions. Germany applied ambitious measures to improve its efficiency in processing applications for international protection. Taking into account special procedures, "Germany introduced an accelerated procedure for certain asylum applicants, who were thereby required to remain in special reception centres while their claims were being processed – within three weeks maximum, including the appeal stage" (EMN, 2016a, p. 3). This type of changes was followed by the notable increase in the number of asylum applications which

is 268645 between 2015 and 2016. Asylum procedure at the Federal Office for Migration and Refugees (BAMF) were adapted with the aim to improve and accelerate the processing of applications and to expand BAMF's capacities (EMN, 2016c). Accelerated procedures were introduced mostly for certain groups of asylum seekers, mostly from the safe countries of origin. Accelerating process and knowledge of asylum legislation has an impact on asylum-seekers decisions to choose Germany as a country on asylum. Furthermore, Germany conducted an in-depth audit of the asylum procedures to distinguish areas where these could be enhanced and established a concentrated data system for the registration of asylum applicants (EMN, 2016a). Changes in Germany's national legislation disclosed that engagements were taken in order to fulfil the requirements of the Common European Asylum System. Particular the transposition of the recast Asylum Procedures Directive (APD) and the recast Reception Conditions Directive (RCD) is essential for the effective improvement of CEAS.

The further response from Germany to the refugee crisis could be evaluated by taking into account relocation and resettlement mechanisms adopted by the European Union. These temporary schemes are crucial elements of the Member States response to manage the refugee crisis better, and reflect their fair share of refugees within the European Union. Talking about the first mechanism, the adopted EU relocation mechanism in 2015 expects to reduce the burden for Greece and Italy. On the basis of Council decisions on relocation, Germany agreed to admit 10,500 asylum seekers under the first Council Decision and 120,000 under the second relocation decision, bringing the total number of 160,000. The 120,000 relocations were divided into two branches of 66,000 and 54,000; under the first branch, Germany agreed to admit 17,036 asylum seekers (EMN, 2016c). Concerning the second branch of relocation, the European Commission adopted a decision and allowed that these places be relocated to Syrian refugees from Turkey within EU- Turkey Agreement. Coordinated Germany's response to the relocation mechanism admits asylum seekers from the most affected Member States by massive influx of asylum seekers. According to the European Union official website (2017), regarding relocation activities, as of 12 December 2017, 4392 From Italy and 5332 From Greece were relocated to Germany under the Council Decisions on the relocation of September 2015. Overall, Germany performs the highest number of relocated persons within all the 28 EU Member States. In particular, Germany should reply to relocation requests sent by Greece and accelerate replies to relocation requests from Italy. The coordination of Germany's national and EU institutions such as EASO, European Border and Coast Guard Agency (Frontex) would accelerate the implementation of the relocation program by managing multilateral components of the programme, providing technical and operational support.

Taking into considerations the resettlement programmes, Germany has been running humanitarian admission programmes since 1956 and the most current example is HAP Syria (Humanitarian Admission



Programme), which, between 2013 and 2016 enabled 20,000 Syrians to enter Germany directly from Syria's neighbouring countries as well as from Egypt or Libya (Federal Office for Migration and Refugees, 2016). Humanitarian admission programmes are usually temporary, assuming that third-country nationals will reside in Germany permanently. Instead, they are permitted to stay for a period while the state of the crisis, war and dangerous conditions in their country of origin continues. Taking into account national contributions to the resettlement programmes, in 2011, Germany adopted a pilot programme for resettling 300 vulnerable refugees annually (from 2012 to 2014) and extended the number to 500 persons per year in the Conference of the Ministers of the Interior on December 2014. In addition, in 2016 and 2017, [...] Germany will resettle 1,600 persons in total and 800 persons per year within the framework of an EU resettlement pilot programme. As a rule, those admitted within the Resettlement programme must have been recognised by the UNHCR as beneficiaries of international protection" (Federal Office for Migration and Refugees, 2016, p. 5). Significant progress has been achieved so far on resettlement, with well beyond half of the 22,504 resettlements agreed under the Conclusions of 20 July 2015 already completed. On the basis of this Conclusion, by the end of 2016, 1060 Syrian refugees had been resettled from Turkey and 155 from Lebanon. These number includes the annual 500 resettlement places under the national UNCHCR resettlement programme. Germany has already fulfilled their pledges as resettled 1215 under the Conclusions of 20 July scheme, including under 1:1 mechanism with Turkey (European Commission, 2017b). Along with resettled persons form the third- country nationals, Germany provides financial support to Syrian refugees and to the communities which shelter them in Turkey. "The EU will initially provide EUR 3 billion for this purpose under the refugee facility for Turkey, with EUR 1 billion of this total coming from the EU budget and another EUR 2 billion from bilateral contributions by the EU Member States" (Federal Office for Migrations and Refugees, 2017, p. 47). Financial support provided to Germany improves the refugees' protection by establishing shelters and mobile teams for legal advice.

In 2015, when the persistently high number of asylum seekers was the main issue, Germany introduced instruments in dealing with a massive influx. The main focus in 2015 was on the organisational structure improvements as well as asylum seekers reception and registration amendments. During 2016, the political, social and administrative focus shifted gradually from organisational to the procedural arrangements, taking into account registration and accelerating asylum procedures. Moreover, the efforts were put towards the allocation of asylum seekers to individual municipalities, as well as the implementation of resettlement programmes integration.

### 3.3. Case study of Poland

Poland has not exception while talking about the refugee crisis. Although it was not directly affected by the influx of migrants from the Mediterranean, the country initiated a debate on the sharing of refugees within the Member States. Furthermore, it opened a discussion on the willingness of EU relocation and resettlement mechanisms in order to support the most affected countries of the mass arrival of refugees at their borders as well as show the solidarity of EU. Taking into considerations of Poland implementation of European Union asylum policy, the relocation and resettlement mechanism, as well as reform of CEAS and its asylum procedures, would be evaluated within this part of the thesis. It is argued that Poland does not fulfil its obligations regarding the crisis management within the European Union.

Along with history, Poland has been rather an emigration than immigration country. Due to the economically and politically backward in the 19<sup>th</sup> century, Poland was a peripheral sending country in European and world migration flows (Zincone, Penninx and Borkert, 2011). New immigration countries that joined the European Union in 2004 have less of a history of receiving asylum-seekers. Asylum legislation in Poland is seen as an imposition by the EU institutions, rather than a part of history and tradition of international protection. It should be noted that Poland has little experience with immigration, unlike many of the countries of Western Europe. Poland has not had much practical experience with foreigners and this leads to the situation, that Poland is more sensitive to foreign influences. (Morath, 2017). Furthermore, the country has the smallest percentage of foreigners within all the European Union (Eurostat, 2016). As the table 8 represents - of the 38,523,261 inhabitants in 2016, around 108.300 were non-nationals. These numbers represent that is only 0.3% of the total population. According to the net migration rate, Poland has a higher number of emigrants rather than immigrants.

**Table 8.** Key facts of Poland. Constructed by the author, according to the Central Intelligence Agency.

Key facts	POLAND
Geography	312,685 (November 2017)
Population	38,523,261 (July 2016 est.)
Population growth rate	-0.11% (2016 est.)
Birth rate	9.6 births/1,000 population (2016 est.)
Death rate	10.3 deaths/1,000 population (2016 est.)
Net migration rate	-0.4 migrant(s)/1,000 population (2016 est.)
Non-national population	108 300 (0.3% of total number) (2016 est.)

Taking into account the numbers of receiving asylum seekers applications, the Annex 1 represents that Poland has relatively low numbers of asylum seekers compared to other EU countries. Besides a

relatively low number of given applications in Poland, this number was growing from 2011 with the number 6885 till the 10 750 applications for the refugee status in 2012 (nearly 4000 more than in 2011), out of which 85% accounted for applications lodged for the first time. The recorded number of applications reached its peak in 2013 with 15240 asylum applications. (Eurostat, 2017a). These variations of asylum applications could be seen in figure 8 which covers the period from 2008 to 2016. “The high number of asylum applications in 2013 can be explained by the fact that in that year around 10,000 people were deported to Poland based on The Dublin Regulation” (Lukasiewicz, 2017, p. 59). As it was mentioned before, this Regulation determines the responsible country for examining an asylum claim and provides for the transfer of an asylum seeker for responsible Member State. In 2014, the number of asylum applications declined to 8020 and later growing in years 2015 12190 and years 2016 number 12305. In 2016, Poland received just 1% of all the applications given within the EU, and it represents that some Member States are suffering from the disproportioned allocations of asylum seekers.



**Figure 8.** Asylum applications in Poland 2008-2016. Constructed by the author, according to the Eurostat (2017a).

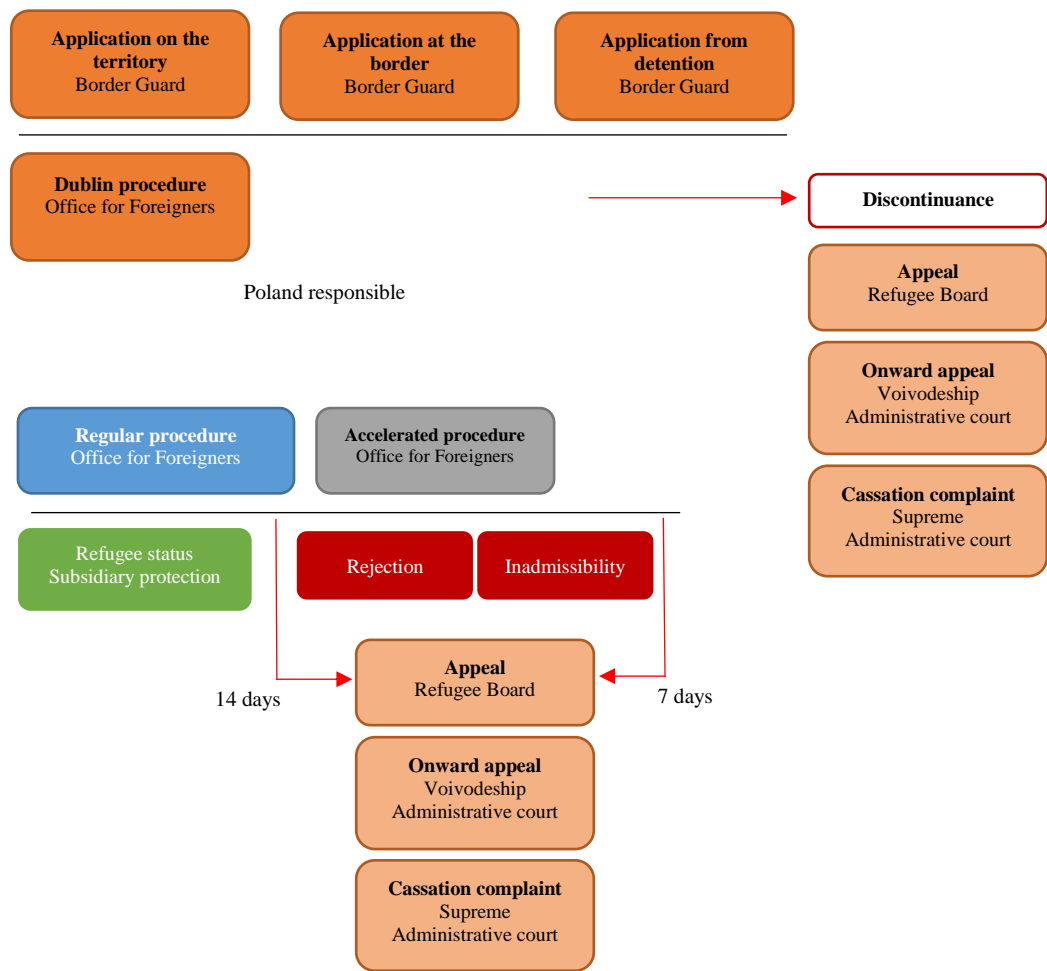
The relatively low number of asylum seekers in Poland is reasonably related to the restrictive migration policy and procedures on granting asylum. As presented in table 9, in 2016 in Poland only 12 percent of final decisions were adjudicated positively, whereas for the overall EU the percentage was 61 per cent. Negative decisions of all the EU Member States was 39 percent (Eurostat, 2017c). The negative positions on the first instance decisions in Poland represent 88% of total positions which means that Poland is implementing prohibitive asylum policy. The number of negative decisions (rejections) on asylum applications indicated Poland’s lack of respect for the rights to seek asylum and for the international protection generally. However, the highest number of total decisions were based on Geneva

Convention status which grants the protection for refugees. Additionally, under the subsidiarity as well as humanitarian reasons were given respectively with numbers 257915 and 48505.

**Table 9.** First instance decisions on asylum applications in Poland. Constructed by the author, according to the Eurostat (2017c).

EU MS	Total decisions	Positive decisions	Of which:			
			Geneva Convention Status	Subsidiary Protection	Humanitarian reasons	Rejections
EU-28	1 106 405	672 900	366 485	257 915	48 505	433 505
Poland	2495	305	110	150	50	1972185

Poland asylum and immigration policy are governed by the international law, EU law and Polish legal acts. On the basis of the legal framework, the main asylum procedures should be discussed so that to clarify asylum system peculiarities in Poland. The flow of general asylum procedures is provided in figure 9.



**Figure 9.** General asylum procedure in Poland. Constructed by the author, according to the AIDA (2016b, p. 12).

In the context of fundamental acts of migration and asylum, these acts are Polish Constitution of April 2 1997, Law of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland, Law of 12 December 2013 on foreigners, Law of 14 June 1960 Code of administrative proceedings and Law of 10 September 2015 amending the Law on Protection and other acts (AIDA, 2016b).

In general, the asylum applications are examined by two instance authorities: Head of the Office for Foreigners represents the lower instance and the Refugee Board as the appeal authority. As figure 9 represents, asylum applications may be stopped both- on the territory and at the border or from detention centre through a Border Guard. These requests are transferred to the Head of the Office for Foreigners (Office for Foreigners) which is the main asylum authority, for which the Ministry of Interior is responsible (AIDA, 2016b). Before examining the asylum applications, the responsible state is identified according to the Dublin procedure. Principally, Poland is rather a receiving country, rather than a sending country of requests for carrying transfers to the other Member States. As regards the positive decision on an asylum application, the refugee can be granted refugee status under the meeting the criteria for Convention and Protocol relating to the status of refugees. Office for Foreigners is responsible for this asylum procedure, and for an initial integration the responsible institution is Office for Foreigners. If the foreigner does not meet the mentioned criteria, but fears a severe threat in the country of origin and returning there may put him or her at real risk, he or she may be granted subsidiary protection. (Liat and Potkanska, 2017). Furthermore, the Ministry of Family, Labour and Social Policy is responsible for the integration process after the foreigner is approved as a refugee. The main obstacle in dual institutional operation on the basis of two different Acts do not ensure extensive cooperation between the local and central institutions. As regards the granting refugee status and subsidiary protection, the procedure should take between three and three-and-a-half months, although in practice it can take anything from six months to two years. Asylum procedures within Poland have an impact on the low rate of granting international protection of vulnerable persons and rejections of asylum applications.

In order to cope with the increased migration flows, several legislative and policy changes were followed in 2015 and 2016. Rules on practices and procedures for implementing resettlement programmes and schemes were concerned in Poland in 2015-2016. As European Migration Network study (2016b, p. 18) identified, the positive alteration of Poland implementation of resettlement mechanism: “[...] amendments in November 2015 to regulations on resettlement ensured faster and more flexible procedures, due to – amongst other measures – removing the obligation to grant refugee status or subsidiary protection to resettled third-country nationals, and the obligation to organize a selection

mission in the host country". These two types of international protection are granted within Poland as a single procedure which is now a part of a return procedure. However, the second amendment to the resettlement regulation in June 2016 slowed down some of the procedures by carrying out security assessments. By evaluating overall Poland's capacity in the field of resettlement, it could be explained as non- functioning. As European Commission specified (2016), Poland faced challenges which include a lack of experience in conducting missions and selecting candidates, providing optimal conditions for integration of resettled refugees and gaining public support for the general public. Furthermore, Poland is expected to resettle for the first time because it did not put an effort to any of designated persons on the EU resettlement mechanism.

Setting up the relocation mechanism was decided by the Member States in legally binding Council decisions. As of the European Commission's relocation programme, in September 2015 firm declarations were made to accept 7 082 asylum seekers from Italy and Greece by the previous Polish ruling coalition (PO-PSL) (Liat and Potkanska, 2017). Even after the change of government to the more right-wing Law and Justice Party (PiS), those responsibilities were followed at the Office for Foreigners. In responding to the challenges that hit Europe in 2015, a special interdepartmental working group was created which was led by the Migration Policy Unit at the Ministry of the Interior and Administration. However, the declared number of admitted asylum seekers for Poland was never adopted. Almost all Member States have respected their legal obligations with regular pledges and relocations. Poland, as well as other Visegrad countries such as the Czech Republic and Hungary are the only exceptions which do not fulfil their obligations to the EU relocations system. Infringement procedures launched by the Commission, therefore, remain ongoing against Poland (European Commission, 2017). In its regular Relocation and Resettlement Reports, the Commission repeatedly reminded all Member States of their legal obligations under the Council Decisions and called on those Member States that have yet to pledge and relocate from Greece and Italy, to do so immediately. Despite the repeated calls, Poland has still not relocated a single person (see table 6). The Commission, therefore, decided on 14 June 2017 to initiate infringement procedures against Poland and those infringement procedures remain ongoing. (European Commission, 2017). Following their replies to the letters of formal notice, the Commission decided on 26 July 2017 to adopt, as the next step, reasoned opinions. The ruling of the Court of Justice of the EU of 6 September 2017 confirmed the validity of the second Council Decision of relocation and the Commission expected the three Member States to take action. Enforcement of the Poland obligation on this relocation has been weak because it refused to participate in the limited distribution of asylum seekers from the Member States of first entry, such as Italy and Greece. While this relocation scheme is intended as the major measure to reduce a burden on the first entry states, Poland appears to provide no support.

Widespread rejections of asylum applications and refugees from the third countries in Poland reflects the questions and considerations of the solidarity within the EU. As to relocation and resettlement mechanisms, Poland has not yet reached its target appointed by the European Commission. During the shaping and implementing the EU asylum policy presents a great challenge for Poland to maintain cooperation and partnership with other European Union Member States. National interests seem to prevail over the EU. However, asylum policy should be among the main fields of national interest and decision makers in order to achieve a comprehensive CEAS. The coordinate and systematic exchange of information and experience of national institutions play a key role in the field of international protection for refugees.

## CONCLUSIONS

1. The overview of theories on migration reveals the main causes and consequences of migration on sending and receiving countries as well as the arguments of migration processes. Functionalists bring the position that migration happens because of individuals' free decision to migrate due to the differential of wages as well as pull and push factors. The different approach was made by historical- structuralists which argue that government structures restrain individuals' choices. The current approach was made by stating that migration should be theorised not isolated, but taking into account globalisation, social networks, differences in political stability, human rights situations, general rule of law. Theories on risk governance endure significant approach in understanding the concept of refugee crisis management at global as well as national level. Crisis management as a subtheme of risk governance supports the aim of the thesis by taking into account assessment of the refugee crisis management in the European Union and its Member States Germany and Poland. As respect for the terminology, categorisation of economic migrants and asylum seekers is fundamental as these categories are under different levels of protection and support under international law. This is an issue that concerns migrants who have a legal right under international protection and apply for asylum. The fair share of refugees between states reflects that responsibilities should be granted under the obligation to take actions for providing the refugee protection under the Refugees Convention, general duties of justice and solidarity.
2. The unprecedented flows of refugees approaching Europe are confronting the European Union and its Member States with a variety of challenges. The EU is intensifying efforts to establish effective, humanitarian asylum policy. A great deal of attention has been paid to European and national regulations concerning to the distribution of refugees. The importance of asylum policy framework has been paid for a harmonised management of asylum procedures which is the essential part of coordinated European Union decision-making. Furthermore, it put an effort to reduce the burden sharing system for refugee responses between different Member States by stepping up collective measures to stabilise the challenging situation in particular to relocation, resettlement, the reform of Common European Asylum System, standards for the qualification for individuals for international protection, funding the Member States in need as well as cooperation with neighbouring countries and developing international agreements. Further attempts should be pursued in order to the consensus to revise Dublin Regulation which has been criticised for placing too much burden on the first-entry states, straining their capacity to deal with asylum seekers. Revised Dublin scheme would be based on solidarity mechanism as soon as the Member States



would transmit an unequal number of these seekers. Moreover, the progress should be made on relocation and resettlement of refugees and cooperation with countries of origin. The European Union and its Member States in their humanitarian roles have a moral obligation to provide support for the third national countries. The commitment of cooperation and sharing the responsibility of refugees is under the 1951Refugees Convention.

3. Case studies of Germany and Poland revealed that national approaches to the refugee crisis management in the European Union is distinctive. The responses to the refugee crisis from these countries highlighted that integrated Member States such as Germany transfer power on the issues to the European level and have carried EU's adopted mechanism in respect to sovereignty and responsibility. New member states such as Poland is more concerned about national interests rather than EU and have not responded to the EU demands in accordance with the relocation or resettlement programmes. The liberal response, constructed by Germany is based on humanitarian assistance and open door-policies, where asylum seekers are welcomed and granted protection. The restrictive response, constructed by Poland, is founded on anti-immigration policies and seeks to complicate the arrival of new asylum seekers by restrictive asylum procedures. Growing complexity of asylum policy in both areas being formulated at various levels of government, including the EU and national levels as well as the local and in some cases also the regional level.

## LIST OF REFERENCES

1. Altemeyer-Bartscher, M., Holtemöller, O., Lindner, A., Schmalzbauer, A., & Zeddies, G. (2016). On the Distribution of Refugees in the EU. *Intereconomics*, 51(4), 220-228.
2. Amnesty International. (2015). Fear and fences. *Europe's approach to keeping refugees at bay*. (November) 2015. London: Amnesty International.
3. Asseburg, M. (2013). The Arab Spring and the European Response. *The International Spectator*, 48(2), 47-62.
4. Asylum Information Database (AIDA), (2016a). Country Report: Germany.
5. Asylum Information Database (AIDA). (2016b). Country Report: Poland.
6. Asylum Information Database (AIDA). (2017). *CEAS Reform: State of play of negotiations on the Dublin IV Regulation*. 2017 11 30. Available at: <http://www.asylumineurope.org/news/30-11-2017/ceas-reform-state-play-negotiations-dublin-iv-regulation>
7. Basic Law for the Federal Republic of the Germany. Deutscher Bundestag. Last amended on 23 December 2014. Available at: <https://www.btg-bestellservice.de/pdf/80201000.pdf>
8. Berry, M., Garcia-Blanco, I., & Moore, K. (2016). Press coverage of the refugee and migrant crisis in the EU: a content analysis of five European countries. Available at: <http://www.unhcr.org/56bb369c9.pdf>
9. Boswell, C., & Geddes, A. (2010). *Migration and mobility in the European Union*. Palgrave Macmillan.
10. Castles, S. (2010). Understanding Global Migration: A Social Transformation Perspective, *Journal of Ethnic and Migration Studies*, 36 (10): 1565-1586.
11. Castles, S., De Haas, H., Miller, M. J. (2014). *The age of migration: International population movements in the modern world*. Basingstoke: Palgrave Macmillan.
12. Central Intelligence Agency, The World Factbook. Available at: <https://www.cia.gov/library/publications/the-world-factbook/>
13. Connor, P. (2016). Number of Refugees to Europe Surges to Record 1.3 Million in 2015. *Pew Research Center's Global Attitudes Project*, 16. Available at: <http://assets.pewresearch.org/wp-content/uploads/sites/2/2016/08/14100940/Pew-Research-Center-Europe-Asylum-Report-FINAL-August-2-2016.pdf>
14. Consolidated Version of the Treaty on the Functioning of the European Union, *Official Journal of the European Union*, 2012/C 326/01. Available at: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2012.326.01.0001.01.ENG&toc=OJ:C:2012:326:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2012.326.01.0001.01.ENG&toc=OJ:C:2012:326:TOC)
15. Council of the EU. (2016). EU-Turkey Statement, *Press release* 144/16, 18 March 2016. Available at: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/pdf>
16. Dennison, S., & Janning, J. (2016). Bear any burden: How EU governments can manage the refugee crisis. *ECFR*, 167, 28. Available at: [http://www.ecfr.eu/page/-/Bear-Any-Burden\\_Dennison-Janning.pdf](http://www.ecfr.eu/page/-/Bear-Any-Burden_Dennison-Janning.pdf)
17. Dimitriadi, A. (2016). Deals without borders: *Europe's foreign policy on migration*. European Council on

- Foreign Relations (ECFR).
18. Dragostinova, T. (2016). Refugees or Immigrants? The Migration Crisis in Europe in Historical Perspective. *Origins*, 9(4).
  19. EASO. (2016). An introduction to the Common European Asylum System for courts and tribunals. A *Judicial analysis*, August, 2016. Available at: <https://www.easo.europa.eu/sites/default/files/public/BZ0216138ENN.PDF>
  20. EMN. (2016a). Annual Report on Migration and Asylum. Available at: [http://emn.ie/files/p\\_2017042609111700\\_apr2016\\_synthesis\\_report\\_final\\_en.pdf](http://emn.ie/files/p_2017042609111700_apr2016_synthesis_report_final_en.pdf)
  21. EMN. (2016b). *Resettlement and Humanitarian Admission Programmes in Europe – what works?* Available at: [http://emn.ie/files/p\\_201611221233452016\\_emn\\_synthesis\\_resettlement.pdf](http://emn.ie/files/p_201611221233452016_emn_synthesis_resettlement.pdf)
  22. EMN. (2016c). Country factsheet: Germany 2016. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/11a\\_germany\\_country\\_factsheet\\_2016\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/11a_germany_country_factsheet_2016_en.pdf)
  23. Europa, The official website of the European Union (a). *The History of the European Union*. Available at: [https://europa.eu/european-union/about-eu/history\\_en#1980-1989](https://europa.eu/european-union/about-eu/history_en#1980-1989)
  24. Europa, The official website of the European Union (b). *EU Treaties*. Available at: [https://europa.eu/european-union/law/treaties\\_en](https://europa.eu/european-union/law/treaties_en)
  25. Europa, The official website of the European Union (c). *Member States' Support to Emergency Relocation Mechanism* (As of 8 December 2017) [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_relocation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf)
  26. European Commission. (2011). Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. *Communication on migration*. Brussels, 4.5.2011 COM (2011) 248 final.
  27. European Commission. (2015). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. *A European agenda on migration*. Brussels, 13.5.2015 COM (2015) 240 final.
  28. European Commission. (2016). Communication from the Commission to the European Parliament, the European Council and the Council. *First report on relocation and resettlement*. Brussels, 16.3.2016. COM (2016) 165 final.
  29. European Commission. (2016). Proposal for a Regulation of the European Parliament and of The Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). Brussels, 4.5.2016 COM (2016) 270 final. 2016/0133 (COD).
  30. European Commission. (2017a). *Relocation. EU Solidarity Between Member States*. November 2017. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114\\_relocation\\_eu\\_solidarity\\_between\\_member\\_states\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171114_relocation_eu_solidarity_between_member_states_en.pdf)

31. European Commission. (2017b). Report from the Commission to the European Parliament, the European Council and the Council. *Progress report on the European Agenda on Migration*. Brussels, 15.11.2017 COM (2017) 669 final.
32. European Commission. *European Solidarity: A Refugee Relocation System*. Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2\\_eu\\_solidarity\\_a\\_refugee\\_relocation\\_system\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf)
33. European Migration Network. (2014). *Asylum and Migration Glossary 3.0*. A tool for better comparability, (October), 2014.
34. Eurostat. (2017a). Asylum and first time asylum applicants by citizenship, age and sex. Annual aggregated data (rounded). Available at: [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyappctza&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en). Accessed at: (2017 11 28)
35. Eurostat. (2017b). News release, E46/2017 - 16 March 2017. Available at: <http://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1> Accessed at: (2017 11 16)
36. Eurostat. (2017c). First instance decisions on asylum applications. Available at: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>
37. EY (Ernst & Young Global Limited). (2016). *Managing the EU migration crisis. From panic to planning*. Available at: <http://www.ey.com/Publication/vwLUAssets/ey-managing-the-eu-migration-crisis/%24FILE/ey-managing-the-eu-migration-crisis.pdf>
38. Fargues, P. & Fandrich, C. (2012). *Migration after the Arab Spring*. Migration Policy Centre, Research Report 2012/09. Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute.
39. Federal Office for Migrations and Refugees. (2017). *Migration, Integration, Asylum. Political Developments in Germany 2016*. Annual Policy Report by the German National Contact Point for the European Migration Network (EMN).
40. Gibney, M. J. (2015). Refugees between states. *European Journal of Political Theory*. University of Oxford: UK. 2015, Vol. 14(4) 448–463.
41. Guild, E. (2016). Rethinking Migration Distribution in the EU: Shall we start with the facts? *CEPS Essay* 23/22 January 2016.
42. Guterres, A. (2011). A Personal Appeal from the United Nations High Commissioner for Refugees. *UNHCR*: September 2011, 1-12.
43. Hampshire, J. (2015). Europe's Migration Crisis. *Political Insight*, 6: 8–11
44. Hix, S., & Høyland, B. (2011). *The political system of the European Union*. Palgrave Macmillan.
45. International Risk Governance Council. (2006). White paper on Risk Governance towards an integrative approach. Available

- at: [https://www.irgc.org/IMG/pdf/IRGC\\_WP\\_No\\_1\\_Risk\\_Governance\\_reprinted\\_version.pdf](https://www.irgc.org/IMG/pdf/IRGC_WP_No_1_Risk_Governance_reprinted_version.pdf)
46. King, R. (2012). *Theories and typologies of migration: an overview and a primer*. Willy Brandt Working Paper No. 3/12. Malmö: International Migration and Ethnic Relations.
  47. Koser, K. (2007). *International Migration: A Very Short Introduction*. Oxford: Oxford University Press.
  48. Kurekova, L. (2011). Theories of migration: Conceptual review and empirical testing in the context of the EU East-West flows. *In Interdisciplinary Conference on Migration. Economic Change, Social Challenge. April* (pp. 6-9).
  49. Liat, A., Potkanska, D. (2017). *Local responses to the refugee crisis in Poland*. Reception and integration. Institute of Public Affairs: Warsaw. Available at: [http://www.forintegration.eu/uploads/drive/publikacje/local\\_poland.pdf](http://www.forintegration.eu/uploads/drive/publikacje/local_poland.pdf)
  50. Mansoor, A., Quillin, B. (2006). *Migration and remittances: Eastern Europe and the Former Soviet Union*. Washington, DC: World Bank, Europe and Central Asia Region.
  51. McAdam J. (2017). The Enduring Relevance of Refugee Convention, *International Journal of Refugee Law*, 2017, Vol 29, No 1, 1–9.
  52. Miller, D. (2015). Justice in immigration. *European Journal of Political Theory*, 14(4), 391-408.
  53. Morath, A. (2017). “Poland for the Polish”? *Taking a Closer Look at the Polish Rejection of Refugees*. Available at: <https://eu.boell.org/en/2017/06/14/poland-polish-taking-closer-look-polish-rejection-refugees#1>
  54. Morawska, E. (2007). *International Migration: Its Various Mechanisms and Different Theories that Try to Explain it*. Malmö: Malmö University, Willy Brandt Series of Working Papers in International Migration and Ethnic Relations 1/07.
  55. Morgades-Gil, S. (2015). The Discretion of States in the Dublin III System for Determining Responsibility for Examining Applications for Asylum: What Remains of the Sovereignty and Humanitarian Clauses After the Interpretations of the ECtHR and the CJEU? *International Journal of Refugee Law*, Volume 27, Issue 3, 1 October 2015, 433–456.
  56. Ostrand, N. (2015). The Syrian refugee crisis: A comparison of responses by Germany, Sweden, the United Kingdom, and the United States. *J. on Migration & Hum. Sec.*, 3, 255.
  57. Owen, D. (2016) Refugees, fairness and taking up the slack: On justice and the International Refugee Regime *Moral Philosophy and Politics*, 3, (2), pp. 141-164.
  58. Poptcheva, E. M. (2015). EU legal framework on asylum and irregular immigration ‘on arrival’ State of play. *EPRS*. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/551333/EPRS\\_BRI\(2015\)551333\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/551333/EPRS_BRI(2015)551333_EN.pdf)
  59. Renn, O. (2008). Risk governance: coping with uncertainty in a complex world. Earthscan.
  60. Sales, R. (2007). *Understanding Immigration and Refugee Policy. Contradictions and Continuities*. Bristol, UK: The Policy Press.
  61. Scholten P., Penninx R. (2016). The Multilevel Governance of Migration and Integration. In: Garcés-

- Mascareñas B., Penninx R. (eds.) *Integration Processes and Policies in Europe*. IMISCOE Research Series. Springer, Cham.
62. Thielemann, E., & El-Enany, N. (2010). Refugee protection as a collective action problem: is the EU shirking its responsibilities? *European security*, 19(2), 209-229.
63. UN High Commissioner for Refugees (UNHCR). (2010). *Convention and Protocol relating to the status of refugees*.
64. Van Asselt, M. B., & Renn, O. (2011). Risk governance. *Journal of Risk Research*, 14(4), 431-449. Available at: <http://saigondongnai.org.vn/wp-content/uploads/2016/04/van-Asselt-and-Renn-2011-Risk-Governance-in-the-Journal-of-Risk-Research.pdf>
65. Zincone, G., Penninx, R., & Borkert, M. (Eds.). (2011). *Migration policymaking in Europe: the dynamics of actors and contexts in past and present*. Amsterdam University Press.
66. Zolberg, A.R. (1989). *The next waves: Migration theory for a changing world*, *International Migration Review* XXIII (3): 403-430.

## 1 ANNEX

### Asylum applicants in European Union Member States 2008- 2016.

<b>Geo\Time</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Belgium	15165	21615	26080	31910	28075	21030	22710	44660	18280
Bulgaria	745	855	1025	890	1385	7145	11080	20365	19420
Czech Republic	1645	1235	775	750	740	695	1145	1515	1475
Denmark	2350	3720	5065	3945	6045	7170	14680	20935	6180
Germany	26845	32910	48475	53235	77485	126705	202645	476510	745155
Estonia	15	40	35	65	75	95	155	230	175
Ireland	3855	2680	1935	1290	955	945	1450	3275	2245
Greece	19885	15925	10275	9310	9575	8225	9430	13205	51110
Spain	4515	3005	2740	3420	2565	4485	5615	14780	15755
France	41840	47620	52725	57330	61440	66265	64310	76165	84270
Croatia	:	:	:	:	:	1075	450	210	2225
Italy	30140	17640	10000	40315	17335	26620	64625	83540	122960
Cyprus	3920	3200	2875	1770	1635	1255	1745	2265	2940
Latvia	55	60	65	340	205	195	375	330	350
Lithuania	520	450	495	525	645	400	440	315	430
Luxembourg	455	480	780	2150	2050	1070	1150	2505	2160
Hungary	3175	4665	2095	1690	2155	18895	42775	177135	29430
Malta	2605	2385	175	1890	2080	2245	1350	1845	1930
Netherlands	15250	16135	15100	14590	13095	13060	24495	44970	20945
Austria	12715	15780	11045	14420	17415	17500	28035	88160	42255
Poland	8515	10590	6540	6885	10750	15240	8020	12190	12305
Portugal	160	140	155	275	295	500	440	895	1460
Romania	1175	960	885	1720	2510	1495	1545	1260	1880
Slovenia	255	190	240	355	295	270	385	275	1310
Slovakia	895	805	540	490	730	440	330	330	145
Finland	3670	4910	3085	2915	3095	3210	3620	32345	5605
Sweden	24785	24175	31850	29650	43855	54270	81180	162450	28790
United Kingdom	:	31665	24335	26915	28800	30585	32785	40160	39735

## 2 ANNEX

### Allocations from Italy to European Union Member States

Allocation per Member State (15 600 applicants relocated)	
Austria	462
Belgium	579
Bulgaria	201
Croatia	134
Cyprus	35
Czech Republic	376
Estonia	47
Finland	304
France	3 064
Germany	4 027
Hungary	306
Latvia	66
Lithuania	98
Luxembourg	56
Malta	17
Netherlands	922
Poland	1 201
Portugal	388
Romania	585
Slovakia	190
Slovenia	80
Spain	1 896
Sweden	567



### 3 ANNEX

#### Allocations from Greece to European Union Member States

Allocation per Member State (50 400 applicants relocated)	
Austria	1491
Belgium	1869
Bulgaria	651
Croatia	434
Cyprus	112
Czech Republic	1215
Estonia	152
Finland	982
France	9898
Germany	13009
Hungary	988
Latvia	215
Lithuania	318
Luxembourg	181
Malta	54
Netherlands	2978
Poland	3881
Portugal	1254
Romania	1890
Slovakia	612
Slovenia	257
Spain	6127
Sweden	1830