



PAPERS BARCELONA 2018 CONFERENCE

Panel 5: Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development (CEASEVAL): Insight and first results, Part I

Chairs: Birgit Glorius (TU Chemnitz) and Jeroen Doomernik (University of Amsterdam).

Discussants: Albert Kraler (ICMPD) and Lucas Oesch (University of Luxemburg).

Panel Abstract:

Since 2015, migration towards and within Europe has created a 'stress' in the EU asylum and migration systems, challenging the adequacy of the legal design of the Common European Asylum System (CEAS). This impacted the implementation of both the CEAS and national asylum systems in practice and called its further harmonisation into question. The Horizon 2020 project CEASEVAL (running November 2017 until October 2019) will make an analysis of harmonisation which goes beyond the formal institutional setting and takes into account the complex relations among the actors engaged from the local and the national levels, to the European level, in order to explain the success and the failure of coordinated action between these varied actors. CEASEVAL will innovatively 1) combine multiple disciplines in order to explore different perspectives of the CEAS, 2) develop a new theoretical framework of multilevel governance of the CEAS, which will be empirically tested across several EU Member States and third countries, 3) provide a critical evaluation of the CEAS by identifying and analysing discrepancies in the transposition and incorporation of European standards in the area of asylum in domestic legislation, as well as differences in their implementation, and 4) elaborate new policies by constructing different alternatives of implementing a common European asylum system. On this basis, CEASEVAL will determine which kind of harmonisation (legislative, implementation, etc.) and solidarity is possible and necessary. This panel will give insight into the conceptual frame of the research project and present first results of ongoing research.

Paper 1:

Authors: Martin Wagner (ICMPD) and Albert Kraler (ICMPD)

Title: Harmonisation in the area of asylum in the EU: Types, Patterns and Impact

In 1999, the Tampere Council conclusions formally embraced the aim of creating a Common European Asylum System to ensure that eventually all MS of the European Union would have a common asylum procedure. To achieve this goal, the Tampere Council chose to harmonise the different national asylum systems through providing minimum standards at the European level. The paper will investigate the different levels of harmonisation tools that exist to further build up an asylum system that can be

labelled a “common” one. Harmonisation tools are not restricted to legal tools such as EU Regulations, EU Directives or Council Decisions. In fact harmonisation develops at various levels, such as in the framework of the cooperation among EU MS at the hotspots, during the training under the umbrella of EASO, during meetings of the COREPER or other EU institutions. Also, EU MS come together and exchange at regional level, such in the cooperation of the D-A-CH cooperation, the Visegard Group, or in the framework of the work of intergovernmental organisation such as ICMPD or IGC. Also, and as a result of the various cooperation levels, personal networks develop upon which policy makers, case workers, COI specialists, asylum judges or NGOs may rely and use for information exchange. The paper presents the preliminary findings of the mapping of the different harmonisation tools that are at the disposal of EU MS. It will preliminary outline those tools, describe them and cluster them according to their specific features.

Paper 2:

Authors: Tiziana Caponio (University of Turin) and Irene Ponzo (FIERI)

Title: The Multilevel Governance of Asylum Seekers’ Reception. A conceptual framework

The paper presents a conceptual framework for the analysis of the MLG of asylum seekers’ reception in Europe. It elaborates on the link between MLG and policy convergence/divergence, to show how an in-depth analysis of implementation processes is crucial in order to go beyond legal approaches to harmonization as transposition of EU directives. From a substantive point of view, harmonization should imply also convergence in policy practices. Yet, these latter are the result of bottom-up and top-down policy processes involving public and non public actors at different territorial scales. Through the adoption of a MLG perspective, the proposed conceptual framework aims to identify the main venues where key decisions are taken with respect to the implementation of national reception policies, and the actors involved. The underlying hypothesis is that pluralistic MLG venues, based on the participation of public institutions and non public actors like NGOs at different levels of government, will favour a greater mediation of interests and on the overall a higher level of convergence in implemented policy practices than less pluralistic and more top-down venues. The framework will also enable the identification of those factors and mechanisms that, with respect to pluralistic MLG venues, favour a greater degree of coordination among actors and of policy convergence. Furthermore, the adoption of a MLG perspective will help to highlight the crucial role played by those actors, like local authorities and non public organisations, which are excluded from CEAS formal architecture and to find more effective solutions in terms of governance.

Paper 3:

Authors: Jeroen Doomernik and Djoeke Ardon (University of Amsterdam)

Title: Rescaling the CEAS: the local as a venue and political base for a common European asylum policy

Most proposed policy alternatives for the CEAS, have focused on increasing the harmonization of asylum policies within Europe, thereby granting most legal and political status to the supranational and national level. However, the local level is crucial for the provision, design and financing of integration policies. Therefore, localities have urged for a strengthened role in migration policy making (see for instance the Mannheim manifesto) in which also the notion of ‘urban citizenship’ is developed, challenging (supra)national schemes for distribution and asylum procedures. This corresponds to

notions of authors as Sassen and Barber who argue that the local level increasingly becomes an integral part of the strategic territory where governance takes place. Also within Europe, we witness an increase in responsibilities and competencies of the local vis a vis the European level; as well as policy transfers and networks between localities of different member states. The local can provide new answers to the challenges of the CEAS, in terms of bottom-up harmonization, efficient allocation based on mutual preferences and legitimacy. This necessitates the exploration of a policy scenario, in which the local level is granted larger political and legal status within asylum policy, not only for reception, but also for distribution and asylum procedures. This exploratory paper will review the various suggestions in this direction, done by scholars and policy makers. Furthermore, a web search to local asylum policy initiatives, experiments, transfers and networks will be conducted, after which we will analyze the implications of this new paradigm for the CEAS.

Paper 4:

Authors: Birte Nienaber, Claudia Paraschivescu and Lucas Oesch (University of Luxemburg)


Title: Luxembourgish implementation of the Common European Asylum System: Insights from a small-scale country

Within the so-called migration crisis, the focus of media and research has been mainly on Mediterranean countries, which were the first impacted by the arrival of refugees, as well as big recipients of asylum seekers such as Germany. Less attention has been directed toward small-scale countries such as Luxembourg, where the number of registered refugees arriving has more than doubled in 2015 and 2016 compared to 2014. In 2016, Luxembourg had 3582 registered first time applicants, which represents one of the highest numbers relative to its population in the European Union. Against this background, this presentation will focus on how Luxembourg has dealt with the implementation of the Common European Asylum System (CEAS) and the ways in which it has been affected by the so-called migration crisis. This paper will particularly focus on the question of reception of asylum seekers and refugees. Given the large number of applicants relative to the small size of the country, and the limited number of administrative levels, how was reception implemented, and what are the lesson to be learned? It will do so by mapping the main actors involved in the refugee scene. It will then move on to the contextualization of the reception of refugees in the housing and employment market. Finally, it will critically examine the stakeholders' involvement in order to find the gaps in the asylum seeker/refugee reception.

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