

An Effective Asylum Responsibility-Sharing Mechanism

ICMPD Asylum Programme for Member States
Thematic Paper, October 2014 – Updated Version October 2015

About ICMPD

The International Centre for Migration Policy Development (ICMPD), established in 1993 by Austria and Switzerland, is an international organisation that works in migration-related fields. Although ICMPD has a European basis, it carries out its activities throughout the world, including in Europe, Africa, Central Asia and the Middle East. Through its six Competence Centres, ICMPD provides its 15 Member States and numerous partners with in-depth knowledge and expertise in dealing with the phenomena of migration. It does so through using a holistic 3-pillar approach: research, migration dialogues and capacity building.

Asylum at ICMPD

ICMPD's work on asylum aims to further develop the knowledge base on asylum-related issues, to facilitate cooperation and to respond to an increased demand for more policy-relevant research. This work is policy-oriented and empirical with an interdisciplinary, comparative and international approach. The present paper is the result of cooperation between ICMPD's Competence Centre for Asylum and its Research Unit.

ICMPD's Asylum Programme for Member States

At times of ever increasing numbers of conflicts triggering rising numbers of persons displaced from their homes, asylum is one of the top priorities globally, across Europe and, thus, no less so for ICMPD's Member States. ICMPD has since 2013 made visits to several of its Member States to better understand their priorities in the area of asylum and tailor its services to specific asylum-related needs. In response to this pressing need for assistance on the topic ICMPD Member States allocated funds to a dedicated asylum programme, which aims to tackle some of the central aspects of asylum of its Member States.

The Programme is envisaged as a forum for asylum experts and policy makers of ICMPD Member States to exchange views on current challenges in the area of asylum. The exchange is facilitated in the framework of round table discussions and/or expert hearings, which are followed up by ICMPD internal and/or publicly available thematic papers.

The active engagement of ICMPD MS underlines the demand for such programme and the impact it can have nationally and on the European level. The ICMPD Asylum Programme aims at creating the space for its Member States to share exchange and discuss innovative and forward-looking asylum policies and practices.

In 2014 the ICMPD Asylum Programme focuses on three different indicative asylum topics:

- An Effective Asylum Responsibility Sharing Mechanism
- The EU Recast Asylum Legislation
- Asylum related migration via the Western Balkans

This thematic paper is the revised and extended version of a background paper written for a round-table discussion with ICMPD Member States on responsibility-sharing held in June 2014 and was published first in October 2014. In light of the recent discussion on the EU Commission proposal for a relocation mechanism as part of the European Agenda on Migration, the topic gained importance once more. Hence, we decided to republish this paper, having it updated with the most recent data and including the distribution key brought forward by the EC as part of the second implementation package of the European Agenda on Migration in September 2015.

The Authors

Martin Wagner is Programme Manager of the ICMPD Competence Centre for Asylum. He is a lawyer and an experienced trainer in the field of asylum, human rights and antidiscrimination for authorities and civil society actors working in the field of migration and asylum. He coordinated and implemented a number of capacity building and research projects in asylum and migration.

Albert Kraler is a Programme Manager and researcher at ICMPD's Research Programme. He has published widely on migration, including on migration and integration policy, irregular migration, family related migration, and migration statistics. He also teaches regularly at the Technical University of Vienna (Department of Spatial Planning) and the University of Vienna (Department of International Development).

Acknowledgments

We thank the participants for their contributions. All views expressed in this paper are nevertheless the sole opinion of the authors and do not necessarily reflect the opinion of individual ICMPD Member States or ICMPD as organisation. The authors are grateful to Roland Hosner and Paul Baumgartner, both ICMPD, for their advice and support in regard to the statistical data presented hereby.

International Centre for Migration Policy Development (ICMPD)
Gonzagagasse 1
A-1010 Vienna
Austria
www.icmpd.org

International Centre for Migration Policy Development, Vienna, Austria

All rights reserved. No part of this publication may be reproduced, copied or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission of the copyright owners.

The contents of this publication are the sole responsibility of ICMPD.

Recommended quotation: ICMPD, An Effective Asylum Responsibility-Sharing Mechanism; ICMPD Asylum Programme for Member States – Thematic Paper; October 2014, update October 2015.

An Effective Asylum Responsibility-Sharing Mechanism

ICMPD's Asylum Programme for Member States

Martin Wagner & Albert Kraler

Abstract

In the context of increasing numbers of asylum seekers in the EU and the tragic losses of lives of refugees and migrants on their way to the EU crossing the Mediterranean in mid 2013, the discussion about responsibility-sharing among EU countries has been revitalised. Countries that are particularly targeted by asylum inflows have called for a 'fairer' distribution of asylum seekers across the EU 28. Scholars have provided further considerations on potential distribution quotas that may well balance the relative share of asylum seekers.

The present paper first briefly summarises the debate on responsibility-sharing and looks into the different distribution models that were proposed in the past. The analysis also covers distribution models implemented at the national level. The different distribution keys are then compared with each other and matched against the *de facto* distribution in the period 2010–2014.

The starting point for all distribution models is the argument that only the incorporation of additional indicators such as population size, economic strength or size of the territory enables an assessment of the relative challenge asylum inflows pose to different countries. Whatever model is chosen, distribution models are useful in showing the discrepancy between the actual distributions of asylum seekers on the one hand, and the hypothetical distribution resulting from the incorporation of any of these additional parameters on the other. While some countries indeed take in higher numbers of asylum seekers than any quota would propose, others receive less. The comparison also shows that the actual differences between the different distribution keys are not that high. A discussion on responsibility-sharing thus should focus less on the type of key used and more on the distribution mechanisms and the potential of distribution keys for different policy purposes as such. For example, a distribution key could be used to better assess the asylum intake capacities of each EU MS that these should be required to provide. Thus, individual EU countries should prepare their national asylum system and reception capacity to host asylum seekers 'within their quota'. Instead of an expensive and logistically cumbersome physical relocation of already present asylum seekers, the disparities could be balanced by more often taking over responsibilities in resettlement (but also relocation, if necessary). In this way, the EU could not only better share responsibility within the EU, but could equally demonstrate increased responsibility-sharing at the international level.

Contents

1.	Introduction	7
2.	Responsibility-Sharing in the Field of Asylum	9
2.1.	Burden-sharing or responsibility-sharing?	9
2.2.	Solidarity	9
2.3.	Keys for responsibility-sharing in the EU	10
2.3.1.	Proposals for EU-wide distribution keys	11
2.3.2.	National dispersal schemes	12
2.4.	Examples of responsibility-sharing	13
2.4.1.	Physical relocation	13
2.4.2.	Sharing of costs	14
2.4.3.	Addressing causes for disproportionate distribution	16
2.4.4.	Making states responsible for assessing asylum claims	17
3.	Policy Options	18
3.1.	SWP distribution key applied to the EU 28	20
3.2.	Distribution key according to the German proposal of 1994	21
3.3.	German national distribution key applied to the EU 28	22
3.4.	Austrian distribution key applied to the EU 28	23
3.5.	Distribution key per GDP applied to the EU 28	23
3.6.	Distribution key proposed by European Commission on 09/09/2015	25
3.7.	Distribution – status quo (EU 28, asylum applications in 2014)	26
3.8.	Comparison of quota following different distribution models (in %)	26
3.9.	Comparison of quota following different distribution models	28
4.	Summary & Conclusions	29
	Summary	29
	Conclusions	30
	References	33

'Nine member states in the EU today receive 90% of all asylum applications annually but those nine states are starting to, well, become fed up.' (**Tobias Billström, Sweden's Immigration Minister, 3 March 2014**)

It's that they [Bulgarians] are quite frustrated that the EU is treating these Syrian refugees better than ordinary Bulgarians and expecting the Bulgarians to take care of these Syrians, when, in fact, there are more resources available in the Western European countries. (**Kristen Ghodsee, Director of Gender and Women's Studies Program at Bowdoin College and an expert in post-communist Bulgaria, SOFIA, Bulgaria – 13 January 2014**)

'The current EU and international legal framework, although not perfect, gives the EU and its Member States the instruments to prevent tragedies such as in Lampedusa last week, but the political courage is lacking.' (**Statement of Caritas Europa's Executive Board, 12 October 2013**)

'Italy has been left alone now, for more than eight months, to cope with the exceptionally large flow of migrants from North Africa to Europe. I think it is a duty of all EU member states to support the countries under a strong migration pressure. Immigration is a European issue and requires a European response.' (**Sonia Viale, the Italian immigration minister, 7 October 2011**)

'In a time when the Greek government is asking its people to make sacrifices which reduce massively their income in order to save the country from the financial crisis, it would be a paradox, and practically impossible for Greece by itself, to fund the improvement of reception conditions for illegal immigrants in the country.' (**Christos Papoutsis, the Greek minister for protection of citizens, 7 October 2011**)

'[Appeals for] burden-sharing out of Greece would have made sense, given that it's a country with a broken economy. Burden-sharing out of Malta makes sense because as a small island it can only receive so many people, but burden-sharing out of Italy, a prosperous country of 60 million people, doesn't make any sense whatsoever.' (**Bruce Leimsidor, a professor of asylum law at Ca' Foscari University in Venice**)

1. Introduction

As a principle, it is generally undisputed that the primary responsibility for protecting and assisting asylum seekers and refugees lies at the national level with the host state. The principle of burden-sharing should support and complement the primary responsibility of governments and involves the regional and international levels (UNHCR 2001). The 1951 Convention relating to the Status of Refugees acknowledged in its Preamble that ‘the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation.’ In this context, burden-sharing has been mainly seen as a tool for sharing responsibility in cases of mass influx of individuals seeking international protection. Traditionally, the discussion on burden-sharing has focused on two main approaches: financial support to host countries and physical resettlement of refugees.

Table 1: Brief overview of the discussion on responsibility-sharing

1951	➤ Preamble of the UN Convention Related to the Status of Refugees states that, ‘granting asylum may place unduly heavy burdens on certain countries implying the need for international cooperation’. ¹
1994	<ul style="list-style-type: none"> ➤ Germany received 460.000 asylum applications. ➤ Germany proposed the reception of asylum seekers according to a distribution key based on Member States’ population size, territory size and GDP (Council Document 7773/94 ASIM 124). ➤ The proposal was not accepted (mainly opposed by France and the UK).
1995	➤ Council Resolution of 25 September 1995 ‘on burden sharing with regard to the admission and residence of displaced persons on a temporary basis’ guides states in the event of a mass influx of protection seekers. It includes ‘the spirit of solidarity’, ‘equity of distribution’ and ‘harmonisation of response’.
1997	➤ The Amsterdam Treaty of October 1997, Art 63 (ex 73k) states that the Council shall adopt measures ‘promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons’.
2000	➤ Council Decision of 28 September 2000 established the European Refugee Fund: ‘to demonstrate solidarity between Member States by achieving a balance in the efforts made by those Member States’.
2001	➤ The 2001 Council Directive on Temporary Protection in the Case of Mass Influx contains a system of ‘double voluntarism’ (including the element of voluntary distribution on the side of the asylum seeker as well as the receiving state).
2007	➤ The Commission Green Paper on the future of the Common European Asylum System emphasises the ‘pressing need for increased solidarity in the area of asylum, so as to ensure that responsibility for processing asylum applications and granting protection in the EU is shared equitably’.
2010	➤ The European Parliament published the study <i>What System of Burden-Sharing between Member States for the Reception of Asylum Seekers?</i>
2011	➤ The European Commission issued a communication in December 2011 ‘on enhanced intra-EU solidarity in the field of asylum’ that seeks to create ‘an EU agenda for better responsibility sharing and more mutual trust’.
2015	➤ The European Agenda on Migration brought forward by the European Commission includes proposals for resettlement (from non-EU countries) and relocation (from EU MS) of refugees following a fair distribution mechanism. The Council Decision on an emergency relocation mechanism was adopted by the Council on 22.09.2015 by majority vote

¹ See also the 1969 Organisation of African Union (OAU) Convention Governing the Specific Aspects of the Refugee Problem in Africa, which states in Art II (4) that ‘Where a Member State finds difficulty in continuing to grant asylum to refugees, such Member State may appeal directly to other Member States and through the OAU, and such member State shall in the spirit of African solidarity and international cooperation take appropriate measures to lighten the burden of the Member State granting asylum.’

Both resettlement from and financial support to host countries have been part of parcel of responses to refugee emergencies ever since the emergence of the modern refugee regime after World War II, with an initial strong focus on resettlement. Thus, the US alone admitted some 400.000 displaced persons from Europe between 1949 and 1954. Resettling refugees also was the main mandate of the International Refugee Organization, a predecessor of UNHCR, and was the main focus of the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME, later IOM) established in 1951. In terms of financial support, the creation of the UN Refugee Emergency Fund 1952 to support host countries in responding to refugee emergencies was an important milestone (Loescher 2001).²

From a theoretical perspective, responsibility-sharing mechanisms have been interpreted as a form of insurance (Noll 2000), which creates predictability and allows states to calculate maximum costs in future crisis situations. In addition, Noll argues that responsibility-sharing 'will generate not only a maximum of fairness among states, but also a maximum of openness vis-à-vis protection seekers' (Noll 2000, p.265), precisely because future 'burdens' are distributed equitably among states and trust between states is enhanced.

Importantly, burden-sharing understood in a broader sense of addressing the unequal geographical distribution of refugees and asylum seekers has also been a prominent issue in the debate on the national level. Within states, burden-sharing relates to burden-sharing between sub-national entities (provinces and municipalities) and does not involve the international level. Nevertheless, the mechanism established to address burden-sharing within states is comparable to the principles of burden-sharing between states and/or those that have been brought into the discussion as a blueprint for possible mechanisms on the international level. At the national level, dispersal mechanisms were justified on the grounds that the concentration of asylum seekers in particular areas puts pressure on finite social goods, or creates social tensions – implying that financial transfers alone will not ensure an equitable distribution of the costs of receiving asylum seekers (Boswell 2003).

At the regional/EU level, the debate on burden-sharing emerged in the early 1990s when Germany received 460.000 asylum seekers. Germany asked other European countries to equally take responsibility in hosting asylum seekers and proposed a distribution key which was based on population size, size of the territory and GDP.³ The proposal was rejected, mainly by France and the UK. Nevertheless, this attempt to put a quota in place triggered a discussion about responsibility-sharing which has been on the agenda ever since.

Until 2009, the Treaty Establishing the European Community directed the EU legislative bodies to adopt measures 'promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees'.⁴ In the Lisbon Treaty, this article was repealed and replaced by the new Article 80, requiring that 'the principle of solidarity and fair sharing of responsibility, including its financial implications' govern all policies enacted under Articles 77 through 79 (regulating border checks, asylum and immigration).⁵ Article 80's prominent use of the term indicates that, whatever 'solidarity' means, it is intended as a guiding principle of the Common European Asylum System (CEAS) (McDonough 2012).

² While UNREF's focus was on refugee emergencies, it also supported long-term structures. Thus, the Austrian Integration Fund (Österreichischer Integrationsfonds, ÖIF) was established with support from UNREF and focused on the integration of refugees until the expansion of its mandate in 2002.

³ Council Document 7773/94 ASIM 124.

⁴ 28 Treaty Establishing the European Community, OJ C 325, Article 63(2)(b) (pre-Lisbon Treaty).

⁵ The Treaty of Lisbon amending the Treaty Establishing the European Union and the Treaty Establishing the European Community, 13 December 2007 ('Lisbon Treaty'), C306/1, Article 65.

2. Responsibility-Sharing in the Field of Asylum

2.1. Burden-sharing or responsibility-sharing?

As outlined in the introduction, the term ‘burden’ in the asylum context can already be found in the Preamble of the 1951 Refugee Convention and has been used since as a term referring to the resources required for processing asylum claims and hosting asylum seekers or refugees. Without a doubt, the hosting of asylum seekers and the processing of asylum claims demand resources, be they – among others – financial resources for accommodating asylum seekers or human resources to process asylum claims. However, the term ‘burden’ has also strong negative connotations.

In that context, civil society organisations and others have argued against the ‘widespread misperception that refugees necessarily place “burdens” upon their host societies’ (ECRE 2006). Similarly, in a study commissioned by the European Parliament, the authors recognised the fact that the debates on asylum seekers are mostly connected with the use of the term ‘burdens’ by politicians and media. They thus advocate to use the more neutral expression of ‘responsibility-sharing’ to avoid the potentially negative connotations that ‘burden’ may have on the understanding of Member States with regards to the reception of asylum seekers (European Parliament 2010, p 26).

We share these views. Indeed, individuals’ ability to access and enjoy international protection and the related obligation of states to provide such protection is a well-established principle of human rights under international and European law and should thus not be framed as a ‘burden’.

Against this background, the present paper follows the recommendation of the European Parliament Study (2010) and uses the term ‘responsibility-sharing’. The paper occasionally will refer to ‘burden-sharing’ when quoting from or describing past or ongoing discussions on this issue using this terminology.

2.2. Solidarity

The Oxford Dictionary defines solidarity as ‘Unity or agreement of feeling or action, especially among individuals with a common interest; mutual support within a group’.⁶ Solidarity is thus a concept fundamentally based on mutuality. In other words, solidarity requires that states are both willing to provide assistance to others, as well as willing to receive assistance from other states (Ramboll 2010).

As far as solidarity and responsibility-sharing are concerned, the Commission has, since its 2008 Policy Plan, always advocated a holistic and multifaceted approach and advocates using all the different tracks: the financial, the so-called physical and the material ones (Malmström 2010). To this end, the Commission proposes reinforcing intra-EU solidarity on asylum around four axes: practical cooperation and technical assistance, financial solidarity, allocation of responsibilities, and improvement of tools for the governance of the asylum system (COM (2011) 835 final).

However, solidarity must be coupled with responsibility. States must ensure that their systems are able to meet the standards set in international and European law, notably the 1951 Refugee Convention and its 1967 protocol, the European Convention on Human Rights, the Charter of Fundamental Rights of the EU and relevant secondary legislation on international protection. The need to ‘keep one’s house in order’ to avoid impacts on other Member States is a key aspect of solidarity (COM (2011) 835 final).

The solidarity debate historically has mostly been connected with events of ‘mass influx’ of displaced persons to a host country exceeding the capacities of this country to cope with the influx. As described above, the main impetus for more recent European debates on burden-sharing emerged because of the high disproportionate share of asylum seekers lodging applications in Germany in the early 1990s, although the Bosnian crisis and related large-scale displacement also played a role. Over time, the discussion shifted in the direction of an equal sharing of responsibilities among European countries. The Koso-

⁶ See <http://www.oxforddictionaries.com/definition/english/solidarity>.

vo crisis made the equal sharing of responsibilities again a major issue in European-level debates and was a major factor for the adoption of the temporary protection directive (Directive 2001/55/EC).

In the external dimension, the large-scale refugee crisis in Syria has reinvigorated the discussion on solidarity with countries of first asylum in regions of mass displacement. In this context, UNHCR and other organisations have strongly lobbied to increase resettlement capacities in industrialised countries. As a result, and also due to the fact that countries previously not engaging in resettlement have launched resettlement programmes, there has been an increase in resettlement to EU countries. In addition, the European Resettlement Network has been created, and the European Commission set up a joint Resettlement Programme in 2012, which Member States can join on a voluntary basis and which provides support to Member States engaged in resettlement.

Another aspect of the external dimension may be found in countries that border the European Union: countries along the traditional travel routes from the South via the Mediterranean migration routes or from the East, for example, via the Western Balkan migration route. While there is only little attention in the responsibility-sharing debate on this aspect of the external dimension, one could argue that the countries bordering the European Union still face higher burdens than they would need to carry if their geographic location would not require migrants to transit their territories to reach the EU.

At the EU level, it is equally evident that some Member States attract asylum seekers more than others. While differential asylum and reception standards are often made responsible for the different attractiveness of individual countries, available studies point to other factors as being much more decisive in explaining refugee flows, including migrant networks, the reputation of a host country, the historical ties or the language in the potential host country, to name but a few.⁷

With each enlargement adding new Member States, the face of the EU changes geographically. The EU also changes economically, given the disparities in the economic strength of the EU Member States. These changes certainly have a strong impact on cooperation and solidarity in asylum matters, or as it was put: 'Asylum cooperation is desirable, but it is less attainable, the more heterogeneous the affected countries are' (Czaika 2009, p 109).

But when must/can solidarity be invoked? What does the wording 'mass influx' mean? Does it have an objective or subjective (state specific) element? What do countries mean if they say: 'the national capacities for hosting asylum seekers exceeded'? Does this mean that the asylum-processing capacities can no longer cope? Or does it mean that the reception capacities have been reached or that the local population will not accept further hosting of asylum seekers in their neighbourhood? These questions thus seem to justify seeking possibilities to determine at what stage 'solidarity' should enter into effect.

2.3. Keys for responsibility-sharing in the EU

The following section focuses on the responsibility-sharing discussion. While resettlement is not included in the discussion, it is not difficult to imagine a combination of distribution of spontaneous arrivals and of resettlement cases.

On which basis should distribution of responsibilities be based? It may seem obvious that it cannot be the geographic location alone which determines the distribution, even if this is the only dispersal mechanism in place at the moment at the EU level (via the Dublin System and those countries that apply the Dublin Regulation). An equal distribution of the absolute number of asylum applications among EU MS evidently neglects their very different size and reception capacities. How could such a dispersal system thus be made 'fair'?

When looking into potential keys for distribution, Boswell distinguishes between 'justice-based' criteria (such as GDP, population size, size of the territory, number of refugees already present) and 'outcome-based' criteria (such as impact on inter-ethnic relations or a civil conflict, impact on internal security, impact on the protection or welfare of refugees) (Boswell 2003 a). 'Justice-based' criteria dominate in debates at the EU level, while the 'outcome-based' (or 'soft') criteria are virtually absent. These, however, do play a role in dispersal schemes at the national level.

⁷ See a summary of the discussion in Annex 1 to European Parliament 2010, p 154; also at Wagner/Platzer 2010.

2.3.1. Proposals for EU-wide distribution keys

There have been several proposals for a distribution key for asylum seekers and/or beneficiaries of international protection at the European or international level. Most schemes draw on two or more criteria and weight these according to perceived relevance. All schemes ultimately aim at a fairer distribution of individuals seeking international protection across different countries.

- The **1986 Danish proposal for a ‘comprehensive international approach’** concerned the resettlement of refugees from first countries of asylum. In the 41st Session of the United Nations General Assembly in 1986, Denmark proposed a global quota arrangement whereby countries participating in resettlement would be receiving resettled refugees based on population, population density and GDP. The proposal nevertheless did not indicate any weighting of the different criteria and was not followed up (IGC (1998), p 32).
- The **German proposal from 1994** recommended using a combination of three factors equally: 1) the size of the MS’s population as a proportion of the Union (1/3); 2) the size of the national territory as a proportion of the whole Union (1/3); and 3) the MS’s gross domestic product as a proportion of the whole Union (1/3).⁸ The proposal contained a table with indicative figures (distribution key), which according to the draft should have been revised every 5 years.
- The **Austrian proposal** argued for a division of states into size categories (small; middle-size and large) based on their weighting of votes in a certain forum – e.g. EU Council (IGC (1998), p 61).
- **Eurasylum/Ramboll 2010** compared four different models, where each was based on the same parameters but with a different weighting. All four models were based on the: 1) GDP per capita, 2) population, and 3) density. Model 1 equally weighted all three parameters (33,3/33,3/33,3); Model 2 applied a weighting of 40/40/20; Model 3 used a weighting of 60/30/10; and Model 4 applied a weighting of 30/60/10 (European Commission (2010)).
- The **SWP proposal (2013)** followed a multifactor approach that considered the economic strength (weighted at 40%), the size of population (weighted at 40%), the geographic area (weighted at 10%) and the unemployment rate (weighted at 10%) (Angenendt et al 2013).
- In the distribution key tabled by the EC under the European Agenda on Migration in May 2015, population size and GDP are weighted with 40% each, unemployment rate and asylum applications filed previously are each weighted with 10%. The Agenda’s second implementation package in September added a cap for the effect of unemployment and previous asylum applications, increasing the weighting of GDP and population size to more than 45% each.

A considerably different approach has been taken by the only existing responsibility-sharing mechanism in place at the EU level – the European Refugee Fund:

- From the overall ERF, each Member State receives a fixed minimum of 300.000 Euros (which could be raised to 500.000 Euros for new EU Member States). The remainder of the available annual resources is distributed among the Member States according to a specific key which considers: 1) the proportion of beneficiaries of international protection residing in the Member State admitted in the past three years (weighted with 30%) and 2) the proportion of the number of applicants for international protection and persons enjoying temporary protection according to Directive 2001/55/EC registered in the last three years (weighted with 70%).⁹

⁸ Draft Council Resolution on burden-sharing with regard to the admission and residence of refugees (Doc. No. 7773/94 ASIM 124).

⁹ The basis for the distribution of the ERF has changed over the years. The presented distribution mechanism is based on the last Council Decision on the European Refugee Fund: DECISION No 573/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013. The ERF in the meantime has been merged with the European Return Fund and the European Integration Fund to the Asylum, Migration and Integration Fund (AMIF).

2.3.2. National dispersal schemes¹⁰

While at the EU level the proposed distribution keys have been – if formally discussed at all – rejected, at the national level the distribution of asylum seekers has been an important element of national asylum systems for years.

- ➡ Germany has a distribution scheme based on total tax revenues and population numbers. Asylum seekers are distributed after an initial period in central reception facilities.
- ➡ Austria distributes asylum seekers mainly according to the population of the different *Länder* (provinces) based on an agreement between the federal government and provincial governments. If provinces fail in providing their share of accommodation facilities, the federal government has the right to establish accommodation for a number of refugees which amounts up to 1.5% of the inhabitants of any municipality.
- ➡ The United Kingdom bases the decision on indicators relating to integration, like the availability of housing, ethnic diversity, employment opportunities, etc. The UK dispersal scheme provides financial support and housing conditional on the willingness of asylum seekers to agree on the dispersal.
- ➡ In Finland, the municipalities voluntarily offer to accept asylum seekers. In turn, they receive financial compensation from the central government based on the bilateral agreements they have with the federal government.
- ➡ Sweden generally places the responsibility to choose a municipality on the asylum seeker. Only if the asylum seeker does not find a place by him/herself is a system of dispersal invoked.
- ➡ Similarly, in the French system the asylum seeker chooses the region him/herself. The respective region receives compensation from the central budget.

Although there are significantly different preconditions between national realities and those at the EU level (e.g. the economic situation at the national level is more equal than between different EU MS and certainly also the asylum system per se is harmonised compared to the asylum systems in different EU MS), there is still much to be learned from such national experiences for the international level. Particularly in terms of the mechanisms, solutions implemented in the framework of national dispersal schemes are comparable to policy options discussed at the European level. For this reason, it seems appropriate to test the application of national dispersal schemes at the European level to get a better picture about the status quo and to possibly answer the question of whether the CEAS in its current form (and without a dispersal mechanism in place) indeed leads to an unequal and unjustified distribution of asylum seekers across the EU Member States. In the section below on 'policy options', some of the above-mentioned national practices are applied to the European level. Additionally, proposals for the (re-)distribution of asylum seekers by policymakers and scholars at the EU level are equally looked at in comparative manner.

¹⁰ Summary based on Thielemann and Armstrong (2012), p 15 and Boswell 2003 b.

2.4. Examples of responsibility-sharing¹¹

Following the various approaches from the discussions around responsibility-sharing, there are four main options of responsibility-sharing discussed in the literature:

- physical relocation
- re-distribution of funds
- addressing the presumed root causes of the uneven distribution of asylum seekers between states
- making states responsible for assessing claims of asylum seekers who have illegally travelled through their territory.

Only the first two options qualify as responsibility-sharing in the traditional sense of addressing resource and cost challenges related to the differential distribution of asylum seekers. The third option focuses on some structural forces often believed to be important in the uneven distribution of asylum seekers, such as differential recognition rates or uneven reception standards. The fourth option, represented by the Dublin System, is based on a minimalist understanding of shared responsibility and arguably creates a strong incentive to step up policies against irregular border crossings so as to avoid responsibility. These options will be discussed in more detail below.

According to Boswell (Boswell 2003 b), three conditions can be identified to determine whether any of the options would be practically feasible or desirable:

- The efficiency of implementation: any of the dispersal schemes would require a (costly) system of calculation and (in case of physical distribution) considerable logistical difficulties.
- Willingness of asylum seekers and the local population: in order to avoid social tensions, any relocation would require a dispersal to a 'cluster area', i.e. ensuring that receiving communities had sufficient experience in integrating ethnic minorities.¹²
- Legitimacy of criteria: the legitimacy depends finally on the proposed quota system.

The following part summarises some reflections on the responsibility-sharing options as listed above and summarises some examples of these different options at the EU level, within the closer European neighbourhood and with regard to countries/regions of origin.

2.4.1. Physical relocation

Physical relocation of individuals from first countries of asylum and, to a lesser extent, from countries of origin, to safe third countries is a long-established practice. In the form of resettlement (i.e. relocation to safe third countries coupled with local integration in these countries), physical relocation is one of the three durable solutions promoted by UNHCR. In addition to long-term or permanent resettlement, temporary forms of relocation have complemented resettlement since the 1990s, notably in the context of the Kosovo crisis, during which an evacuation programme for Kosovar refugees from The former Yugoslav Republic of Macedonia was implemented (van Selm 2000). Physical relocation between EU Member States so far has only been tested.

Generally, physical responsibility-sharing involves the transfer of persons from one country to another. The physical re-distribution for the sole purpose of equal responsibility-sharing (without the element of finding durable solutions), however, raises a number of humanitarian questions and is also expensive and logistically cumbersome, notably if the status of individuals seeking international protection is yet to be clarified. It is no coincidence then that physical relocation has largely involved resettlement of individuals with a recognised claim for international protection.

One key question with regard to the physical relocation of persons is the level of involvement of the asylum seekers or refugees. Refugee rights groups argue that the asylum seeker/refugee must be strongly

¹¹ This section provides a brief overview of some responsibility-sharing mechanisms applied from an EU perspective. The section does not claim to be exhaustive, but seeks to outline some elements of responsibility-sharing. Furthermore, it does not include any responsibility-sharing or support provided by the international community (such as through UN programmes, in particular, assistance provided by UNHCR).

¹² See also the UK dispersal approach discussed in Christina Boswell 2003b.

involved in the decision on relocation/resettlement. In resettlement programmes focused on often unstable first countries of asylum or countries of origin, this is usually indeed the case. However, in dispersal mechanisms implemented at the national level, asylum seekers are mostly not included in such decisions or, in case of opposition against a dispersal option, risk losing some of the benefits provided under the national reception programmes (e.g. in UK, but also in Germany and Austria).

The second level of involvement refers to the receiving country – should the receiving country be able to ‘select’ the persons admitted to any of the possible relocation programmes? Empirically, this is the case and all international relocation programmes are thus based on the receiving country’s individual choice to admit or not admit a particular refugee, or, individuals from a particular category of persons, with the selection being partly delegated to UNHCR or other agencies implementing resettlement programmes on the ground. Again, national dispersal programmes differ and usually have a mandatory distribution key where opinions of sub-national entities are not systematically heard.

Examples for physical relocation:

The following examples of physical dispersal models are notable in current practice:

At the EU level:

- Relocation: physical sharing/relocation was mainly tested during EUREMA phase 1 and 2, a pilot project for intra-EU relocation and bilateral arrangements between EU MS and Associated Countries, on the one side, and Malta, on the other.¹³

In the external dimension with regard to regions of origin:

- Resettlement: besides local integration and return, UNHCR advocates for resettlement as the third option of durable solutions for refugees who neither can return nor integrate in the host country where s/he sought asylum.
- Humanitarian admission programmes: against the background of the current refugee crises in Syria, several countries have developed humanitarian admission programmes. Under such programmes, several EU countries have offered a certain amount of humanitarian admission places for Syrian refugees. These places are provided by a specialised admission programme implemented outside or in parallel to resettlement programmes.¹⁴
- Facilitating the legal entries: another example of the physical sharing of persons with protection needs has been initiated, for example, by Switzerland through a facilitated visa regime for Syrians who have family members residing in Switzerland.

In the external dimension with regard to EU ‘enlargement countries’:

- With regard to the closer European neighbourhood, this element of responsibility-sharing is hardly practiced.

2.4.2. Sharing of costs

Like in the case of physical burden-sharing, practices of financial burden-sharing have a long history extending back to the immediate post-war period, involving both unilateral programmes operated by individual states, notably the US, as well as multilateral instruments such as the UN Refugee Fund (UNREF). The latter’s creation helped to establish UNHCR as a major provider of humanitarian assistance to refugees and other populations of concern, which indeed makes up a large share of UNHCR’s global budget (See Loescher 2001). Historically, financial burden-sharing has mainly meant emergency assistance to countries of first asylum affected by large-scale refugee flows. UNREF, for example, has been

¹³ In the pilot project EUREMA, 12 EU MS participated and Associated Countries. Phase 1 relocated 227 persons. Some participating countries used national resettlement schemes and mainly favoured persons with refugee or subsidiary status and integration skills. Additional criteria were: family units, family ties in relocated countries, language skills, vulnerable cases, education and vocational skills, work experience and readiness for employment, members of the same minorities/ethnic groups present in the relocated country, willingness to relocate and no danger to the public order. See EASO (2012).

¹⁴ Austria initially admitted 500 Syrian refugees, Germany 10.000 and France around 500. These numbers were in the course of 2013/14 upgraded.

explicitly limited to refugee emergencies, and emergency assistance still accounts for a large part of UNHCR's global budget of 5.3 billion USD (2013).¹⁵ In addition to financial contributions, either directly to countries of first asylum or through contributions to agencies working with displaced persons in regions of origin, physical relocation sometimes also may involve cost-sharing. In a domestic setting too, there are different mechanisms in place regulating the sharing of costs, notably in terms of reception, between federal, provincial and municipal levels. These cost-sharing mechanisms may be based on general principles for the sharing of costs and redistribution of finances between different levels of government, but sometimes are based on specific arrangements.

None of the existing cost-sharing mechanisms on the international level is based on a systematic analysis and distribution of costs, but rather on individual assessments of (exceptional) needs. As a consequence, the reallocation of resources through currently existing mechanisms is highly uneven.

In the European Union context, cost-sharing on the basis of a more systematic analysis and distribution of costs in principle seems more attainable than on the global level. However, a major challenge is the lack of understanding of the costs of individual countries' asylum systems. While there are a number of studies that have attempted to assess the costs of some countries' asylum systems, or at least partially, (e.g. in relation to reception systems), data remains patchy and scarce. Two major underlying factors for the difficulty in estimating costs are: a) the significant differences in accounting practices amongst Member States and b) difficulties in conceptually defining asylum-related costs and subsequently attributing costs to the asylum system.¹⁶ However, it is safe to say that costs vary significantly among EU Member States, even if differences in the number of asylum seekers are accounted for. This variation in costs, in turn, reflects considerable differences in the economic capacity as measured, for example, by per capita income, as well as widely differing reception standards. While these are related to economic capacity, the differences also reflect the different approaches of Member States.

As a result of the lack of understanding of the costs of asylum systems, the debate on responsibility-sharing largely revolves around numbers of asylum seekers, and to a lesser extent, beneficiaries of international protection and financial support mechanisms that directly relate to these numbers.¹⁷ While such a focus on the overall distribution of applicants for or beneficiaries of international protection within the EU and beyond is adequate in terms of their equitable distribution, it misses important differences in state capacities to respond to inflows of individuals seeking international protection, including variations in reception conditions.

Examples for sharing costs:

The following examples of cost-sharing are notable in current practice:

At the EU level:

- The European Refugee Fund was established at the EU level as a mechanism for financial solidarity across the Union.¹⁸ Research conducted for the European Parliament concluded that the ERF is under-funded and its modest size limits its potential as an instrument of burden-sharing (European Parliament 2010, p 19, see also Thielemann 2005).

In the external dimension with regard to regions of origin:

¹⁵ See <http://www.unhcr.org/pages/49c3646c1a.html>.

¹⁶ While it is relatively straightforward to estimate specific costs (e.g. personnel of agencies exclusively dealing with asylum seekers or refugees, costs of running reception centres exclusively used for asylum seekers, etc.) there are related costs that hardly can be measured (such as costs of appeal systems, etc), as relevant institutions, procedures and ultimately cost items do not serve just a single purpose.

¹⁷ To date, there is no data on the stocks of beneficiaries of international protection for the European Union as a whole, although some data exists on the national level on sections of this population, notably persons receiving assistance/ accommodated in reception centres or other forms of provided accommodation.

¹⁸ In its first phase, the ERF aimed at refugees and people with subsidiary or temporary protection. In the first phase, Euro 187.541.160,68 were distributed. The second phase covered the period of 2005–2010 and included the idea of double incentives (a fixed amount provided for each relocated person (Euro 4.000 per relocated person) was subtracted from the global ERF fund before dividing it among the Member States). In the third phase, the ERF was put together with the Borders Fund and the Integration Fund under the 'Fund for Solidarity and Management of Migration Flows' with an overall budget of Euro 4020,37 million (Euro 699,37 million are dedicated to the ERF). The currently discussed Asylum, Migration and Integration Fund combines all three funds under one.

- The Support for Partnership, Reforms and Inclusive Growth (SPRING) programme for 2013 reflects the EU policy towards the Neighbourhood and its key principle of 'More for more' ('More for more' means that the more a country progresses in its democratic reforms and institution-building, the more financial support it can expect from programmes like the SPRING programme). SPRING 2013 is financed by the European Neighbourhood and Partnership Instrument.
- The European Commission's Humanitarian Aid and Civil Protection Department (ECHO) allocated more than €546 million or some 42% of its annual humanitarian aid budget in 2013 to projects assisting refugees and IDPs in 33 countries (European Commission 2014). As such, the European Union is also one of the main donors for UNHCR.¹⁹

In the external dimension with regard to EU 'enlargement countries':

- The Instrument for Pre-accession Assistance (IPA) is the means by which the EU supports reforms in the 'enlargement countries' with financial and technical support. As such, the programme aims at building up the capacities of the countries throughout the accession process, resulting in progressive, positive developments in the region. Migration and asylum is only one of many elements of this funding instrument and is not focused on sharing costs for hosting or processing asylum seekers in the narrow sense of 'responsibility-sharing', but offers financial support to, e.g. developing reception places and strengthening asylum-processing capacities in beneficiary countries of these funds. Currently IPA II is being programmed. In partnership with the beneficiaries, IPA II sets a new framework for providing pre-accession assistance for the period 2014–2020.

2.4.3. Addressing causes for disproportionate distribution

A mechanism addressing the causes for disproportionate distribution may consider the different pull factors that influence asylum seekers' choice of host country. The assumption is rather straightforward: if European countries applied the same standards, there would not be any preference with regard to the host country. Noll (2000) calls harmonisation of standards 'sharing of norms' and distinguishes this as a separate form of burden-sharing. As indicated above, asylum policymakers often focus on the potential pull factors that may arise from the asylum system (be it long processing times, social guarantees during the reception of asylum seekers, etc.). However, the literature argues that other pull factors are far more important.²⁰

Given that little can be done to influence pull factors such as social networks, historic ties, language, etc., more efforts have been put into harmonising the asylum systems. At the EU level, the Common European Asylum System project has received most of the attention in this area. In the external dimension in 'enlargement countries' as well as in the European Neighbourhood, targeted programmes are being financed by the EC to develop and enhance national asylum capacities.

¹⁹ The European Commission and the 27 EU Member States provide close to half of UNHCR's annual funding. EU Member states Denmark, Italy, Germany, the Netherlands, Sweden and the United Kingdom were all among the top 10 donors to UNHCR's worldwide programmes in 2008 (see <http://www.unhcr.org/pages/4a2cff03221.html>).

²⁰ See above under the chapter on 'solidarity'.

Examples for addressing the causes for disproportionate distribution:

The following examples of sharing responsibility that address causes for disproportionate distribution are notable in current practice:

At the EU level:

- The Common European Asylum System is based on harmonising asylum procedures, reception conditions and the qualification of asylum claims. Within the framework of the CEAS, there has been much cooperation among EU Member States, particularly with the establishment of the European Asylum Support Office (EASO).

In the external dimension with regard to regions of origin:

- The EU provides funding for capacity building projects in countries/regions that are in the process of developing their own capacities to deal with migration. Technical assistance is provided in different forms. The Regional Protection Programmes (RPP) can also be considered as responsibly-sharing activities of the EU in this respect.

In the external dimension with regard to EU 'enlargement countries':

- The EU implements technical assistance projects and provides funding for reconstruction projects, e.g. reconstruction of reception centres via IPA funds.
- The IPA funds twinning-type projects focussing on state-to-state cooperation at the bilateral level.

2.4.4. Making states responsible for assessing asylum claims

As already mentioned in the beginning of this paper, as a general principle, the country where the asylum seeker applied for protection is primarily responsible for processing an asylum claim. This principle has been further developed, notably through the 'safe third country' principle. While such a principle cannot be regarded as a burden-sharing mechanism in itself, it is often referred to as another element of responsibility-sharing. In particular, the first country of asylum principle establishes clear responsibilities to process asylum claims and to take back claimants for or beneficiaries of international protection in case of secondary movements, thus also potentially involving physical relocation.

Examples for 'making states responsible for assessing asylum claims':

The following examples of this type of responsibility-sharing are notable in practice:

At the EU level:

- The Dublin Procedure determines the country responsible for processing an asylum claim at the EU level. The system is often referred to as unfair, as it puts the burden on EU countries along the EU external borders (an assumption, which is not reflected in absolute numbers of asylum applications in countries along the EU external borders compared to those EU countries without an EU external border).

In the external dimension with regard to regions of origin:

- There is no specific mechanism.

In the external dimension with regard to EU 'enlargement countries':

- With EU enlargement countries, the 'safe third country' principle is discussed at times among EU Member States. This principle assumes that asylum seekers transiting through such countries could have already found protection there. In order for this principle to be applied, the protection system in the 'safe third country' must be at such a level that the asylum procedure is conducted in full compliance with the 1951 Refugee Convention. Despite many discussions, a common list of safe third countries has not been agreed upon at the EU level.

3. Policy Options

The numbers of asylum applications have fluctuated greatly over the past two decades. The numbers have gradually increased since 2006, when asylum levels in the EU had dropped to the level of the late 1980s. Several events in 2013 led to another steep increase of asylum applications, the trend continued in 2014 and particularly in 2015²¹ (see figure 1).

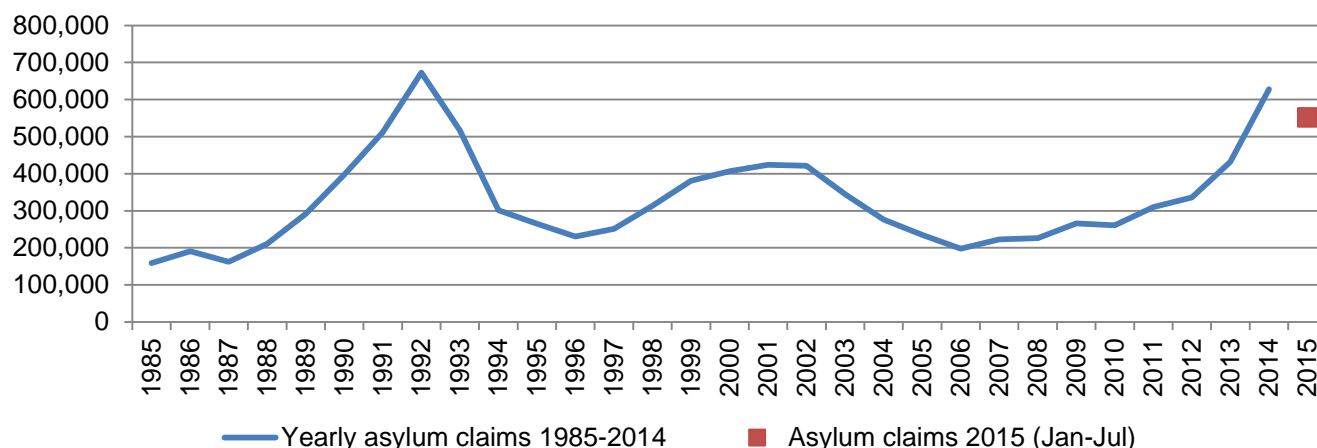


Figure 1: Asylum applications in the EU-28, 1985–2015. Source: Eurostat

With some countries being particularly affected, these developments have triggered a renewed discussion on an effective asylum responsibility-sharing mechanism at the EU level. While a number of documents have been adopted, there are only vague references to a ‘balance of efforts’ in a ‘spirit of solidarity’. Debates about a ‘fair distribution’ following a specific formula have been rather quickly squashed by Member States fearing ‘negative’ consequences, i.e. an obligation to accept a higher number of asylum seekers than is presently the case.

The recent publication by the Expert Council of German Foundations on Integration and Migration (SVR) titled ‘Pathways to Fairer Burden-Sharing’ reactivated the discussion on a possible formula for the distribution of asylum seekers among EU Member States. While asylum application statistics mainly consider the size of the receiving population as the main reference point from which to draw conclusions on the fair share of applications EU-wide, the SVR publication applied a multifactor model, including the economic strength, the size of the population, the size of the territory, and the unemployment rate of EU Member States.²²

Considerable experience in regard to balancing the distribution of asylum seekers has been obtained also at the national level. Some EU Member States apply national distribution quotas as a mechanism for re-distributing asylum seekers. In particular, the cases of Austria, Germany and the UK are of relevance in this regard. A significant difference in the national distribution systems in comparison with any EU-wide distribution system is evident: differences in economic terms as well as the asylum reception standards are considerably less pronounced on the national level compared to differences between EU Member States, although they too do exist.

To a certain extent, the models available derive from a national perspective, which is based on the presumption of a harmonised application of the asylum procedure for all applications for international protection on their territory. As such, the models mostly apply general parameters when designing a suggested quota. The distribution quota mainly looks at the size of the population and the strength of the economy (mainly based on the GDP of a country in comparison to the EU-wide GDP). In addition, other parameters are applied at times. Yet all of these considerations are based on the assumption of a functioning Common European Asylum System (CEAS). While there have been considerable achievements

²¹ Eurostat reported that 551.000 asylum applications were submitted in the first seven months of 2015, compared to 301.000 applications in the first seven months of 2014.

²² On the consequences on the distribution of asylum applicants according to this distribution quota, see below.

in harmonising the asylum systems of the EU Member States, the differences still cannot be neglected. Major differences, for example, exist in terms of recognition rates as well as in regard to reception conditions. In particular, the latter have a significant influence on the capacities of EU Member States to process asylum claims on their territory. Any asylum responsibly-sharing should only be considered and applied once the national asylum systems are at such a level that they are comparable across the EU and prevent asylum seekers from targeting potentially more favourable asylum countries and secondary movements (which are generally not at all taken into consideration in any of the asylum distribution schemes).

It is often argued that the Dublin System favours countries that do not have EU external borders, as those countries are responsible only when an asylum application has been lodged for the first time within the EU. At first glance, the statistics do not support this interpretation (see Charts 2 and 3 below). On the contrary, EU Member States without any external border host incomparably bigger numbers of asylum applicants than those countries along the EU external border. Still, whether the Dublin System is a supporting or rather impeding system for responsibility-sharing at the EU level could be researched more in detail.

Some of the suggested and discussed asylum distribution systems are presented below by applying them at the EU level. In order to allow comparison, the different distribution keys are applied to mean asylum application numbers from 2010 to 2014 and presented in a comparative manner. All distribution keys constitute percentages referring to the total number of asylum applicants. For example, a key for Germany of 15.8% percent means that – according to this particular distribution key – Germany should take responsibility for 15.8% of applicants in all EU 28 countries in any given year.

3.1. SWP distribution key applied to the EU 28

In 2013, the Expert Council of German Foundations on Integration and Migration (SVR) and the German Stiftung Wissenschaft und Politik (SWP) published a model for a 'fairer burden-sharing' based on a multidimensional distribution key. The SWP model considers the economic strength (weighted at 40%), the size of population (weighted at 40%), the geographic area (weighted at 10%) and the unemployment rate (weighted at 10%) (Angenendt et al 2013). The resulting distribution key (applied to the mean number of asylum applications in the EU 28 from 2010 to 2014) is shown in Table 1 below:

Member State	Key	De facto asylum applications (mean 2010–2014)	Quota based on key	Deviation from quota	
				in applications	in %
Austria	2.45%	17.710	7.900	9.810	124%
Belgium	2.46%	26.236	7.932	18.304	231%
Bulgaria	1.27%	4.305	4.095	210	5%
Croatia ¹	0.94%	765	3.031	-2.266	-75%
Cyprus	0.55%	1.856	1.773	83	5%
Czech Republic	1.94%	833	6.255	-5.422	-87%
Denmark	1.74%	7.421	5.610	1.811	32%
Estonia	0.50%	85	1.612	-1.527	-95%
Finland	2.14%	3.322	6.900	-3.578	-52%
France	13.11%	60.418	42.272	18.146	43%
Germany	15.80%	101.879	50.946	50.933	100%
Greece	2.09%	9.364	6.739	2.625	39%
Hungary	1.60%	13.526	5.159	8.367	162%
Ireland	1.28%	1.316	4.127	-2.811	-68%
Italy	10.78%	31.800	34.759	-2.959	-9%
Latvia	0.57%	236	1.838	-1.602	-87%
Lithuania	0.72%	501	2.322	-1.821	-78%
Luxembourg	0.76%	1.443	2.451	-1.008	-41%
Malta	0.50%	1.548	1.612	-64	-4%
Netherlands	3.98%	16.086	12.833	3.253	25%
Poland	5.19%	9.491	16.735	-7.244	-43%
Portugal	1.83%	336	5.901	-5.565	-94%
Romania	3.06%	1.631	9.867	-8.236	-83%
Slovakia	0.98%	506	3.160	-2.654	-84%
Slovenia	0.74%	313	2.386	-2.073	-87%
Spain	8.30%	3.768	26.763	-22.995	-86%
Sweden	3.22%	48.257	10.383	37.874	365%
United Kingdom	11.54%	28.806	37.210	-8.404	-23%
Total (EU 28)	100%	393.758			

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations.

For comparability reasons, numbers for asylum applications include all applications (first and consecutive), as some countries do not distinguish between these categories.

*Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

3.2 Distribution key according to the German proposal of 1994

The German proposal of 1994 recommended an equal share of: 1) size of population as a proportion of the Union (1/3); 2) size of national territory as a proportion of the whole Union (1/3); and 3) gross domestic product as a proportion of the whole Union (1/3) (Draft Council Resolution on burden-sharing with regard to the admission and residence of refugees (Doc. No. 7773/94 ASIM 124)). The resulting distribution key (applied to the mean number of asylum applications in the EU 28 from 2010 to 2014) is shown in Table 2 below.

Table 2: Distribution key based on German Proposal of 1994 applied to EU 28 asylum applications					
Member State	Key	De facto asylum applications (mean 2010–2014)	Applications based on key	Deviation from quota	
				in applications	in %
Austria	1.96%	17.710	7.730	9.980	129%
Belgium	1.92%	26.236	7.551	18.685	247%
Bulgaria	1.41%	4.305	5.567	-1.262	-23%
Croatia	0.82%	765	3.237	-2.472	-76%
Cyprus	0.17%	1.856	675	1.181	175%
Czech Republic	1.68%	833	6.611	-5.778	-87%
Denmark	1.32%	7.421	5.202	2.219	43%
Estonia	0.47%	85	1.836	-1.751	-95%
Finland	3.37%	3.322	13.270	-9.948	-75%
France	13.66%	60.418	53.779	6.639	12%
Germany	14.89%	101.879	58.646	43.233	74%
Greece	2.27%	9.364	8.948	416	5%
Hungary	1.61%	13.526	6.335	7.191	114%
Ireland	1.25%	1.316	4.925	-3.609	-73%
Italy	10.29%	31.800	40.517	-8.717	-22%
Latvia	0.67%	236	2.647	-2.411	-91%
Lithuania	0.77%	501	3.036	-2.535	-83%
Luxembourg	0.16%	1.443	634	809	128%
Malta	0.05%	1.548	184	1.364	743%
Netherlands	2.95%	16.086	11.612	4.474	39%
Poland	5.81%	9.491	22.897	-13.406	-59%
Portugal	1.83%	336	7.213	-6.877	-95%
Romania	3.45%	1.631	13.599	-11.968	-88%
Slovakia	0.90%	506	3.555	-3.049	-86%
Slovenia	0.38%	313	1.505	-1.192	-79%
Spain	9.60%	3.768	37.819	-34.051	-90%
Sweden	4.96%	48.257	19.522	28.735	147%
United Kingdom	10.69%	28.806	42.083	-13.277	-32%
Total		393.758			

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations.

For comparability reasons, numbers for asylum applications include all applications (first and consecutive), as some countries do not distinguish between these categories.

*Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

3.3 German national distribution key applied to the EU 28

Germany distributes asylum seekers among the German *Länder* following the 'Königstein Quota System'.²³ This system calculates a quota in relation to each Land, based on a combination of a Land's share in total tax revenues and the total population. The underlying idea is that poorer *Länder* should not bear the same burden as equally populous, but comparatively richer *Länder*. The Königstein Quota System consists of a weighted addition of population (1/3) and tax revenue (2/3). Applying the German model at the EU level, Thym (Thym 2013) comes to the following distribution key:

Table 3: Königstein distribution key applied to EU 28 asylum applications					
Member State	Key	De facto asylum applications (mean 2010–2014)	Quota based on key	Deviation from quota	
				in applications	in %
Austria	2,1%	17.710	8.269	9.441	114%
Belgium	2,7%	26.236	10.631	15.605	147%
Bulgaria	0,7%	4.305	2.756	1.549	56%
Croatia*	0,5%	765	1.969	-1.204	-61%
Cyprus	0,1%	1.856	394	1.462	371%
Czech Republic	1,5%	833	5.906	-5.073	-86%
Denmark	1,6%	7.421	6.300	1.121	18%
Estonia	0,2%	85	788	-703	-89%
Finland	1,3%	3.322	5.119	-1.797	-35%
France	14,7%	60.418	57.882	2.536	4%
Germany	19,1%	101.879	75.208	26.671	35%
Greece	1,7%	9.364	6.694	2.670	40%
Hungary	1,2%	13.526	4.725	8.801	186%
Ireland	1,1%	1.316	4.331	-3.015	-70%
Italy	12,0%	31.800	47.251	-15.451	-33%
Latvia	0,2%	236	788	-552	-70%
Lithuania	0,4%	501	1.575	-1.074	-68%
Luxembourg	0,3%	1.443	1.181	262	22%
Malta	0,1%	1.548	394	1.154	293%
Netherlands	4,2%	16.086	16.538	-452	-3%
Poland	4,5%	9.491	17.719	-8.228	-46%
Portugal	1,5%	336	5.906	-5.570	-94%
Romania	2,1%	1.631	8.269	-6.638	-80%
Slovakia	0,7%	506	2.756	-2.250	-82%
Slovenia	0,3%	313	1.181	-868	-74%
Spain	8,3%	3.768	32.682	-28.914	-88%
Sweden	2,7%	48.257	10.631	37.626	354%
United Kingdom	14,1%	28.806	55.520	-26.714	-48%
Total (EU 28)	100%	393.758			

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations.

For comparability reasons, numbers for asylum applications include all applications (first and consecutive), as some countries do not distinguish between these categories.

* Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

²³ The Königstein Quota System was developed as a cost-sharing mechanism for common projects of the *Länder* at the national level. Initially limited to being a financing research institution, it was later extended to a wide range of areas, including asylum.

3.4. Austrian distribution key applied to the EU 28

The asylum distribution system in Austria is solely based on the population size of the federal *Länder* compared to the overall population in Austria.²⁴ The resulting distribution key at the EU level (applied using the average population size and the average number of asylum applications 2010-2014) is shown in Table 4 below:

Member State	Key	De facto asylum applications (mean 2010-2014)	Quota based on key	Deviation from quota	
				in applications	in %
Austria	1,67%	17.710	6.560	11.150	170%
Belgium	2,19%	26.236	8.618	17.618	204%
Bulgaria	1,45%	4.305	5.711	-1.406	-25%
Croatia*	0,85%	765	3.331	-2.566	-77%
Cyprus	0,17%	1.856	661	1.195	181%
Czech Republic	2,08%	833	8.179	-7.346	-90%
Denmark	1,10%	7.421	4.349	3.072	71%
Estonia	0,26%	85	1.032	-947	-92%
Finland	1,07%	3.322	4.208	-886	-21%
France	12,91%	60.418	50.851	9.567	19%
Germany	16,15%	101.879	63.610	38.269	60%
Greece	2,19%	9.364	8.619	745	9%
Hungary	1,97%	13.526	7.748	5.778	75%
Ireland	0,91%	1.316	3.569	-2.253	-63%
Italy	11,81%	31.800	46.504	-14.704	-32%
Latvia	0,41%	236	1.600	-1.364	-85%
Lithuania	0,60%	501	2.355	-1.854	-79%
Luxembourg	0,10%	1.443	409	1.034	253%
Malta	0,08%	1.548	326	1.222	375%
Netherlands	3,31%	16.086	13.023	3.063	24%
Poland	7,53%	9.491	29.644	-20.153	-68%
Portugal	2,08%	336	8.197	-7.861	-96%
Romania	3,98%	1.631	15.670	-14.039	-90%
Slovakia	1,07%	506	4.210	-3.704	-88%
Slovenia	0,41%	313	1.601	-1.288	-80%
Spain	9,23%	3.768	36.343	-32.575	-90%
Sweden	1,88%	48.257	7.393	40.864	553%
United Kingdom	12,56%	28.806	49.437	-20.631	-42%
Total (EU 28)	100%	393.758			

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations.

For comparability reasons, numbers for asylum applications include all applications (first and consecutive), as some countries do not distinguish between these categories.

* Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

3.5. Distribution key per GDP applied to the EU 28

The following table measures the asylum applications (average 2010–2014) against the GDP (EU MS's mean share of the overall GDP of the EU 28 between 2010-2014).

²⁴ The costs of the asylum system in Austria are further divided between the federal government and the federal *Länder* in the following way. During the admissibility procedure (identification of the responsible country – Dublin), the federal government pays 100% of the costs. After distribution to the federal *Länder*, the costs are divided between the federal government and the *Länder* by a 60:40 calculation for a maximum of 12 months. After these 12 months, the federal government again takes 100% of the costs.

Table 5: Distribution key based on GDP share (mean 2010–2014) applied to EU 28 asylum applications					
Member State	Key	De facto asylum applications (mean 2010–2014)	Applications based on key	Deviation from quota	
				in applications	in %
Austria	2,34%	17.710	9.201	8.509	92%
Belgium	2,87%	26.236	11.286	14.950	132%
Bulgaria	0,29%	4.305	1.145	3.160	276%
Croatia*	0,34%	765	1.339	-574	-43%
Cyprus	0,14%	1.856	557	1.299	233%
Czech Republic	1,22%	833	4.802	-3.969	-83%
Denmark	1,87%	7.421	7.369	52	1%
Estonia	0,13%	85	495	-410	-83%
Finland	1,45%	3.322	5.714	-2.392	-42%
France	15,72%	60.418	61.905	-1.487	-2%
Germany	20,61%	101.879	81.140	20.739	26%
Greece	1,54%	9.364	6.048	3.316	55%
Hungary	0,77%	13.526	3.024	10.502	347%
Ireland	1,31%	1.316	5.159	-3.843	-74%
Italy	12,13%	31.800	47.775	-15.975	-33%
Latvia	0,15%	236	598	-362	-61%
Lithuania	0,24%	501	930	-429	-46%
Luxembourg	0,32%	1.443	1.255	188	15%
Malta	0,05%	1.548	210	1.338	635%
Netherlands	4,90%	16.086	19.295	-3.209	-17%
Poland	2,95%	9.491	11.617	-2.126	-18%
Portugal	1,33%	336	5.227	-4.891	-94%
Romania	1,01%	1.631	3.969	-2.338	-59%
Slovakia	0,54%	506	2.126	-1.620	-76%
Slovenia	0,28%	313	1.090	-777	-71%
Spain	8,17%	3.768	32.160	-28.392	-88%
Sweden	2,93%	48.257	11.530	36.727	319%
United Kingdom	14,42%	28.806	56.791	-27.985	-49%
Total (EU 28)	100%	393.758			

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; Eurostat (2015b): Gross domestic product (volume chain links); own calculations.

For comparability reasons, numbers for asylum applications include all applications (first and consecutive), as some countries do not distinguish between these categories.

* Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

3.6. Distribution key proposed by European Commission on 09/09/2015

In its second implementation package following the European Agenda on Migration, the European Commission presented the proposal for a relocation program for the benefit of Greece, Italy and Hungary, as well as a permanent crisis relocation mechanism under the Dublin system. The distribution key is composed of a 40%-contribution of GDP and population size each. Unemployment rate and previous asylum applications received are weighted with 10% each, but are capped in order not to exceed 30% of the GDP and population size effect.²⁵

Table 7: Distribution key for permanent relocation mechanism (EU Package 09/2015)					
Member State	Key	De facto asylum applications (mean 2010–2014)	Applications based on key	Deviation from quota	
				in applications	in %
Austria	2,05%	17.710	8.081	9.629	119%
Belgium	2,58%	26.236	10.140	16.096	159%
Bulgaria	0,92%	4.305	3.610	695	19%
Croatia*	0,61%	765	2.392	-1.627	-68%
Cyprus	0,16%	1.856	615	1.241	202%
Czech Republic	1,69%	833	6.641	-5.808	-87%
Denmark	1,53%	7.421	6.030	1.391	23%
Estonia	0,21%	85	840	-755	-90%
Finland	1,35%	3.322	5.313	-1.991	-37%
France	13,66%	60.418	53.805	6.613	12%
Germany	17,99%	101.879	70.828	31.051	44%
Greece	1,80%	9.364	7.089	2.275	32%
Hungary	1,39%	13.526	5.491	8.035	146%
Ireland	1,19%	1.316	4.669	-3.353	-72%
Italy	11,46%	31.800	45.113	-13.313	-30%
Latvia	0,30%	236	1.184	-948	-80%
Lithuania	0,45%	501	1.754	-1.253	-71%
Luxembourg	0,25%	1.443	966	477	49%
Malta	0,07%	1.548	294	1.254	427%
Netherlands	4,11%	16.086	16.173	-87	-1%
Poland	5,51%	9.491	21.687	-12.196	-56%
Portugal	1,75%	336	6.880	-6.544	-95%
Romania	2,65%	1.631	10.453	-8.822	-84%
Slovakia	0,85%	506	3.354	-2.848	-85%
Slovenia	0,36%	313	1.406	-1.093	-78%
Spain	8,51%	3.768	33.497	-29.729	-89%
Sweden	2,51%	48.257	9.871	38.386	389%
United Kingdom	14,12%	28.806	55.583	-26.777	-48%
Total	100%	393.758			

* Data for asylum applicants in Croatia for the five-year period is estimated based on data from 2013 and 2014.

²⁵ See: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/index_en.htm (accessed 10.09.2015)

3.7. Distribution – status quo (EU 28, asylum applications in 2014)

In 2014, according to Eurostat data, 627.780 applications for international protection were lodged in the EU 28. The applications were distributed among the Member States in the following way:

Table 6: Distribution of asylum applications (EU 28)							
Asylum applications (2014)				Asylum applications (mean 2010–2014)			
		De facto share	Numbers			De facto share	Numbers
1	Germany	32,31%	202.815	1	Germany	25,87%	101.879
2	Sweden	12,95%	81.325	2	France	15,34%	60.418
3	Italy	10,29%	64.625	3	Sweden	12,26%	48.257
4	France	10,24%	64.310	4	Italy	8,08%	31.800
5	Hungary	6,81%	42.775	5	United Kingdom	7,32%	28.806
6	United Kingdom	5,26%	33.010	6	Belgium	6,66%	26.236
7	Austria	4,47%	28.065	7	Austria	4,50%	17.710
8	Netherlands	3,91%	24.535	8	Netherlands	4,09%	16.086
9	Belgium	3,64%	22.850	9	Hungary	3,44%	13.526
10	Denmark	2,34%	14.715	10	Poland	2,41%	9.491
11	Bulgaria	1,76%	11.080	11	Greece	2,38%	9.364
12	Greece	1,50%	9.435	12	Denmark	1,88%	7.421
13	Poland	1,28%	8.025	13	Bulgaria	1,09%	4.305
14	Spain	0,89%	5.615	14	Spain	0,96%	3.768
15	Finland	0,58%	3.625	15	Finland	0,84%	3.322
16	Cyprus	0,28%	1.745	16	Cyprus	0,47%	1.856
17	Romania	0,25%	1.545	17	Romania	0,41%	1.631
18	Ireland	0,23%	1.450	18	Malta	0,39%	1.548
19	Malta	0,22%	1.350	19	Luxembourg	0,37%	1.443
20	Czech Republic	0,18%	1.155	20	Ireland	0,33%	1.316
21	Luxembourg	0,18%	1.150	21	Czech Republic	0,21%	833
22	Croatia	0,07%	450	22	Croatia	0,19%	765
23	Portugal	0,07%	445	23	Slovakia	0,13%	506
24	Lithuania	0,07%	440	24	Lithuania	0,13%	501
25	Slovenia	0,06%	385	25	Portugal	0,09%	336
26	Latvia	0,06%	375	26	Slovenia	0,08%	313
27	Slovakia	0,05%	330	27	Latvia	0,06%	236
28	Estonia	0,02%	155	28	Estonia	0,02%	85
	Total	100%	627.780		Total	100,00%	393.758

Sources: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations

3.8. Comparison of quota following different distribution models (in %)

The following table lists all distribution key models in an overview (the lowest values for each country marked in green, the highest in red):

	SWP model	German proposal 1994	German model (Königstein)	Austrian model (per population)	% of EU 28 GDP	Asylum applications in % (mean 2010–2014)	Distribution key for permanent relocation mechanism (EU Package 09/2015)
Austria	2,45%	1,96%	2,10%	1,66%	2,35%	4,50%	2,05%
Belgium	2,46%	1,92%	2,70%	2,17%	2,90%	6,66%	2,58%
Bulgaria	1,27%	1,41%	0,70%	1,46%	0,30%	1,09%	0,92%
Croatia	0,94%	0,82%	0,50%	0,85%	0,35%	0,19%	0,61%
Cyprus	0,55%	0,17%	0,10%	0,17%	0,14%	0,47%	0,16%
Czech Republic	1,94%	1,68%	1,50%	2,08%	1,19%	0,21%	1,69%
Denmark	1,74%	1,32%	1,60%	1,10%	1,90%	1,88%	1,53%
Estonia	0,50%	0,47%	0,20%	0,26%	0,13%	0,02%	0,21%
Finland	2,14%	3,37%	1,30%	1,07%	1,47%	0,84%	1,35%
France	13,11%	13,66%	14,70%	12,87%	15,77%	15,34%	13,66%
Germany	15,80%	14,89%	19,10%	16,22%	20,47%	25,87%	17,99%
Greece	2,09%	2,27%	1,70%	2,21%	1,66%	2,38%	1,80%
Hungary	1,60%	1,61%	1,20%	1,98%	0,77%	3,44%	1,39%
Ireland	1,28%	1,25%	1,10%	0,90%	1,29%	0,33%	1,19%
Italy	10,78%	10,29%	12,00%	11,75%	12,38%	8,08%	11,46%
Latvia	0,57%	0,67%	0,20%	0,41%	0,16%	0,06%	0,30%
Lithuania	0,72%	0,77%	0,40%	0,61%	0,24%	0,13%	0,45%
Luxembourg	0,76%	0,16%	0,30%	0,10%	0,33%	0,37%	0,25%
Malta	0,50%	0,05%	0,10%	0,08%	0,05%	0,39%	0,07%
Netherlands	3,98%	2,95%	4,20%	3,30%	4,71%	4,09%	4,11%
Poland	5,19%	5,81%	4,50%	7,60%	2,87%	2,41%	5,51%
Portugal	1,83%	1,83%	1,50%	2,09%	1,34%	0,09%	1,75%
Romania	3,06%	3,45%	2,10%	4,00%	1,03%	0,41%	2,65%
Slovakia	0,98%	0,90%	0,70%	1,07%	0,54%	0,13%	0,85%
Slovenia	0,74%	0,38%	0,30%	0,41%	0,28%	0,08%	0,36%
Spain	8,30%	9,60%	8,30%	9,23%	8,27%	0,96%	8,51%
Sweden	3,22%	4,96%	2,70%	1,86%	2,94%	12,26%	2,51%
United Kingdom	11,54%	10,69%	14,10%	12,48%	14,16%	7,32%	14,45%

3.9. Comparison of quota following different distribution models

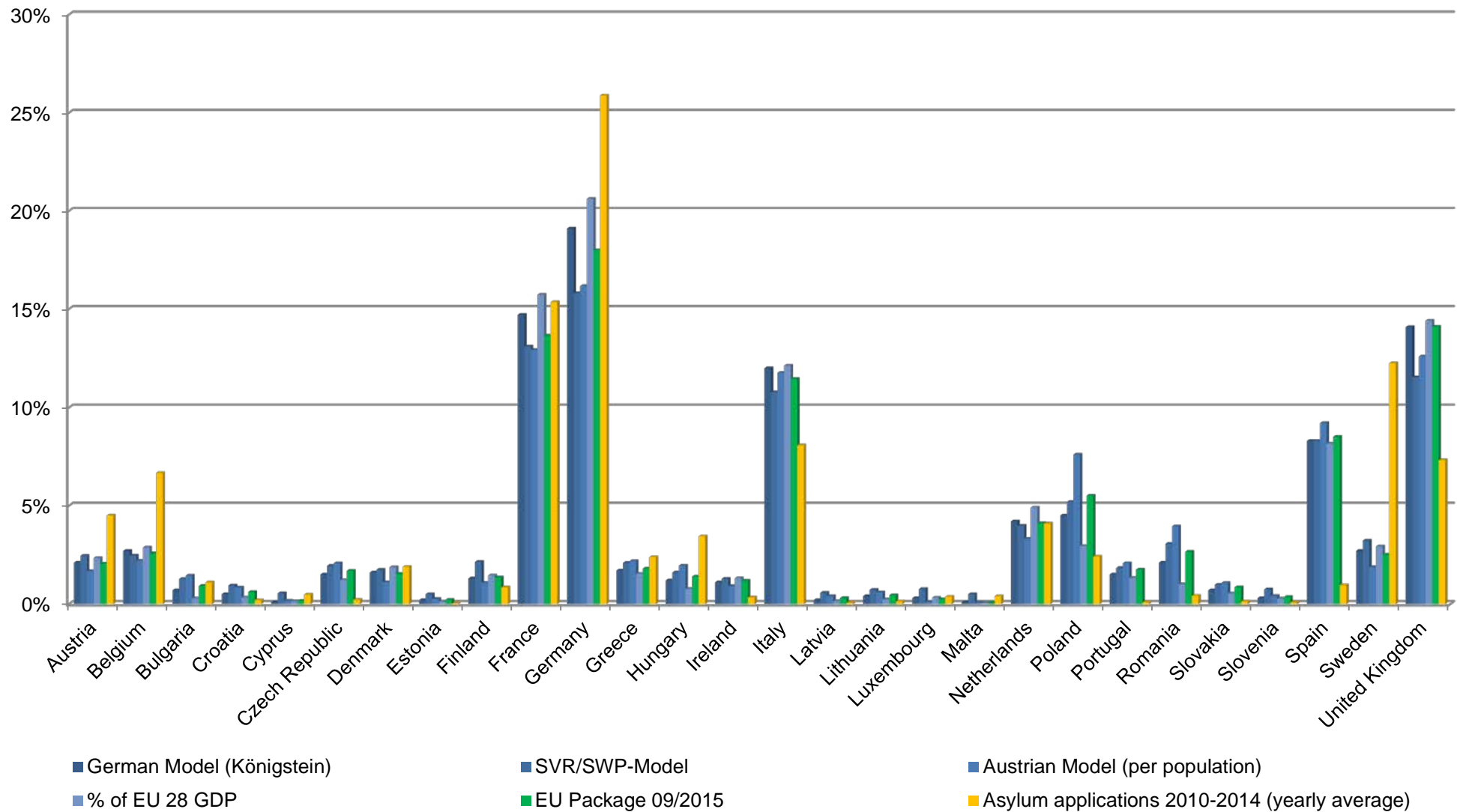


Chart 1: Comparison of the different quota following different distribution models

Source: Eurostat (2015): Asylum and new asylum applicants – annual aggregated data; own calculations

4. Summary & Conclusions

Summary

Responsibility-sharing has been on and off the political agenda at the European level over the past two decades or so. Not surprisingly, peaks in discussions coincide with peaks in asylum inflows. In 1994, against the background of more than 400.000 asylum applicants in Germany, Germany made a first proposal for a distribution key. Similarly, towards the end of the 1990s when they were experiencing the effects from the Kosovo crises, Austria, Germany and Sweden lobbied for the adoption of the temporary protection directive, which was widely also seen as an opportunity, if not an instrument, for 'burden-sharing'. Furthermore, some states, notably Austria and Germany, strongly favoured including a distribution key in the directive or making the implementation of the directive dependent on the adoption of an ad-hoc distribution key (Noll 2000, p.307f). With decreasing inflows after 2001, the debate equally ebbed until around 2011. Since then, with the numbers sharply rising again, responsibility-sharing has come back on the political agenda and has finally dominated the discussion about the future of the Common European Asylum System against the background of the rising numbers of deaths in the Mediterranean Sea and the change of policy towards interception and rescue at sea in the wake of the October 2013 tragedy in Lampedusa, in which more than 360 migrants died.

Looking at the history of responsibility-sharing, evidently those countries that receive the highest numbers of inflows are also the ones that make the strongest call for a 'fairer' distribution of responsibility among EU countries, while those countries that receive fewer asylum seekers are less prominently involved or are more likely to oppose any burden-sharing mechanisms. The latter suggests that solidarity and responsibility-sharing, even if regularly referred to with phrases such as 'in a spirit of solidarity' or 'a balance of efforts', is almost absent from the Common European Asylum System. Past and ongoing projects and pilot initiatives nevertheless show that there are numerous examples for 'lived' responsibility-sharing, even if their impact at present is modest. Examples include the establishment of the European Asylum Support Office (EASO), the European Refugee Fund, the relocation pilot projects EUREMA or the emergency support provided to Member States that cannot cope with asylum inflows, such as most recently Bulgaria and Greece. To some extent, the very project of a Common European Asylum System can be seen as a step towards responsibility-sharing. In the external dimension, solidarity is reflected in initiatives for capacity building and initiatives to support countries in the region or along the migration routes to better cope with the asylum caseload.

While there is in principle a wide range of parameters that could be used to determine a 'fair' quota, the size of the population, the gross domestic product (as a measure of wealth) and the size of the territory are the three most often used criteria, which, in the literature are sometimes also labeled 'objective' criteria. Some studies, including the SWP study, have used additional criteria. These parameters are often combined to further emphasise their greater or lesser importance with the aim to best reflect the heterogeneous composition of the Member States of the EU. In addition to the (more) academic testing of different criteria for a hypothetical burden-sharing model, several EU Member States have been applying dispersal mechanisms based on some form of distribution key for many years.

A comparison among the different proposed dispersal keys shows that there is relatively little difference between the keys. For three bigger countries of the EU (Germany, Poland and the United Kingdom), the biggest margin between the five tested distribution keys is highest, ranging between 3.48% and 5.60%. For another six countries, the margin lies between 1.50% and 3%. For the remaining 19 countries, the maximum difference ranges between 0.15% and 1.30%.

It is evident from the comparison of the different distribution keys with the status quo that the margin is rather big for some countries. Austria, Belgium, France, Germany, Greece, the Netherlands and Sweden receive more asylum seekers than any of the distribution quotas would suggest, while countries like Croatia, the Czech Republic, Estonia, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and the UK receive less asylum seekers than any of the distribution keys would suggest. The margins are partly huge and partly low to insignificant. The remaining countries receive a number of asylum seekers within the margin of the different applied distribution keys.

An interesting observation may also be drawn from the comparison of the ERF distribution compared to the distribution of asylum seekers between 2010 and 2014. Although the ERF distribution key mainly considered the number of applications for international protection (weighted with 70%), the resulted key differs highly from the asylum applications 2010–2014. This high discrepancy suggests that the flows change rather quickly.

Conclusions

The scope of responsibility-sharing

Temporary European asylum policies and the Common European Asylum System have put the focus on asylum seekers present, rather than on displaced persons with the greatest need in the regions. At the same time, the disparity between the costs and abuse of developed asylum systems, and the level of attention paid to refugee situations in poorer countries, has become increasingly apparent. Also apparent is that many hundreds of people desperate to enter Western countries are dying each year in the attempt to circumvent increasingly tough border controls or risking dangerous migration routes like the Mediterranean by using insecure means of transportation. Considerations of a fair distribution of asylum seekers among EU Member States are thus hardly suited to have an impact on those in need. Responsibility-sharing thus may be better realised when also taking the EU external dimension into account, for example, by linking EU-wide distribution mechanisms with increased resettlement initiatives.

Distribution keys

A comparison of the status quo with different distribution keys clearly show that some countries receive more asylum seekers and other countries less than a distribution key based on different parameters would suggest. A comparison further shows that the absolute numbers of asylum seekers in host countries only little reflect whether such a distribution would be fair or not. To determine whether the distribution is fair, any proposed key must be based on indicators which in one way or the other reflect the heterogeneous composition of the Member States of the EU.

The margin between the different distribution keys is lower than the margin between any of the keys compared with the status quo. While the different indicators used may favour one country while disadvantaging the other, any applied key seems ‘fairer’ than the status quo.

However, which indicators to be used or how they should be weighted is ultimately an arbitrary decision. For example, one could argue that economic capacity should play a more important role than the ratio of asylum seekers to the population, and hence should be weighted differently. Additional factors could also be considered, for example, the risk-at-poverty rate, which is an important indicator of social exclusion, or other measures of inequality, like the Gini coefficient.

In a study conducted by the IGC in 1998, the authors argued that states would not likely adhere to a burden-sharing mechanism without having a sense of security and predictability about how the scheme would operate, which only can be provided by a general applicable form of measurement (IGC (1998), p 59). At the same time, the research also suggested that such a system would require a great deal of flexibility, which, according to the authors, ‘seemed to be the basic point where former attempts to set burden-sharing mechanisms have stranded’ (IGC (1998), p 59). In following this argument, it may be added that, irrespective of the mechanisms that potentially may be proposed at some point, the system must be easily adaptable taking (annually) into account any changing realities and developments as regards the asylum inflow as well as the specific economic and similar developments in the different EU MS.

Advantages of a distribution key

- In the absence of a ‘fair’ quota system for responsibility-sharing, countries (particularly those that in the past received large numbers of applicants) may start a race to the bottom regarding the standards of the national asylum system in order to deter asylum seekers from (further) arriving in their territory.
- A quota system would allow EU MS to better plan the resources available to host a certain number of applicants as indicated by a fair key. As such, the Member States may rely on the fact that they –

once they fulfill their quota – would receive support from other EU Member States in the spirit of solidarity.

- A quota system would assure countries whose national resources are tight that they would be supported by other countries if the quota is reached.
- A quota system may also bring to an end the culture of blaming and shaming at the EU level between countries that receive high numbers of applicants and countries that receive low numbers of applicants.

Disadvantages of a distribution key

- Irrespective of the parameters used, any distribution key will be highly contentious. In particular, for Member States who receive relatively few asylum seekers, there is little incentive to agree on accepting a bigger responsibility than is the case today.
- Any distribution key will still need to be implemented and enforced. How could states be forced to fulfill their obligation? Considering recurrent debates on the distribution quota at the national level in some countries where dispersal schemes exist, it is unlikely that relocation mechanisms would be easily agreed upon at the EU level.

Sharing of responsibility

Irrespective of the discussion about the type of distribution key, another discussion that needs to be held refers to the consequences of a quota system: how would the responsibility be shared in the last instance? Would asylum seekers be relocated (physical responsibility-sharing?) Would the costs be shared (financial responsibility-sharing)? Or would any other type of responsibility-sharing be developed?

While any discussion around responsibility-sharing ultimately leads to physical- or financial-sharing, it can and does not address the (partly huge) economic differences among EU and non-EU countries. As long as these differences are that significant, they constitute strong pull factors, irrespective of whether the asylum system per se would be harmonised or not. This will not prevent asylum seekers from targeting specific EU countries and may also trigger secondary movements.

Moreover, there are also other more fundamental flaws of possible (re)distribution mechanisms, if the desired remedy is the physical relocation of individuals seeking international protection. Thus, any distribution key will not change one of the fundamental principles of the Dublin System, namely that a single country is responsible for adjudicating an asylum claim and that relocation of at least some of the asylum seekers (either as a corrective measure, as in the Dublin System, or before examining asylum claims) will be a necessary element of such a system. In a sense, some of the problems associated with the Dublin System would actually be exacerbated: while the Dublin System provides clear rules on where asylum claims of particular individuals are to be examined, a distribution scheme will have to establish criteria for which individuals are to be selected for relocation and to which country. There are no obvious criteria, and any relocation to – from the perspective of asylum seekers – less desirable countries is likely to be considered unfair and therefore likely to be resisted by asylum seekers. There has, so far, also not been any discussion on the logistical and financial implications of applying a distribution key.

A systematic application of a distribution key is therefore likely to create new challenges and is ill-suited to addressing existing challenges. On the other hand, an agreed distribution key on the level of the European Union could still provide a useful and transparent yardstick for adopting relocation schemes for particularly affected EU countries, for redistribution of relevant financial resources or for common resettlement schemes at the EU level.

Final conclusions:

- The discussion about responsibility-sharing is important for reminding countries of their responsibility in dealing with seekers of international protection in the spirit of solidarity.

- The distribution key is a useful tool to show the differences among states and to what extent states take responsibility for asylum seekers in the spirit of solidarity.
- A distribution key, which includes several different parameters, may have more chances for political support, as it may better reflect the different realities of countries concerned (e.g. the small size of territory, the economic situation, the size of the population, etc).
- A distribution key may give clear indications as to the numbers of annual asylum claims that the national asylum systems should be prepared to host and process in line with European and international standards. It could make the management of the asylum system more predictable and would assure the Member States that if the agreed quota is reached, other states will step in and provide support.
- Any attempt to systematise responsibility-sharing arrangements should ensure that the flexibility, which is necessary to such mechanisms, is not lost.
- In dealing with responsibility-sharing from an asylum perspective, other migration areas should not be forgotten. By closing all legal paths of immigration to the EU and concentrating on fighting abuse of the asylum system, the EU treats only the consequences of overburdened asylum systems and does not address their causes.

References

- Angenendt, Steffen; Engler, Marcus and Schneider, Jan (2013): Pathways to Fairer Burden-Sharing; European Refugee Policy; German Institute for International and Security Affairs, 2013; at: http://www.svr-migration.de/content/wp-content/uploads/2013/12/European-Refugee-Policy_SVR-FB.pdf
- Boswell, Christina (2003a): Burden Sharing in the New Age of immigration, MPI, 2003 at: <http://www.migrationpolicy.org/print/4805#.U33cs1eic2U>
- Boswell, Christina (2003b): Burden-Sharing in the European Union: Lessons from the German and UK Experience, Journal of Refugee Studies Vol. 16. No 3 2003.
- COM(2011) 835 final: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on enhanced intra-EU solidarity in the field of asylum - An EU agenda for better responsibility-sharing and more mutual trust; Brussels, 2.12.2011; COM(2011) 835 final; access at: http://ec.europa.eu/home-affairs/news/intro/docs/201112/1_EN_ACT_part1_v6.pdf
- Czaika, Mathias (2009): Asylum Cooperation among Asymmetric Countries – The Case of the European Union, European Union Politics (EUP), 2009 Volume 10 (1); 89 – 113.
- EASO (2012): Fact Finding Report on intra-EU relocation activities from Malta, July 2012.
- ECRE (2005): The Way Forward; Europe's role in the global refugee protection system Towards Fair and Efficient Asylum Systems in Europe, at: <http://www.ecre.org/component/downloads/downloads/96.html>, accessed on 26.05.2014
- ECRE (2006): Position of the European Council on Refugees and Exiles on Sharing the Responsibility: Protecting Refugees and Displaced Persons in the Context of Large Scale Arrivals, 2006; access at <http://www.refworld.org/docid/403a40744.html>
- European Commission (2010): Study on the feasibility of establishing a mechanism for the relocation of beneficiaries of international protection JLX/2009/ERFX/PR/1005. The study was commissioned by the European Commission and conducted by Ramboll and Eurasyllum.
- European Commission (2014): European Commission, Humanitarian Aid and Civil Protection - ECHO Factsheet – Refugees and internally displaced persons – 2014 at http://ec.europa.eu/echo/files/aid/countries/factsheets/thematic/refugees_en.pdf, (accessed on 01.08.2014).
- European Parliament (2010): What System of Burden Sharing Between Member States for the Reception of Asylum Seekers? Study conducted by Matrix, 2010, accessible at: <http://www.europarl.europa.eu/studies>
- Eurostat (2015): Asylum and new asylum applicants - annual aggregated data. http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/main_tables#, accessed on 09. 9. 2015.
- Eurostat (2015b): GDP and main components: chain linked volumes (2010), [Database](#) accessed on 11. 09. 2014.
- IGC (1998): Intergovernmental Consultations on Asylum, Refugees and Migration Policies in Europe, North America and Australia: "Study on the Concept of Burden-Sharing", March 1998.
- Loescher, Gil (2001): The UNHCR and World Politics. A Perilous Path. Oxford
- Malmström (2010): Malmström Cecilia Member of the European Commission responsible for Home Affairs Establishing the Common European Asylum System by 2012 – an ambitious but feasible target Ministerial Conference "Quality and Efficiency in the Asylum Process" Brussels, 14 September 2010; European Commission - SPEECH/10/425 14/09/2010; accessed at: http://europa.eu/rapid/press-release_SPEECH-10-425_en.htm?locale=en
- McDonough, Paul (2012): Putting solidarity to the test: assessing Europe's response to the asylum crisis in Greece; NEW ISSUES IN REFUGEE RESEARCH – Research Paper No. 2, 31, January 2012 accessed at: <http://www.unhcr.org/4f269d5f9.pdf>

- Noll, Gregor (2000): Negotiating Asylum. The EU Acquis, Extraterritorial Protection and the Common Market of Deflection. The Hague, Boston, London.
- Noll, Gregor (2003): Risky Games? A theoretical approach to Burden Sharing in the Asylum Field, Journal of Refugee Studies, Vol. 16, No. 3, 2003
- Ramboll (2012): Discussion Paper on Intra-European Solidarity – EU Ministerial Conference on Asylum, 13-14 September 2010, Brussels
- Thielemann, Eiko and Armstrong, Carolyn (2012): Evaluating the Prospects for Enhanced Solidarity in the Common European Asylum System, Swedish Institute for European Policy Studies, European Policy Analysis October 2012:15. Accessed at: http://www.sieps.se/sites/default/files/2012_15epa_0.pdf
- Thielemann, Eiko (2004): Why Asylum Policy Harmonisation Undermines Refugee Burden-Sharing, European Journal of Migration and Law 6: 47–65, 2004.
- Thielemann, Eiko (2005): Symbolic Politics or Effective Burden-Sharing? Redistribution, Side-payments and the European Refugee Fund, Journal of Common Market Studies 43(4): 807-824, 2005.
- Thym, Daniel (2013): Germany's Domestic „Königstein Quota System“ and EU asylum policy, VerfBlog, 2013/10/11, <http://www.verfassungsblog.de/en/germanys-domestic-koenigstein-quotasystem-and-eu-asylum-policy/>
- UNHCR (2001): Burden-Sharing - Discussion Paper Submitted By UNHCR Fifth Annual Plenary Meeting Of The Apc, 2001 at: <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/17.html>
- UNHCR (2014a): Providing for Protection Assisting States with the assumption of responsibility for refugee status determination A preliminary review (accessed at <http://www.unhcr.org/53314b7a9.html> on 07.08.2014)
- UNHCR (2014b): Asylum Trends 2013. Levels and Trends in Industrialized Countries. Geneva.
- United Nations (2014): Syria Regional Response Plan. Turkey. <http://www.unhcr.org/syriarrp6/docs/syria-rrp6-turkey-response-plan.pdf#B>; accessed on 10. 7. 2014.
- Van Selm, Joanne (2000): Kosovo's Refugees in the European Union. London, New York, 2000.
- Wagner/ Platzer (2010): BENCHMARKSTUDIE – Praxis im Asylbereich in Dänemark, Grossbritannien und der Schweiz im Vergleich und betreffend Gesuchsteller aus den Herkunftsländern Irak, Somalia und Eritrea, 2010 at <http://www.ejpd.admin.ch/content/dam/data/migration/berichte/forschung/benchmarkstudie-DNK-GBR-d.pdf>

* * * * *