

Institution: London School of Economics and Political Science
Unit of Assessment: 21: Politics and International Studies
Title of case study: More equitable and humane asylum policies in the European Union
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Dr Eiko Thielemann is Director of the LSE's Migration Studies Unit (MSU). His research into asylum policy in the EU has shown that certain key policies have undermined efforts to share responsibility for the over six million asylum seekers that have entered Europe over the past two decades. MSU's policy recommendations and Thielemann's involvement in the policymaking process have helped shift the debate away from an over-reliance on EU policy harmonisation towards the adoption of new burden-sharing instruments. By providing robust analysis in an emotive policy area, the MSU's research has contributed to the development of more equitable and effective policies that have helped some of the world's most vulnerable individuals to find protection from persecution.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p><i>Research Insights and Outputs:</i> Thielemann's research on the effectiveness of refugee burden-sharing [1] is embedded in the 'International Migration Policy and Law Analysis' (IMPALA) project, a collaboration between LSE, Harvard University, Sydney Law School and the Universities of Amsterdam and Luxembourg. IMPALA collects comparative data on immigration and refugee policies and develops policy indices that have enabled new research into the management of migration flows. MSU's research on refugee burden-sharing in Europe has generated concrete policy recommendations centred on three EU policy priorities: (i) regulatory harmonisation (sharing policy); (ii) financial compensation (sharing money) and iii) physical relocation (sharing people).</p> <p><i>i) Regulatory harmonisation: The need for complementary burden-sharing instruments</i> Dr Thielemann's research on the determinants of asylum flows has demonstrated that the EU's attempts to achieve equitable refugee burden-sharing through policy harmonisation has been fundamentally flawed. The research found that even if Europe succeeded in harmonising national policies, the unequal distribution of asylum burdens would persist given differences in the 'structural pull factors' of European states. Current EU initiatives neglect the underlying causes of asylum and undermine Member States' ability to use distinctive policy tools to counteract the effect of structural factors that influence the distribution of burdens in this area. By so doing, they tend to undermine rather than advance the goal of equitable burden-sharing [1]. This research has established the need for improved, complementary, burden-sharing initiatives for financial and physical burden-sharing (relocation) [2].</p> <p><i>ii) Financial burden-sharing: The need for a new European Refugee Fund</i> Dr Thielemann's analysis of the European Refugee Fund (ERF), led to the publication of a special issue of the <i>Journal of Common Market Studies</i>, which he co-edited [3] and a research report commissioned by the European Parliament, which Thielemann co-authored [4]. This research found that the ERF remains highly ineffective as a financial compensation mechanism, and that its allocation rules restrict its burden-sharing impact and undermine the fund's ability to encourage Member States to enhance their refugee protection efforts [3]. On the basis of this finding, the EP report proposed a reformed 'capacity-based funding model' that would potentially be more effective than a per application compensation mechanism. This work argued that ultimately only the physical relocation of asylum seekers would make a significant contribution to a more equitable distribution of asylum costs across Member States [see also 6].</p> <p><i>iii) Physical relocation: The need for a revised internal resettlement mechanism</i> Research by Dr Thielemann has found that the EU's principal instrument for the physical relocation of asylum seekers, the Dublin II Regulation, encourages burden-shifting towards Member States located on the external borders of the European Union, because it allocates the final responsibility for asylum seekers to the country through which they first entered the EU [5]. The research also</p>

warns against a reliance on voluntary relocation mechanisms [2]. The ineffectiveness of such instruments became tragically evident during the Libyan crisis, reinforcing the MSU's findings that some form of automatic (binding) relocation of refugees, based on Member States' capacities, is necessary to achieve more effective burden-sharing.

Key Researchers: Thielemann has been at LSE since 2000; Dewan has been at LSE since 2003.

3. References to the research (indicative maximum of six references)

1. E.R. Thielemann (2004) 'Why European Policy Harmonization Undermines Refugee Burden- Sharing', *European Journal of Migration and Law*, 6, 1, 43-61. DOI: 10.1163/1571816041518769
2. E.R. Thielemann and T. Dewan (2006) 'The myth of free-riding: Refugee protection and implicit burden-sharing'. *West European politics*, 29, 2, 351-369 DOI: 10.1080/01402380500512742
3. E.R. Thielemann (2005) 'Symbolic Politics or Effective Burden-Sharing? Redistribution, Side- Payments & the European Refugee Fund', *Journal of Common Market Studies*, 43, 4, 807-24. DOI: 10.1111/j.1468-5965.2005.00597.x
4. EP (European Parliament) (2010) *What system of burden sharing between Member States for the reception of asylum seekers?* Final Report for the Directorate General for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Civil Liberties, Justice and Home Affairs, IP/C/LIBE/IC/2008-049, 30.10.09 (lead academic author: E.R. Thielemann).
5. E.R. Thielemann and C. Armstrong (2012), 'Understanding European Asylum Cooperation under the Schengen/Dublin System: A Public Goods Framework', *European Security*, online, 1- 17. DOI: 10.1080/09662839.2012.699892
6. E.R. Thielemann (2003) 'Between Interests and Norms: Explaining Patterns of Burden-Sharing in Europe', *Journal of Refugee Studies*, 16, 3, 253-73. DOI: 10.1093/jrs/16.3.253

Evidence of quality: five publications in peer-reviewed international journals. For the research projects outlined in section 2, the LSE component of the IMPALA consortium [Thielemann as PI] secured major funding from the European Parliament (EURO 350,000) and the Australian Research Council (AUS\$320,000).

4. Details of the impact (indicative maximum 750 words)

Nature of the Impact: The influence of MSU's research on EU policymaking debate and practice on refugees can be traced through its direct interactions with policymakers and in the way pre-legislative policy reports have used its research findings. MSU's research has shaped key debates on refugee protection in Europe. Some of its key policy recommendations regarding the need for reformed burden-sharing policies have been taken up by legislators. These reforms have started to re-balance responsibilities across EU Member States and have been acknowledged to have helped improve protection capacities in over-burdened countries such as Greece [A]. In doing so, MSU's work has helped to improve the chances of the tens of thousands refugees who come to Europe each year to find effective protection from persecution.

i) Informing policy debate

In EU policymaking, research reports commissioned by EU institutions are highly influential in the EU legislative process. They inform White and Green papers through which they can influence legislative programmes and ultimately new EU directives and regulations.

In recent years, the EU has commissioned three major research reports in the area of migration management and refugee burden-sharing. Dr Thielemann contributed to all three of these reports, as lead academic author for the European Parliament's 2010 report [B]; as a member of the steering committee of the European Commission's 2010 report, in which he was the single most referenced author (21 separate references to six publications) [C]. The report's conclusions supported Dr Thielemann's research findings that policy harmonisation was insufficient by calling for an intra-EU relocation pilot scheme for refugees [C, p.79,82]. In the third report, to which Thielemann was also invited to contribute, three of Thielemann's publications were referred to and

the report's conclusions agreed with Thielemann's call [3 in section 3 above] for stronger complementary burden-sharing mechanisms and the expansion of a reformed European Refugee Fund [D]

At the invitation of the Council of Ministers, Dr Thielemann served as a Special Rapporteur for EU burden-sharing initiatives at its inter-ministerial conference on Justice and Home Affairs in 2010 [E], which led to a renewed impetus from the highest political level to address solidarity issues in the negotiations of the EU's new legislative asylum package [14]. He has given evidence on new physical relocation initiatives to the all-party working group on asylum of the European Parliament and to several workshops organised by the national contact points of the intergovernmental European Migration Network, most recently hosted by the Cypriot government [G]. Within the UK, two of Thielemann's publications on migration management [1,2 in section 3 above] were specifically referred to by immigration minister Phil Woolas in his written response to a parliamentary question on asylum management in November 2009 [H]. In 2010, Thielemann was asked by the UK Government's Chief Scientific Advisor to write a paper on the effectiveness of policy on migration flows for the Foresight report on Global Environmental Migration [I] which the BBC referred to 'the most detailed study carried out on the effect of flooding, drought and rising sea levels on human migration patterns over the next 50 years' [J].

ii) Impact on policies

Important shifts in the EU asylum policy debate in recent years have incorporated some of MSU's key policy recommendations on EU burden-sharing.

First, the European Commission and the Member States have increasingly acknowledged the central role that structural pull factors play in influencing the size and direction of asylum flows. In 2007, the European Commission recognised publicly for the first time that 'the establishment of a common asylum procedure and a uniform status will not completely eradicate all reasons why asylum seekers may find one Member State a more attractive destination than another', and accepted that 'thought should mainly be given to establishing "corrective" burden-sharing mechanisms' [K, p.11].

Second, the European Commission and Member States have responded to the MSU's criticism of the insufficient size of the European Refugee Fund (ERF). In its 2007 Green Paper, the Commission states: 'We need to consider ways of further maximising the effectiveness of the European Refugee Fund (ERF) as a supporting instrument for Member States' efforts to implement EU asylum policy... ways must be explored to ensure ERF funding can be put to better use in order to complement, stimulate and act as a catalyst for the delivery of the objectives pursued, to reduce disparities and to raise standards' [K, p.11]. Since then, the ERF's resources have been expanded from around €200 million to a budget of €3,869 million for its successor, the Asylum and Migration Fund (AMF). Europe's principal refugee NGO (ECRE) is using MSU research to lobby for further reform, particularly of the Fund's allocation mechanisms, citing Dr Thielemann's 2010 research for the EP [L].

Third, the EU's legislative bodies have reacted to the criticism of the 'Dublin mechanism', led by MSU, in adopting the reformed Dublin III Regulation in 2012. Some Member States took up Dr Thielemann's recommendation for more physical relocation mechanisms by establishing the pilot scheme EUREMA, which led to refugees in Malta being relocated to other Member States. The review of this scheme by the International Organization for Migration (IOM) prominently acknowledged the contribution of Thielemann's research in the report's foreword [M].

Fourth, MSU's promotion of new physical relocation instruments was picked up by the 'Alliance of Liberal and Democrats for Europe' (ALDE) party group in the EP, which in September 2012 convened a special refugee relocation conference with all stakeholder groups at the EP, inviting Dr Thielemann as the principal academic keynote speaker. The meeting resulted in a resolution by the EP plenary [N] that calls on the Commission to include an "EU distribution key" for the physical relocation of beneficiaries of international protection in its future legislative proposals for new refugee burden-sharing instruments and a report with an invited contribution by Dr Thielemann [O].

Wider Implications: Six million asylum seekers have entered Europe over the past two decades. By helping to shift the debate on burden-sharing, Dr Thielemann's research is helping some of the world's most vulnerable individuals to find protection from persecution.

5. Sources to corroborate the impact (indicative maximum of 10 references)

All Sources listed below can also be seen at: https://apps.lse.ac.uk/impact/case_study/view/71

A. Mission of Greece (2013), Statement by Greece, 64th Session of the Executive Committee of the High Commissioner for Refugees, Geneva, 2 October 2013.

<http://www.mfa.gr/missionsabroad/en/permanent-mission-geneva/news/64th-session-of-the-executive-committee-of-the-high-commissioners-programme-statement-by-greece.html>

B. EP (European Parliament) (2010) *What system of burden sharing between Member States for the reception of asylum seekers?* Final Report for DG Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, Civil Liberties, Justice and Home Affairs, IP/C/LIBE/IC/2008-049, 30.10.09. <https://apps.lse.ac.uk/impact/download/file/1298>

C. EC (European Commission) (2010) DG Home Affairs, *Study on the feasibility of establishing a mechanism for the relocation of beneficiaries of international protection*, J LX/2009/ERFX/PR/1005. <https://apps.lse.ac.uk/impact/download/file/1304>

D. EP (2011) *The Implementation of Article 80 of the Treaty on the principle of Solidarity*, Final Report for the DG for Internal Policies, Policy Department C: Citizens' Rights and Constitutional Affairs, PE 453.167. <https://apps.lse.ac.uk/impact/download/file/1306>

E. Correspondence: invitation letter from Belgium Presidency. Source files: <https://apps.lse.ac.uk/impact/download/file/857>

F. Belgium Presidency (2010), Responsibility and Solidarity, Statement by Melchior Wathelet, Secretary of State for the Migration and Asylum policy, Brussels, 15/7.2010.

<http://www.eutrio.be/pressrelease/jha-council-melchior-wathelet-responsibility-and-solidarity>

G. Correspondence: invitation letter from Government of Cyprus. Source files: <https://apps.lse.ac.uk/impact/download/file/858>

H. Hansard (2009) Written Answers to Parliamentary Question, Hansard Commons Debates, 30 Nov 2009: Column 465W, UK Parliament.

I. Foresight (2011) *Migration & Global Environmental Change*, London: UK Government Office for Science. <https://apps.lse.ac.uk/impact/download/file/1308>

J. BBC (2011), Climate change migration warning issued through report, BBC News, 20/10/2011. <http://www.bbc.co.uk/news/science-environment-15341651>

K. EC (European Commission) (2007) *Green Paper on the future Common European Asylum System*. Brussels, 6.6.2007. COM (2007) 301 final. <https://apps.lse.ac.uk/impact/download/file/1311>

L. ECRE (2012), *Comments and Recommendations of ECRE on the Commission Proposals on the future EU funding in the area of migration and asylum*, ECRE: Brussels. <https://apps.lse.ac.uk/impact/download/file/1314>

M. IOM (International Organization for Migration) (2011) *Handbook on Lessons Learned from the Pilot Project for intra-EU Reallocation from Malta – EUREMA*, Valetta: IOM. Source files:

<https://apps.lse.ac.uk/impact/download/file/1058>

N. EP (2012) European Parliament resolution of 11 September 2012 on enhanced intra-EU solidarity in the field of asylum (2012/2032(INI)).

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0310&language=EN&ring=A7-2012-0248>

O. Hirsch N. (MEP) (2013) *Asylum: Towards a Common European Responsibility for the Asylum System – A European Distribution Key for Asylum Seekers*, Brussels: European Parliament/ALDE. ISBN:978-3-937165-07-3. <https://apps.lse.ac.uk/impact/download/file/1313>