

POLICY PAPER

Reforming the Common European Asylum Policy (CEAS)

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- **The Common European Asylum System's (CEAS) foremost purpose is to set common minimum standards for the treatment of all asylum seekers and their applications. It aims at ensuring the impartial treatment of its subjects in accordance to relevant conventions, to which all members of the European Union are party.**
- **However, the 'migration crisis' has highlighted that in practice, the treatment of asylum seekers, as well as recognition rates of applications, vary wildly between members of the EU. Not only does this encourage secondary movement and 'asylum shopping', it has also been the catalyst for a deepening schism within the EU over fundamental values, obligations, commitments, identity, and the future of the EU.**



Introduction

Harmonizing domestic asylum procedures, standards and legislation is essential to providing a foundation not only for ensuring conformity within the EU on how to tackle the migratory flows, but also to providing a sustainable foundation for bridging this divide before it widens further. Such reform of the CEAS entails not only reforming the system itself and imposing standards with which domestic legislation can be harmonized. It also entails a reform of the Dublin system, an increasingly controversial cornerstone of the CEAS, as well as providing a sustainable and compelling vision for the integration of migrants, which undeniably places a financial burden on the recipient country, a fact that has become indisputable following research commissions conducted in both Denmark and Norway the past year.

The Council and Commission have already laid out proposals in May, June and December 2016 to reform both the CEAS and the Dublin System. This policy paper assesses the current shortcomings of both the CEAS and the Dublin Agreement, the shortcomings of the proposals to reform said systems, and ultimately proposes alternative policy proposals in order to ensure that both systems reach their stated aims.

Background of the CEAS and the Migration Crisis

The CEAS was first conceived in 1999.¹ Up until the migrant crisis, the primary developmental focal points of the CEAS revolved around three pillars: bringing more harmonization to the standards of protection by further aligning EU member states' asylum legislation, effective and well-supported practical cooperation, and increased solidarity and sense of responsibility.² Five main legislative cornerstones on asylum within the EU underpin these³: the asylum procedures directive⁴, reception conditions directive⁵, qualification directive⁶, Dublin Regulation⁷, and lastly the EURODAC regulation.⁸

The ongoing migration crisis, seemingly peaking in 2015 and 2016 in terms of arrivals, highlighted just how ineffective these pillars had been implemented. Recognition rates⁹ across the EU-28 vary significantly: for instance, during Q4 2016, recognition rates ranged from a mere 3 percent in Hungary to an average of 59 percent amongst the five recipient countries hosting the brunt of the refugees.^{10,11} This trend is consistent with overall annual

¹ European Commission Migration and Home Affairs, Common European Asylum System. Available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en

² Ibid.

³ European Commission, the Common European Asylum System background information. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160406/factsheet_-_the_common_european_asylum_system_en.pdf

⁴ Establishes common standards of safeguards and guarantees to access a fair and efficient asylum procedure.

⁵ Establishes minimum common standards of living conditions for asylum applicants.

⁶ Establishes common grounds for granting international protection and foresees a number of rights for its beneficiaries (residence

permits, travel documents, access to employment and education, social welfare and healthcare).

⁷ Determines which member state is responsible for a given asylum application.

⁸ Establishing a central EU asylum fingerprint database.

⁹ (Asylum) Recognition Rate is defined as the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure (i.e. first instance and final on appeal). The total number of decisions consists of the sum of positive and negative decisions.

¹⁰ Germany, Sweden, France, Italy, Austria.

¹¹ European Commission, EuroStat – First Instance Decisions by outcome and recognition rates, 4th quarter 2016. Available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/File:First_instance_decisions_by_outcome_and_recognition_rates_4th_quarter_2016.png

recognition rates¹², highlighting the failure to harmonize asylum legislation and standards for international protection across the EU member states.

The second pillar, on effective and well-supported practical cooperation, also manifestly failed, since Hungary, Greece and Italy, the three countries to which the vast majority of asylum seekers arrived, bore the lion's share of the administrative burden of registering, processing and ultimately determining the fate of the refugee in question as per the Dublin Regulation¹³. This, in part, ultimately led Hungary to suspend the EU asylum rules due to being overburdened¹⁴, although it is dubious whether additional aid in solidarity would have changed the Hungarian stance, since the migrant topic has been highly politicized for domestic political purposes by the Orban-administration. Regardless, the situation in the above-stated three countries underlines the need for additional aid, with processing centers there reporting being overcrowded, understaffed and with little external oversight, rendering them inefficient.¹⁵

Lastly, solidarity and sense of responsibility within the EU remains sorely lacking ever since the beginning of the migration crisis. The refugee quotas have repeatedly failed to meet their targets¹⁶, with Hungary and Slovakia currently challenging the quotas in court¹⁷, Poland refusing to take

any quota-mandated migrants¹⁸, and resistance to taking migrants mounting in many member states.

Furthermore, several countries, Hungary foremost but not exclusively, have consistently ignored both obligations under EU law as well as international law, breaching conventions to which they are party with increasing impunity, leading to the aforementioned widening schism within the EU over fundamental values and obligations.

As a response to these developments, the Commission and Council have highlighted five reform areas for the CEAS.

The EU's Reform Agenda on the CEAS – One step forward, two steps back?

The Commission has identified five priority reform areas for improving the CEAS' ability to cope with large influxes of migrants.

- 1) **A reform of the Dublin System** towards a fairer and more sustainable agreement.
- 2) **Reinforcing the EURODAC system** to better fight irregular migration by expanding its provisions to better facilitate the return of rejected asylum applicants.

¹² EuroStat, Asylum decisions in the EU – EU member states granted protection to more than 330000 asylum seekers in 2015, half of the beneficiaries were Syrians. Press Release 75/2016, 20 April 2016. Available at: <http://ec.europa.eu/eurostat/documents/2995521/7233417/3-20042016-AP-EN.pdf/>

¹³ MEP Wikström, Cecilia, The Dublin III Regulation, 2014. Available at: <https://web.archive.org/web/20140222012517/http://ceciliawikstrom.eu/en/politik/migration-och-asyl/dublinforordningen/>

¹⁴ Defying EU, Hungary suspends rules on asylum seekers, Reuters June 23, 2015. Available at: <http://uk.reuters.com/article/uk-europe-migrants-austria-hungary-idUKKBN0P31ZB20150623>

¹⁵ Understanding migration and asylum in the European Union, Open Society Foundation, December 2016. Available at:

<https://www.opensocietyfoundations.org/explainers/understanding-migration-and-asylum-european-union>

¹⁶ EU met only 5% of target for relocating refugees from Greece and Italy, The Guardian, December 8 2016. Available at: <https://www.theguardian.com/world/2016/dec/08/eu-met-only-5-of-target-for-relocating-refugees-from-greece-and-italy>

¹⁷ Hungary and Slovakia challenge quotas at the EU's top court, EU Observer, 11 May 2017. Available at: <https://euobserver.com/migration/137857>

¹⁸ Poland's Prime Minister says country will accept no refugees as EU threatens legal action over quotas, Independent 17 May, 2017. Available at: <http://www.independent.co.uk/news/world/europe/poland-no-refugees-eu-legal-action-infringement-quotas-resettlement-beata-szydlo-commission-a7741236.html>

- 3) **Achieving greater convergence in the EU asylum system** by transforming the current Asylum Procedures Directive and Qualification Directive into Regulations designed to replace current discretionary rules with uniform rules. This shift into uniform regulations, which are more clearly defined than discretionary rules open to individual state interpretation, should help ensure harmonization in treatment of asylum applications across the EU.
- 4) **Preventing secondary movements** by imposing sanctions on asylum applicants who fail to remain in the member state responsible for processing their asylum claim.
- 5) **A new mandate for the EU's asylum agency**, enabling it to monitor compliance of member states with the asylum standards and quality of asylum decisions, with the power to issue guidelines on how to handle asylum applicants, or in emergencies intervene based on the model of the European Border and Coast Guard force.¹⁹

While all five areas are important, points one and three are particularly crucial in tackling the fundamental problem of lacking solidarity and fostering an environment in which shared values can flourish. They are also the two key components that will potentially most directly affect the member states, as they broaden the scope through which lack of compliance can be counteracted through, for instance, infringement procedures. Furthermore, point four, on preventing secondary movement, inherently ties into the

reform of the Dublin System. Thus, this analysis will focus primarily on both of those areas.

Dublin IV Recast – Attempting to Band-Aid a fundamentally flawed system

The need for reform of the Dublin System is not new; the Dublin Convention dates from 1990, at a time when the EU's geography was markedly different compared to today. The system, with its emphasis on a single member state as responsible, allows for countries unaffected by migratory flows to dodge responsibility sharing, while inherently reinforcing the idea that asylum seekers are primarily a national competence.²⁰ In sum, it was woefully unequipped to dealing with the levels of migration seen during the migration crisis.

The Commission acknowledged this in April 2016 in its contemplations on redressing the patent failure of the system.²¹ Faced with the choice of either initiating a genuine reform of the system or strengthening the regulation, it chose the latter, more conservative, option, which led to the Dublin IV proposal.

The main changes in the Dublin IV recast revolve around addressing two key phenomena observed during the migration crisis, namely the uncontrolled secondary movement of people, and the critical pressure placed on border states because of the Dublin responsibility rules.

¹⁹ European Commission, the Common European Asylum System background information. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160406/factsheet_-_the_common_european_asylum_system_en.pdf

²⁰ Tubakovic, Tamara, A Dublin IV recast: A new and improved system? European Policy Brief no. 46 March 2017, Egmont Royal Institute for International Relations, p. 2. Available at: <http://www.egmontinstitute.be/wp-content/uploads/2017/03/EPB-A-Dublin-IV-recast-A-new-and-improved-system-new.pdf>

²¹ European Commission, Communication from the Commission to the European Parliament and the Council – Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe, Brussels 6.4.2016, COM(2016) 197 Final. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf

Three steps have been proposed to address these two phenomena: sanctioning applicants engaging in secondary movement by placing their claims under accelerated procedures, stabilizing the allocation of responsibility, and lastly the creation of a corrective allocation mechanism.²² The first entails the creation of a new obligation that an applicant must apply in the member state either of first irregular entry or, in the case of legal stay, in that member state. In the case of 'non-compliance...by the applicant, the Member State must examine the application in accelerated procedures.' This new element is aimed at ensuring 'an orderly management of flows, to facilitate the determination of the Member State responsible, and to prevent secondary movement.'²³ The second is to be achieved by introducing a rule that once a member state has examined the application, it remains responsible for the given applicant, thereby discouraging the member state from circumventing deadlines for accepting responsibility. This aims to strengthen the rule that responsibility will only be determined once, while also lessening the incentives for the applicant to seek greener pastures.²⁴ Finally, the corrective mechanism aims to ensure a fair sharing of responsibility between member states if a member state is confronted with a disproportionate number of applicants, essentially by functioning similar to the relocation schemes through transferring an applicant from an overburdened state to one that is not.²⁵

The problems with the Dublin IV recast are numerous. Although it strives to address the issues of secondary movement and lack of solidarity between member states through the above-stated initiatives, it fails to address the

structural problems that have haunted the system since its inception, including the two aforementioned core issues it seeks to address. The more coercive Dublin IV does not address the root causes for why secondary movements occur, namely to avoid registration in the first country of entry due to wildly varying reception conditions, recognition rates, and processing time. Moreover, the system only remains viable in an environment of mutual trust and solidarity, and the Dublin IV recast fails to address the fact that some member states, the V4 being case in point, perceive the responsibility rules as unfair. Arguably, the Dublin system presupposes a fundamental level of solidarity, due to which reforms of it do not revolve around fostering such solidarity in the first place, yet given the obvious absence of it, this dimension should have been incorporated in the Dublin IV recast.

Encouraging higher levels of solidarity, either coercively or through enticement, would help the system achieving the conditions necessary for its success. As long as trust and solidarity is lacking, the system will continue to face the structural problem of competitive responsibility avoidance rather than responsibility sharing.

It also fails to address the fact that the considerable costs of returning rejected asylum seekers are carried exclusively by the state in question and not a shared burden. To illustrate the size of these costs, Denmark spent 2,5

²² European Council on Refugees and Exiles, ECRE Comments on the Commission Proposal for a Dublin IV regulation, COM(2016) 270, October 2016, pp.32-38. Available at: <https://www.ecre.org/wp-content/uploads/2016/10/ECRE-Comments-Dublin-IV.pdf> & <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0270>

²³ Tubakovic, Tamara, A Dublin IV recast: A new and improved system? European Policy Brief no. 46 March 2017, Egmont Royal Institute for International Relations, pp. 1-4. Available at: <http://www.egmontinstitute.be/wp-content/uploads/2017/03/EPB-A-Dublin-IV-recast-A-new-and-improved-system-new.pdf>

²⁴ Ibid.

²⁵ Ibid.

million euros in 2016 alone in an effort to return a mere 490 rejected asylum seekers.²⁶

Furthermore, member states that are part of the allocation system mechanism would be eligible to refuse the transfer on two grounds: on the ground of national and public security concerns, which is inherently a matter of subjective, likely politicized, evaluation of the country in question, and secondly, through an exemption involving a compensation payment. Each year member states can declare themselves unavailable as member states of allocation for the duration of 12 months. During this time, the member state would be required to make a solidarity contribution of 250.000 euros for each applicant that would otherwise have been allocated to them, thus still opening up for the possibility of states of engaging in responsibility avoidance.²⁷

While 250.000 euros is a considerable amount, it is far too little compared to the costs associated with hosting and integrating migrants. Recent research conducted by the Norwegian government on the costs of hosting migrants from the MENA countries show that from age 25 to statistically expected death, such a migrant will on average result in a net loss of 1 million euros to the treasury.²⁸ Furthermore, the Norwegian research shows that in the timeframe of 2001-2014, the share of welfare services-related income relative to capital and work-related income for refugees remain far below that of both native Norwegians as well as conventional labor migrants. While

this in itself is not surprising, the contrast – and lack of tangible developments towards a sustainable model – is stark. For male refugees, welfare service-related income has since 2001 to 2014 only fallen from comprising 53 percent of total income to 39 percent of total income. In comparison, the number for male native Norwegians has remained a steady 5.3 percent. For traditional labor migrants, the contrast is even greater: in 2001, it was a mere 0.8 percent, in 2014 a mere 3.2 percent. For women, a female refugee's share of welfare service-related income relative to capital and work-related income was in 2001 at 238 percent; in 2014, it was 75 percent. While the decrease is laudable, it is far from sustainable levels. Compared to native Norwegians, the number was 24 percent in 2001, 15 percent in 2014. Once again, labor migrants contrast even more; a female labor migrant's share was 2.5 percent in 2001, in 2014 it was 5.3 percent.²⁹

Further substantiating the above-stated findings, recent research in Denmark indicates that in 2014 alone, the costs of migrants and their descendants from MENA countries and Africa added up to a total cost of 3,8 billion euros. The number of migrants and their descendants in Denmark respectively make up 8,5 and 2,7 percent of the population.³⁰ Germany and Sweden spent 16 and 6 billion euros respectively, which comprises 0.5 percent of GDP in the case of Germany, and 1,35 percent of GDP in the case of Sweden.³¹ While deviations in costs are natural across the EU due to various levels of services provided to migrants between member states, the numbers are consistently high,

²⁶ Berlingske Tidende, Danmark har brugt 87 millioner på at sende asylansøgere hjem, 2 April 2017. Available at: <https://www.b.dk/nationalt/danmark-har-brugt-87-millioner-paa-at-sende-asylansoegere-hjem>

²⁷ Tubakovic, Tamara, A Dublin IV recast: A new and improved system? European Policy Brief no. 46 March 2017, Egmont Royal Institute for International Relations, p. 5. Available at: <http://www.egmontinstitute.be/wp-content/uploads/2017/03/EPB-A-Dublin-IV-recast-A-new-and-improved-system-new.pdf>

²⁸ NOU Norges Offentlige Utredninger, Integrasjon og Tillit – Langsiktige konsekvenser av høy innvandring, 2017:2. Available at:

<https://www.regjeringen.no/contentassets/c072f7f37da747539d2a0b0fef22957f/no/pdfs/nou201720170002000dddpdfs.pdf>

²⁹ Ibid, p. 244

³⁰ Danmarks Statistik, Indvandrere i Danmark 2014, p. 7. Available at:

<http://www.dst.dk/Site/Dst/Udgivelser/GetPubFile.aspx?id=19004&sid=indy>

³¹ OECD, Migration Policy Debates No. 13, January 2017, p.2. Available at: <https://www.oecd.org/els/mig/migration-policy-debates-13.pdf>

showing with stark clarity that without highly improved integration, it would still be more cost-efficient for states to 'pay not to play' rather than showing solidarity and responsibility.

This is further compounded by the fact that integration costs are still purely borne by nations and not meaningfully supported, either financially or politically, by the EU, and that integration is proving a Sisyphean struggle to even the most receptive and developed countries within the EU. Denmark is a case in point, as a recent PISA Ethnic report on the educational performance of migrants and their descendants in 2015 shows results that are nothing short of catastrophic. Not only are first generation migrants lacking severely behind native Danish speakers, but also there is literally no improvement to be seen amongst second and third generation descendants.³² If drastic generational improvements were evident, a compelling argument could be made for refugee migrants from an economic perspective, as the Norwegian research clearly shows that labor migration is unequivocally beneficial from an economic standpoint, yet the Danish findings sadly show that without a considerably stronger focus on successful integration, these rewards cannot be reaped. On a positive note, it highlights the immense benefits and need for developing successful integration measures.

Lastly, the new emphasis on coercive measures risks an increase in human rights violations. The determination of the responsible state does not take into account the wishes or preferences of asylum seekers, and the potential for added sanctions against asylum applicants in the form

of an accelerated procedure runs the obvious risk of refoulement in breach of international law. Additionally, the sanctions open up the possibility, evident currently in Hungary, that applicants would not be entitled to common reception conditions (with the only exception being emergency health³³). Furthermore, in its normal operation, the system would remain essentially unchanged and unattractive for those seeking protection. The response to applicants' avoidance strategies would be essentially repressive, and judging from past experience, unlikely to elicit widespread compliance. It is likely to set the Dublin system on a collision course with the European Convention on Human Rights.³⁴

In sum, the Dublin IV recast perpetuates the existing structural problems of responsibility avoidance and uneven responsibility burdens, exacerbates its potential for conflicts with fundamental human rights, and fails to address the root problems pertaining to secondary movement and lacking solidarity.

Achieving convergence on asylum systems – a Sisyphean task in the age of populism

The decision to replace the current Qualification and Asylum Procedures Directive by two Regulations is one of

³² Danish Ministry of Education, PISA Etnisk 2015. Available at: <http://uvm.dk/internationalt-arbejde/internationale-undersogelser/pisa/pisa-2015/pisa-etnisk-2015>

³³ Chetail, Vincent, Looking beyond the rhetoric of the refugee crisis: the failed reform of the Common European Asylum System, European Journal of Human Rights, 2016/5, pp. 596-597. Available at: <https://poseidon01.ssrn.com/delivery.php?ID=46708711210302609408706602501410008111301704108702005101001607702409>

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³⁴ European Parliament, Directorate-General for Internal Policies, The Reform of the Dublin III Regulation, 2016. Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU\(2016\)571360_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU(2016)571360_EN.pdf)

the key takeaways from the Commission's reform proposal on achieving convergence and harmonization on asylum systems. The legal strength of regulations as opposed to directives removes a previously major obstacle to harmonization, as the Commission can now ensure the direct applicability of EU rules in a more forceful manner. Following the same objective of reducing the broad discretion of Member States in how to conduct asylum systems and processes, several optional clauses are to be removed and transformed into binding ones.³⁵ As such, this welcome change could discourage the current trend of "asylum shopping" by refugees who, naturally, gravitate towards the countries where their chances are highest.

However, the proposal is not without weaknesses. First, the new regulations do not apply to the reception conditions of asylum seekers, which is a crucial area considering the increasingly diverging reception conditions and perpetually disparaging recognition rates amongst the EU member states, which in turn has a decisive impact on whether or not asylum seekers will seek to subvert the system by passing through entry countries unregistered. Secondly, although harmonization is recognized as a goal and necessity across the member states, the Council stated on December 15, 2016, that although 'sustained efforts over the past months to review the Common European Asylum System have shown some areas of convergence, other areas require further work. Building on this work, the Council is invited to continue the process with the aim of achieving consensus on the EU's asylum policy during the incoming Presidency.'³⁶ The Council does not specify in which areas convergence has occurred. Coupled with the 2017 developments in several countries – the Czech

Republic opting to not take quota-refugees, Hungary's establishment of detention camps in shipping containers, Austria's proposal of establishing an "offshore asylum plan" that allows the de facto rejection of asylum applicants within the EU –there is an impression that the primary obstacles to convergence are nowhere near to being overcome.

Additionally, the above-stated regulations, although theoretically providing part of the foundation for convergence and harmonization, do not address the fact that this is one of the most politicized and politically contested issues across member states, and that championing the cause for solidarity and harmonization domestically comes with plenty of political risks and very little pay-off. Coupled with the fact that the brunt of the costs associated with migration and accepting migrants are still upheld primarily by member states, the political case for solidarity has not been strengthened despite these coercive measures, thus failing to address the crux of the matter.

Conclusion and alternative policy proposals

Reforming the CEAS into a fair and sustainable system embodying European values on responsibility sharing and solidarity while enabling it to cope with contemporary challenges of massive migratory flows, is a monumental task. Not only would it need to reform the various systems comprising it, Dublin first and foremost, it would also need to fundamentally promote an environment of mutual trust, solidarity and responsibility sharing – an environment that while previously taken for granted, now seems more like a relic of better, less complicated times.

³⁵ See Articles 7(3), 8(3), 11(2)b at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf)

[al_protection - subsidiary protection eligibility - protection granted_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf)

³⁶ European Council, Conclusions on Migration 15 December 2016, p.2. Available at: <http://www.consilium.europa.eu/en/policies/migratory-pressures/reforming-ceas/ceas-reform-timeline/>

The insistence on saving the Dublin System, a cornerstone of the CEAS, at any cost rather than engaging in a genuine reform of it, addressing its structural deficiencies, and using it as a catalyst for a fundamental reform of the CEAS itself, represents a missed opportunity.

As the analysis highlights, the system inherently perpetuates an uneven distribution of responsibilities, potentially compromises human rights, and fails to engender much-needed solidarity amongst member states. This further exacerbates the divergence amongst the asylum systems, conditions and recognition rates in member states, as convergence is inherently undesirable and unachievable when the influx of migrants is as uneven as it was during the height of the migration crisis, and still is.

The corrective mechanism involving financial compensation is extremely inadequate compared to the long-term costs borne by the countries hosting particularly refugees from the MENA region, as evident by the Danish and Norwegian cases.

If the CEAS is to truly achieve its stated objective of being a sustainable and fair framework, it needs fundamental reforms. Thus, the following policy proposals merit consideration.

- **Strengthening financial solidarity.** There is a strong case for placing several asylum-related expenses under the EU budget instead of the national level: identification, registration, screening, reception and processing of the claim. Such costs are inherently,

in large part due to the Dublin System, distributed asymmetrically. Centralizing these would not only be more solidary, as the financial burden would be shared by all member states, it might also prevent under-provision due to national budgetary constraints, thereby contributing to raising reception and protection standards where this is most needed. This would have the added benefit of potentially contributing to reduced secondary movements.

- **Increasing the 'pay not to play' costs.** As the cases of Denmark and Norway amply illustrated, the 250.000-euro compensation right now is too attractive an amount to pay in order to avoid solidarity. Raising this amount to 1,5 million euros would not only be consistent with the costs of accepting a migrant, it would also help advance integration initiatives in the recipient country, which in turn could help develop best practices to be adopted on a wider scale.
- **Adopt a rational rather than coercive approach.** The coercive approach not only risks multiple violations of international law, it also fails to address the root causes for secondary movement. A simple change to the Dublin System – by several scholars already dubbed “Dublin Minus”³⁷ – removing the criteria of residence and entry – would entail a radical simplification while producing nearly identical distributive results to the current system, thus removing many of the bureaucratic hurdles and thereby optimizing efficiency. Coupled with a list of current eligible countries for migrants, based off current levels of migrants and economic capability of said country, applicants could be given options rather than coerced towards just one choice. This should

³⁷ European Parliament, Directorate-General for Internal Policies, The Reform of the Dublin III Regulation, 2016. Available at:

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU\(2016\)571360_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571360/IPOL_STU(2016)571360_EN.pdf)

České vize pro Evropu, evropské vize pro Česko
Czech Visions for Europe, European Visions for the Czechs

theoretically limit secondary movement and encourage better integration.

Aside from those four key points, EU efforts towards strengthening integration, despite it being an inherently national matter, would be a welcome and necessary step towards harmonizing and promoting convergence amongst member states. Although the CEAS' focal point is naturally the asylum process, the EU must acknowledge that this is merely the first step in a long process in which the CEAS is essential. Engendering the necessary paradigm shift towards solidarity that the CEAS needs to function optimally is impossible if integration remains an Achilles' heel

encouraging member states to engage in defensive rather than cooperative behavior.

It is evident that the current system is more of a Band-Aid solution forced out by the migration crisis rather than a well-thought out reform plan favoring a long-term perspective. The policy proposals outlined above would not fundamentally reshape the CEAS, as there seems to be little political will towards this despite it being needed, but it would contribute towards remedying the structural deficiencies haunting the system, while potentially also generating a paradigm shift towards increased solidarity.

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