

REFORMING THE REFORM?

THE FUTURE OF THE COMMON
EUROPEAN ASYLUM SYSTEM

POLICY REPORT

Research Officers

Sarah Gerwens

Nicholas Millet

Nicoletta Enria

Research Director

Natascha Zaun

REFORMING THE REFORM?

THE FUTURE OF THE COMMON EUROPEAN ASYLUM SYSTEM

Research Officers

Sarah Gerwens

Nicholas Millet

Nicoletta Enria

Research Director

Natascha Zaun

CONTENTS

INTRODUCTION	7
METHODOLOGY	9
DIAGNOSIS	9
COMMON EUROPEAN ASYLUM SYSTEM REFORM	13
POTENTIAL SCENARIOS	14
NOTES	20

INTRODUCTION

The unprecedented influx of refugees in 2015 and 2016 exposed the inherent weaknesses of the Common European Asylum System (CEAS). In response, the European Commission proposed two comprehensive reform packages that have sought to move the EU towards a more “robust and effective system for sustainable migration management”¹. This includes: a reform of the Dublin Regulation; the Eurodac Regulation; the three core files of the CEAS, namely the Reception Conditions Directive, the Qualification Regulation, and the Asylum Procedures Regulation; and finally a proposal to establish an EU Asylum Agency (EUAA) to replace the European Asylum Support Office (EASO).

The proposed changes aim to shape European asylum policy so that it is efficient, fair and humane - whether in times of calm or crisis. With the CEAS not having been fully implemented in many Member States until today, the reform also strives to achieve greater harmonisation and reduce secondary movements. Whilst these objectives are largely shared across the Union, the reform package is yet to be passed. The difficulty in reaching political agreement for the Reception Conditions Directive, Qualifications Regulation and the stalled negotiations of the Asylum Procedure Regulation and Dublin IV Regulation highlight how contested asylum and immigration issues at the EU level are. However, Commission President-elect Ursula von der Leyen has vowed to put forward a New Pact on Migration and Asylum, including relaunching the Dublin reform.² Any such new proposal needs to be grounded in an analysis of the reasons why the CEAS reform has been stalled and an examination of how the current deadlock can be overcome. The following report strives to provide such an analysis and outlines the core issues that have shaped the negotiations as well as identifies ways to address the current impasse.

¹ European Commission (2016). Towards a reform of the Common European Asylum System and Enhancing Legal Avenues to Europe [Online]. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0197&from=EN>. (Accessed: 29 March 2019)

² von der Leyen, U. (2019). A Union that strives for more - My agenda for Europe [Online]. Available at: https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf. (Accessed: 21 September 2019)

METHODOLOGY

Our analysis is mainly based on desk research to assess the position of the Council, the European Parliament, and individual Member States on the Commission proposal and to examine the current state of the debate. Furthermore, we consulted academic research and legal studies to analyse the implication of the proposal and its potential alternatives. To identify core issues and possible future scenarios we also drew on expert interviews conducted by Dr Natascha Zaun and Nicoletta Enria in Brussels. The interviewed individuals, who work in various EU institutions, will not be identified in order to ensure their confidentiality.

DIAGNOSIS

To begin with, we set out to analyze the main obstacles facing the CEAS reform. From when the reform was proposed until the instatement of the new European Parliament, Commission and Council, the various components of the CEAS reform have been fervently debated. We found that whilst in the past around seven to eight Member States participated in discussions regarding EU asylum policy, this recent round was characterised by extremely high participation rates from almost all 28 Member States - perhaps due to the increasingly politicised nature of the issue. Identified here are the four largest issues dividing Member States and impeding the CEAS reform from passing in the past legislature, namely: finding a balance between solidarity and responsibility, the expanded mandate of Eurodac, the transformed EU Agency for Asylum (previously EASO) and voting on the CEAS reform as a package.

Solidarity vs Responsibility

Most would agree that the endeavour to reach a balance between solidarity and responsibility is the biggest obstacle to the finalisation of the CEAS reform, one that has plagued EU asylum policy since well before the most recent reform proposal. This is mainly with regards to the Dublin Regulation that establishes which country is responsible for the asylum application - currently applying a 'first country of entry' principle. The divide between different Member States has been the most clear-cut of all the regulations in the package, and one deeply entrenched in the discourse surrounding EU asylum policy since the inception of the Dublin Regulation.

Below the main divides between southern Member States, also known as the Mediterranean 5, northern and central Member States and the Visegrad states, also referred to as the Visegrad 4 (V4). Naturally, these camps are not always clear-cut and have some internal differences, with countries not always agreeing on all issues. However, in general, and especially with regards to asylum reform, most blocs work together on the various aspects of the CEAS due to common geopolitical goals.

MEDITERRANEAN 5

Cyprus, Greece, Italy, Malta and Spain, have been fiercely advocating for a solidarity component.

Call for a recognition of the surplus efforts they have deployed due the Dublin Regulation's 'first country of entry rule' meant that most incoming asylum seekers must lodge their application there.

Proposals for a solidarity mechanism include mandatory 'pre-checks', reduction of stable responsibility, mandatory relocation mechanism and temporary suspension of take back requests.

NORTHERN AND CENTRAL

Northern and central Member States, mainly Germany, France and the Netherlands have been on the frontlines advocating for responsibility.

With this they hope to entrench a Member States's responsibility regarding the asylum seeker - by extending stable responsibility, introducing take-back mechanisms.

VISEGRAD 4

On the other hand, the Visegrad countries, namely Czechia, Poland, Hungary and Slovakia - remain firmly opposed to any relocation, or resettlement measure.

This different objective has meant that they have not neatly fit into one camp or another.

The Bulgarian Presidency came remarkably close to finding a compromise between solidarity and responsibility, which most interlocutors agreed seemed the only plausible compromise to satisfy all camps. This included stable responsibility of five years and a mechanism to let Member States pass on an asylum application to a second Member State they feel is better suited, perhaps due to family connections of the applicant to the country. Indeed, as the issue becomes increasingly politicised, the deeper the divides between Member States and the less likely Member States are to relinquish or compromise. Nonetheless, whilst these splits between Member States seem clear cut, it is noteworthy that there has been some fluctuation due to the political situation in given countries. The clearest example on the matter is Italy, who under the coalition government of the far-right Lega and populist Five Star Movement and with notoriously anti-immigration Interior Minister Matteo Salvini, held a much stronger position on the matter than previous or later governments. With the most recent government between centre-left Democratic party and the Five Star Movement the government seems committed to reverse its previous position and adopt a more cooperative stance, as symbolised by Salvini being replaced by the migration specialist Luciana Lamorgese.³ Indeed, this was showcased in the latest Malta summit on the 23rd September, where ministers from Germany, France, Italy and Malta agreed on a relocation scheme, a temporary emergency mechanism to help Italy and Malta in their capacity as border countries.⁴ The 'temporary', 'emergency' and 'voluntary' aspects of the mechanism have left much up to debate on how much of a concrete development this is, keeping in mind that even optimists believe maybe only half of the Member States will even ratify it.⁵

Nonetheless, the emergency mechanism surely seems a symbolic effort towards compromise between the most staunchly pro-solidarity and pro-responsibility camps.

3 <https://www.theguardian.com/world/2019/sep/04/matteo-salvini-replaced-by-migration-specialist-in-new-italy-coalition>

4 Deutsche Welle, "Key EU Countries Agree On Sea Migrant Redistribution Scheme | DW | 23.09.2019", DW.COM, 2019 <<https://www.dw.com/en/key-eu-countries-agree-on-sea-migrant-redistribution-scheme/a-50549610> > [Accessed 24 September 2019].

5 <https://www.dw.com/en/opinion-fortress-europe-cracks-open/a-50554672>



Graph: Mapping of different Member State groups' stance on responsibility vs solidarity measures with each groups' score (1-10) representing the emphasis they place on that dimension of policymaking.

Eurodac

Another salient issue that has been blocking the successful approval of the 2016 CEAS reform is the extended capabilities awarded to Eurodac in the recast Eurodac regulation part of the package.⁶ Eurodac was originally set up in 2000 with the purpose of supporting the Dublin Regulation to enable Member States to verify whether a person had already lodged an asylum application in another Member State. The 2013 Eurodac Regulation had sparked controversy, by giving law enforcement authorities access to its database for the prevention and detection of terrorism. The current 2016 Eurodac proposal consists of yet another substantial mandate expansion with the aim of assisting the control of irregular migration, curtail secondary movements, and identify irregular migrants for return purposes. The main debates here have been regarding the time the system may retain an individual's data. In fact, Article 18 of the 2013 Regulation had already laid out a ten year data retention period when the

person is granted international protection.⁷ Here, Article 17 of the 2016 Recast Eurodac Regulation also extends a 5 year period of data retention for the fingerprints of irregular migrants apprehended at the border, which was previously 18 months. Southern Member States have expressed discontent that this could mean that these extensive data retention periods could entrench an extension in stable responsibility. Other controversial issues regarding the Regulation were the recording of facial images and the inclusion of resettlement data into the system. Indeed, this Regulation has also been the centre of much debate within the European Parliament, who alongside human rights actors such as the European Council on Refugees and Exiles (ECRE) and the Fundamental Rights Agency have expressed concern on the issues of privacy and data rights regarding the extensive data retention periods.^{8,9}

⁶ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/eurodac_proposal_en.pdf

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0603&from=EN>

⁸ <https://www.ecre.org/wp-content/uploads/2016/07/ECRE-Comments-Eurodac-proposal.pdf>

⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-opinion-06-2016-eurodac-0_en.pdf

COMMON EUROPEAN ASYLUM SYSTEM REFORM

EASO/The EU Agency for Asylum

Another thorny subject in negotiations for the CEAS reform package that has been the subject of much debate is that of the EU Agency for Asylum. Whilst the European Border Coast Guard Agency (EBCG) Regulation was relatively uncontroversial, the most relevant cause for concern was the reform of the European Asylum Support Office. The change of name to the EU Asylum Agency for Asylum, thus dropping the 'support' element, proved for some interlocutors indicative of a stronger intervention purpose of the agency rather than that of supporting the national authorities. This Regulation was almost finalised but what was found to be the trickiest issue to stomach for Member States was that of the monitoring and evaluation mechanism. Article 13 of the Regulation established a 'Mechanism for monitoring and assessing the asylum and reception systems', which allows the Agency to keep track of how Member States were implementing the CEAS.¹⁰ Other extended competencies of the Agency in the Regulation included technical and operational support in decision-making processes of asylum decisions and to the courts and tribunals. These two factors were seen as posing a significant infringement on national sovereignty and were therefore primarily blocked by Italy, Greece, Hungary and Poland. Some northern and central Member States felt that expanding the Agency's mandate would provide the southern Member States with the support that fuels their calls for solidarity - seen as lukewarm commitments to solidarity by their counterparts. Additionally, the European Parliament has also expressed concerns regarding the expanded responsibilities of the

Agency due to a lack of oversight of its activities.

Package Approach

Finally, the idea to push forward the CEAS 2016 as a package, thus either all regulations pass or none at all, was another problematic feature of the reform which caused many divisions between the Member States. Some Member States believed all the issues to be too interconnected to be separated, especially underlining that no Regulations can pass unless the Dublin Regulation passes - by far the one proving hardest to pass yet the one whose influence and impact is the most far-reaching across the package. Other Member States, for the sake of passing at least some of the developments brought forth by the reform advocated for 'mini-packages', so passing through the least controversial aspects of the reform. The Austrian and Romanian presidencies, who have followed the Bulgarian Presidency under which the Dublin reform stalled, have been largely advocates of the package approach. Whilst most Member States would agree that they would rather pass all the reform as a comprehensive package, some northern and central Member States, the Netherlands, Luxembourg, Sweden, Germany and France in particular, advocated for the 'mini-package' especially on the Agency, the core Directive and Regulations aiming to harmonise asylum policies, and the Eurodac Regulation - realising that without at least a 'mini-package' they may end up with no regulations through that they had pushed for and that this might give rise to populism. On the other hand, for some other smaller countries, or the border countries the 'package' was their only leverage.

¹⁰ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf

POTENTIAL SCENARIOS

Most interlocutors have stressed the importance of individual people at the helm of specific directives. For example, a particular Special Rapporteur in the Parliament, whether the Monika Macovei MEP (ECR) on Eurodac or Cecilia Wilkstrom MEP (ALDE) on the Dublin recast have a significant impact on the political impetus and nature of the directive. Equally, individuals in different Council presidencies and councillors from different permanent representations also have a significant influence on the outcome of the directives and overall reform. Most pointed out that individuals in the Bulgarian presidency were extremely committed to reaching a conclusion on the CEAS package, which many claim is how they got so close to doing so. This sheds light on the complex landscape of increasingly active stakeholders dealing with the reform - another challenge posed in the past legislature which may resurface in the following one.

In light of the issues outlined above, EU asylum policy can appear as an insurmountable challenge. However, to protect European unity during a future crisis and create a fairer and more efficient system, it is a challenge that needs to be addressed. Below, we outline four scenarios for the future of the CEAS reform. These are not necessarily mutually exclusive and given that the Commission is currently taking shape, some of these scenarios will become increasingly more/less likely as von der Leyen outlines her policy priorities. Nonetheless, they provide insight into the pressing question “where can we go from here?”

Context: The New Who's Who of EU Asylum Reform

As highlighted previously, personality and interpersonal politics can be as important as policy when it comes to shaping legislative outcomes in the EU. Therefore, any analysis of the future of the CEAS reform would be amiss without considering who will be at the helm of the negotiations. Von der Leyen has faced significant criticism for creating an office for “protecting our European Way of Life” that, among others, is tasked with addressing the “legitimate fears and concerns about the impact of irregular migration,”¹¹ immigration integration, and asylum. Accused of pandering to right-wing governments, von der Leyen’s decision might indicate increasing restrictiveness of EU migration and asylum policy.¹² She also appears to further the ongoing externalisation of EU migration and asylum policy, emphasising “strong borders” and “improving

11 von der Leyen, U. (2019). Vice-President-designate for Protecting our European Way of Life [Online]. Available at: www.ec.europa.eu/commission/sites/beta-political/files/mission-letter-margaritis-schinas-2019_en.pdf. (Accessed: 22 September 2019)

12 von der Leyen, U. (2019). Vice-President-designate for Protecting our European Way of Life [Online]. Available at: www.ec.europa.eu/commission/sites/beta-political/files/mission-letter-margaritis-schinas-2019_en.pdf. (Accessed: 22 September 2019)

the perspectives of young women and men in their countries of origin.”¹³ What this means for the CEAS reform remains to be seen. Meanwhile, her call for a “fresh start” to burden-sharing and to “help each other”¹⁴ will inspire hope in frontline states that solidarity measures will play a more prominent role going forward. Naming yet another Greek representative to oversee the migration portfolio appears to highlight this objective. Margaritis Schinas is the man von der Leyen tasked with protecting the “European Way of Life”; a member of the European People’s Party and former chief spokesperson for Jean-Claude Juncker, Schinas is a Brussels regular and will, among others, coordinate the establishment of von der Leyen’s promised New Pact on Migration and Asylum. Ylva Johansson is the other key figure who will be working on the CEAS reform in the new Commission. The Swede will be overseeing the home affairs portfolio, which covers migration, security, Schengen, and asylum. Noting that “failure is not an option,”¹⁵ Johansson appears committed to resolving the current stalemate and establishing a common European approach for governing migration and asylum. Her and Schinas also represent a delicate geographical balance, with a representative from a Northern and a Southern state respectively working together to reach an agreement.

Scenario 1: No Reform

An unlikely, but not impossible scenario: Scrapping the reform and maintaining the status quo. While EU institutions and most Member States recognize the need for change, the deadlock might lead the withdrawal of the proposal, at least for now. Such an outcome is most beneficial for those countries who understand themselves as the “winners” of the current set-up and oppose significant parts of the reform package – namely, the V4. Arguably, their strong opposition on several aspects of the reform has, deliberately or not, already resulted in the proposal being indefinitely stalled. As other policy areas become more pressing, impetus could wane and reform efforts might diminish; at least until an increased influx of refugees once again exposes the cracks in the existing system. In light of continued violence in Syria and the increasingly fraught EU-Turkey deal, such an event might not be far into the future.¹⁶ As the 2015/2016 ‘crisis’ and the varied implementation of the existing asylum system including Dublin have shown, however, is that the collapse of the system alone is not sufficient to inspire unified action to change it. Instead, a multispeed approach could further establish itself, with some countries being more welcoming to refugees and others effectively closing themselves off (i.e. Hungary’s fence). This is already evident today in the widely varying reception conditions, recognition rates and the enforcement of Dublin rules across the Union.¹⁷ Equally evident today, however, is the high cost of such a multispeed system for European unity as a

13 Von der Leyen (2019), pp. 15-16.

14 Ibid., p. 15

15 Johansson, Y. (2019). Hearing of Ylva JOHANSSON, Commissioner-designate, Home Affairs: Opening statement by Ylva JOHANSSON [Video]. Available at: https://multimedia.europarl.europa.eu/en/hearing-of-ylva-johansson-commissioner-designate-home-affairs-opening-statement-by-ylva-johansson_1177902-V_rv (Accessed: 5 October 2019)

16 Presidency of the Republic of Turkey. (2019). Turkey can no longer afford to be a mere onlooker to the situation east of the Euphrates [Online]. Available at: <https://www.tccb.gov.tr/en/news/542/109522/-turkey-can-no-longer-afford-to-be-a-merre-onlooker-to-the-situation-east-of-the-euphrates->. (Accessed: 22 September 2019)

17 European Parliament Policy Department for Citizen’s Rights and Constitutional Affairs. (2016). The Implementation of the Common European Asylum System [Online]. Available at: <http://statewatch.org/news/2016/jun/ep-study-ceas.pdf>. (Accessed: 22 September 2019)

whole and Southern border countries in particular. Indeed, they are the ones who have the most to lose if the current system is not reformed.

Scenario 2: Same Old Reform, but New Circumstances

Einstein supposedly said that insanity is doing the same thing over and over again and expecting different results. Einstein was not familiar with EU politics. Indeed, in Brussels, the same thing done over and over can, under the right circumstances, eventually yield a different result: Changing Member State governments and voting procedures can tip the balance of power and bring movement into previously stalled negotiations.

In our interviews, experts from the different EU institutions highlighted that the new Italian government as well as elections in several Member States could help solve the CEAS reform deadlock. Generally, more progressive state-level leadership is expected to be more open towards both solidarity and responsibility measures and EU-wide compromises on migration. Indeed, the new Italian government has revised Salvini's anti-immigration stance and re-opened Italian ports for vessels carrying migrants rescued in the Mediterranean.¹⁸ Whether the upcoming elections in Austria and Poland will deliver similarly migration-friendly leadership change is to be seen and, particularly in the case of Poland, rather unlikely.¹⁹ Furthermore, EU- and migration-friendly governments alone do not guarantee that compromise will be reached,

since the inherent tension between solidarity and responsibility remains.

Besides leadership change in the individual Member States, there is another way to pass the proposal without substantially changing its contents: Changing the voting procedure. The "all-or-nothing" approach that both demands passing the CEAS package as a whole and with unanimous consent in the European Council means that compromise on all issues is paramount. With Eastern, Southern, and Northern Member States all having different positions on different parts of the package, such a compromise is unlikely to be achieved anytime soon. Therefore, former EP President Antonio Tajani asked the Member States at a European Council in 2018 "why the Council does not apply the qualified majority rule"²⁰ regarding the CEAS reform. Legally, this is possible, since the treaties do not demand for unanimity in the Council in asylum matters. Nonetheless, successive Presidencies have chosen to seek a "consensus"²¹ among Member States in regards to the CEAS reform and, specifically, Dublin. This consensus is arguably meant to placate the politically charged debate and avoid furthering the rift between the V4 as well as frontline states and the remaining members. Such caution was not without reason: Rejecting unanimity for QMV risks a repeat of the controversy surrounding the EU's emergency relocation scheme.²² Eastern Member States were unable to stop the decision in the Council, so they shifted their opposition to the implementation

18 Tondo, L. (2019). 'First migrants land in Italy under post-Salvini coalition deal with EU.', *The Guardian*, 15 September [online]. Available at: <https://www.theguardian.com/world/2019/sep/15/italys-new-coalition-announces-plan-to-end-migrant-haggling-ocean-viking-disembark>. (Accessed: 23 September 2019)

19 Politico. (2019). Poll of Polls [Online]. Available at: <https://www.politico.eu/europe-poll-of-polls/poland/>. (Accessed: 23 September 2019)

20 Drachenberg, R. & Anghel, S. (2018). Outcome of the meetings of EU Heads of State or Government, 17-18 October 2018 [Online]. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/627137/EPRS_BRI\(2018\)627137_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/627137/EPRS_BRI(2018)627137_EN.pdf). (Accessed: 22 September 2019)

21 Cf. European Council. (2018). European Council conclusions, 28 June 2018 [Online]. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2018/06/29/20180628-euco-conclusions-final/>. (Accessed: 26 September 2019)

22 Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601

level – resulting in infringement procedures launched against the Czech Republic, Hungary and Poland.²³ Therefore, while passing the reform by circumventing unanimity is possible, the risks for damaging the unity, effectiveness, and credibility of EU decision-making might outweigh any possible benefits.

Scenario 3: Splitting the Package

As stated in the diagnosis, the package approach has impeded the successful adoption of the CEAS reform. One way to address this is to split up the proposal and pass “easier”, less controversial files (e.g. Eurodac, ESO) first. While there are both technical and legal links between the texts, these could be amended in order to be adopted separately. As stated above, several Member States have been in favour of this approach and former Migration, Home Affairs and Citizenship Commissioner Dimitris Avramopoulos unsuccessfully called on the Parliament and Member States to pass the Qualification Regulation, the Reception Conditions Directive, the European Asylum Agency Regulation, the Eurodac Regulation, and the Union Resettlement Framework Regulation. Implementation of the contested Dublin recast and the Asylum Procedure Regulation, meanwhile, would have remained “voluntary.”²⁴ However, such an approach could undermine the desired harmonisation of standards that the package is

meant to achieve. Furthermore, Member States appear concerned that if the files are passed individually, they lose bargaining power to pressure for the changes they want done to other parts of the proposal. The South and the V4, particularly, do not want to abandon the package approach unless a breakthrough on Dublin has been reached - albeit for very different reasons.²⁵ Regardless, a separate adoption of the legislative files is, in theory, possible and could circumvent the current deadlock.

Scenario 4: Reformed Reform

The most likely scenario for CEAS reform is a substantial amendment of the existing proposals. While an analysis of all possible and potentially necessary changes is beyond the scope of this paper, we will briefly consider a change to the arguably most controversial file of the package: Ending Dublin’s first-country-of-entry principle. In an interview with German newspaper Bild, von der Leyen suggested that her Commission would reconsider the principle, saying “I’ve never really understood why Dublin started with the simple equation: Where a migrant first stepped foot in the EU, that’s where he or she must stay.”²⁶ The frontline states, particularly the MED5 share this sentiment, since first-country-of-entry places all responsibility to register and provide initial care for asylum seekers on them. Beyond their objections, the de facto breakdown of Dublin in the wake of the 2015/2016 ‘crisis’ highlights that the current system is no longer tenable. During the crisis, top recipient countries in the North, such as Germany and Sweden, also demanded for more solidarity and responsibility-sharing through a resettlement scheme. Some of

23 European Commission. (2017). Relocation: Commission refers the Czech Republic to the Court of Justice [Online]. Available at: https://europa.eu/rapid/press-release_IP-17-5002_en.htm. (Accessed: 23 September 2019)

24 Gotev, G. (2018). ‘Juncker Commission gives up on Dublin asylum reform’, Euroactiv, 4 December [online]. Available at: https://www.euractiv.com/section/justice-home-affairs/news/juncker-commission-gives-up-on-dublin-asylum-reform/?utm_source=EURACTIV&utm_campaign=00f901140e-RSS_EMAIL_EN_Daily_Update&utm_medium=email&utm_term=0_c59e2fd7a9-00f901140e-114723123. (Accessed: 24 September 2019)

25 Cf. Position paper by Cyprus, Greece, Italy, Malta and Spain on the Dublin reform, point 13.

26 In Deutsche Welle. (2019). ‘Von der Leyen outlines position on migration, other EU challenges’, Deutsche Welle, 19 July [online]. Available at: <https://p.dw.com/p/3MlBN>. (Accessed: 23 September 2019)

their passion for solidarity has since waned, as the number of asylum applications has decreased and public opinion on refugees has soured in many countries.

With the first-country-of-entry principle gone, the question is what would replace it. A liberalisation of Dublin would allow asylum seekers to choose their country of residence and move freely within the EU, but such a move is unlikely in the current political climate. Similarly, the relocation mechanism necessary to take some burden off frontline states has faced consistent criticism from the V4 and other Member States. Nonetheless, a reform of Dublin seems indispensable. But being indispensable alone has so far not proven to be enough motivation for Member States to compromise.

The next months will prove pivotal in addressing the current legislative stalemate - not an easy task for the new Commission, yet a crucial one. Protecting "the European Way of Life" means finding a workable compromise between solidarity and responsibility that will hold up in times of crisis. However, the values and treaties that make up said way of life also demand prioritising refugees' rights over achieving efficiency and harmonisation. Passing the reform cannot be an end in itself, but rather, a means to creating an asylum system that works for all: Member States and refugees alike.



NOTES

© Copyright 2020. All Rights Reserved - 1989 Generation Initiative, LLC

The views expressed in this report are the authors' and do not necessarily reflect those of the 89 Initiative

For queries and further information regarding this publication, please contact us at: social@89initiative.com

An electronic version of this document is available for download at [www. http://89initiative.com/](http://89initiative.com/)

Proudly associated with



European
Institute

 Initiative