Establishing a Common European Asylum System

Tracing the Impact of EU Policy Making on Asylum Outcomes

Stein Arne Brekke

Master's Thesis
Political Science

Department of Political Science
Faculty of Social Sciences

UNIVERSITY OF OSLO

Spring 2017

Word count: 32 706

Establishing a Common European Asylum System

Tracing the Impact of EU Policy Making on Asylum Outcomes

Stein Arne Brekke

Establishing a Common European Asylum System

http://www.duo.uio.no/

Printed: ARENA Centre for European Studies, University of Oslo

Abstract

Ever since the the Dublin convention entered into force in 1997, asylum seekers have been given a common status in all of Europe: If an asylum application is rejected in one country, the persons right to apply for asylum in other European countries is revoked. For this system to be just, all participating countries would need to have common procedures for their handling of asylum applications: A condition that has repeatedly been proven not to be fulfilled. In order to solve these discrepancies, the European Union has implemented numerous directives and measures intending to harmonise European asylum procedures over the last decades: However, previous studies have found these efforts to be futile, with differences remaining largely the same or even increasing. This thesis sets out to conduct a more thorough study of the convergence of European asylum recognition rates, by seeing the results of quantitative convergence studies in light of the EU policy development process. It finds that the increased discrepancies of asylum recognition rates observed in previous studies are likely to be the result of *unfinished convergence*, and concludes that EU directives implemented as a part of the Common European Asylum System are likely to cause a harmonisation of European asylum procedures in the long run. Compared to previous studies, this thesis thus argues for a less pessimistic interpretation of convergence of asylum recognition rates, finding indications that recognition rates are converging following the implementation of EU policies.

Acknowledgements

This thesis would not have been possible without valuable input from my supervisor Jørgen Bølstad, who provided invaluable help and feedback through the work on this thesis in general, and on the research design and methodology in particular. My gratitude is furthermore directed towards the great people at the ARENA Centre for European Studies for allowing me to take part in the daily life at the research centre while working on this thesis, providing me with a great experience I will not easily forget.

I would also like to thank Iréne Allison Støa and Erik Liss for reading through this thesis at different levels of completion, providing me with both valuable feedback, discussions, and the encouraging realisation that this thesis is, in fact, readable for other people than just myself.

Lastly, this thesis is made possible by the work of the UNHCR, who leaves their data freely available, and has also been very helpful upon receiving inquiries. The developers of R and Latex also deserves a mention, for creating free and open source software capable of doing most anything.

While I have enjoyed great help in the work on this thesis, all remaining flaws are purely my own.

Contents

Chapter 1

Introduction

In October 1999, the heads of state in the European Union met in the Finnish city of Tampere to discuss the creation of an area of freedom, security and justice in the Union. Among the conclusions of the meeting was an agreement to create a Common European Asylum System (CEAS), a goal that has since been high on the agenda of the European Union. The system has been through two main phases of development: The first phase starting with the meeting in Tampere in 1999 and ending with the transposition of its last directive into national law in 2007, the second phase having policy development and implementation mostly taking place in the period between 2010 and 2015. The strategy chosen by the Union for creating a CEAS has been described as a piecemeal development (Chetail 2016, p. 7), where numerous pieces of legislation have been gradually added and amended, sometimes in a quite problematic order, with the goal of ending up with a fully harmonised system in the long run. As the second phase of this development was finished in 2015 with no major policy changes for the CEAS on the horizon, it is natural to raise the question of how successful the efforts to establish the CEAS has been, and what problems are still prominent in the system.

1.1 The Research Question

This thesis sets out to measure the merits of EU efforts to harmonise European asylum policies, which has been an important focus since the beginning of the development of the CEAS. Harmonisation of asylum policies can be divided into two different aspects: Harmonisation of asylum procedures and harmonisation of reception conditions. The former concerns the treatment of asylum applications, where the ideal would be equal and fair treatment of asylum applications in all participating countries, manifesting in similar cases being treated the same and resulting in the same outcome no matter in which country the application is lodged (Council of

the European Union 2010). The latter concerns the conditions asylum seekers are subject to after arrival in Member States, both before and after their application has been processed.

I will focus this research on harmonisation of asylum procedures. This is done by examining data for the outcomes of asylum applications in the European Union: If the policy harmonisation project of the Union has been successful, there is reason to expect asylum outcomes in Europe to have converged by growing more alike over time. Not only would there be reason to expect a convergence in the outcomes of asylum applications in the period the CEAS has been under development, but one could also expect to see a relationship between the convergence of asylum outcomes and EU policy development.

The research question is therefore as follows:
Has the development of the Common European Asylum System led to convergence of asylum outcomes in Europe, and how can this be linked to the implementation of specific EU measures?

1.2 Why Study Asylum Outcomes?

While studying asylum outcomes will not be sufficient to gain a complete overview of the development of the CEAS, it does allow for a valuable insight into the merit of the European Union's project to enforce common asylum procedures. The approach of studying the CEAS through asylum outcomes offers four main advantages. First of all, the convergence of recognition rates in Europe has been seen as a prioritised issue since the very beginning of the CEAS, both by actors in the European Union itself and by independent NGOs and scholars (Peers 2013). It is therefore reasonable to expect progress to have been made in the harmonisation of asylum procedures if the development of the CEAS has been successful, and it should also be possible predict when this development has occurred by studying measures implemented by the European Union.

Secondly, and relating to the first point, ensuring equal treatment and outcome of similar cases across participating states is important from a normative standpoint, and failure to do so would delegitimise the entire CEAS in its current form. Ensuring a sufficiently high degree of protection in line with the 1951 Convention Relating to the Status of Refugees in all countries is in itself an important policy goal, but the importance of equal treatment of asylum applications is further increased by the nature of the Dublin system. The system is designed to prevent so-called 'asylum shopping', where asylum seekers apply for asylum in multiple countries in order to improve their chances. Under the Dublin system, such attempts of

asylum shopping will normally result in an automatic return to the applicant's first country of registration, with no proper hearing in the second country the person applied in. With this system in place, any discrepancies in the handling of asylum applications between participating states will result in people being given unequal chances of protection due to reasons outside of their control. The failure of one Dublin state to give a fair evaluation of asylum applications would therefore be a failure of all participating states, as asylum seekers could be denied the right to be given a fair procedure in these countries. A consequence of this could be the forced repatriation of people with legitimate need for protection, going against the principle of non-refoulement.

A third benefit of studying recognition rates is that it is is a direct measure of actual asylum outcomes that are a result of the political reality, not just the degree of legislative adoption in Member States, the comprehensiveness of EU legislation, or the like. Measuring the outcomes of asylum applications allows for studying the actual impact of EU policy making by employing a measure that directly relates to asylum seekers' situation in Europe.

Lastly, studying the outcomes of asylum applications has the pragmatic benefit of data availability. Both the statistical unit of the United Nations High Commissioner for Refugees (UNHCR) and Eurostat, the statistical agency of the European Union, have rich databases that allows for comparison of asylum outcomes both across different countries and over an extended period of time. As these data need to be origin-specific, Eurostat offers suitable data going back to 1999, while more comprehensive data from the UNHCR goes back to year 2000. Studying convergence of asylum outcomes thus has the benefits of clear expectations from the policy development process as well as a substantial amount of outcome-based data that could be expected to cover the application of said polices.

As it is hard to imagine a direct measurement of the fairness of European recognition rates, this thesis instead investigates if European recognition rates have gotten more similar between countries with the implementation of EU directives. In other words, it does not compare recognition rates in European countries to some imaginary ideal recognition rate, but rather to the average procedures in the Union. If EU directives have led to a convergence of asylum recognition rates, one can assume that asylum seekers are met by more equal chances no matter what country they first apply in; if recognition rates are observed to diverge, the opposite is the case.

1.3 Research Approach

The development of the CEAS will be approached from two different perspectives. First, an overview of the policy development process will be given, with focus on directives and other measures expected to have had an impact on European recognition rates. This is done following the advice of Plümper and Schneider (2007, p. 17), who pointed out the necessity for studies of policy convergence to be explicit about expectations from the process of convergence, arguing that failure to formulate clear expectations will make a proper analysis of policy convergence impossible. The first part of the analysis of policy convergence is therefore a process-oriented study, from which expectations to be tested by the use of quantitative methods will be derived. The quantitative study of convergence marks the second perspective the development of the CEAS will be studied from.

By setting out to study convergence through a holistic approach of both qualitative and quantitative methods, this thesis seeks to contribute to a better understanding of the convergence of European asylum recognition rates. Two types of convergence are studied: σ-convergence, which measures variance over time and is the approach that has been employed in previous studies of convergence of asylum recognition rates, and β-convergence, which instead estimates whether or not observations are moving in a direction that indicates convergence. By combining these two approaches with a qualitative study of the measures implemented by the European Union, the conclusion is reached that a *process of convergence* is initiated with the implementation of EU directives, but that this process can be temporarily observed as σ-divergence, leading previous studies to reach differing conclusions.

1.4 Terminology

Before discussing the European asylum regime, it is necessary to make a proper introduction of relevant terminology. An *asylum seeker* is, intuitively, a person applying for asylum in a country: This is agnostic as to whether or not the person has a legitimate need for protection. There are two possible positive outcomes to asylum applications incorporated into the European asylum *acquis*; *refugee status* and *subsidiary protection*. The refugee status is given to people who are found to fit the definition of a *refugee*, as laid down by the 1951 Convention Relating to the Status of Refugees. A person meeting these criteria is a refugee independent of whether or not a country has awarded the person a refugee status, and these are therefore two separate concepts. A refugee is a person meeting the criteria set by the United Nations, while the refugee status is the status given to people who are found to meet these criteria.

The status of subsidiary protection is given to people who do not qualify as refugees, but who are nevertheless not to be sent back to their home countries due to humanitarian reasons, as provided by international law. This status originates back to the principle of non-refoulement specified in the 1950 European Convention on Human Rights (ECHR), which was incorporated into EU law with the 2004 Qualifications Directive (Bauloz and Ruiz 2016, p. 240). This is considered a slightly weaker form of protection than the full refugee status. A third possible option is a permission to stay on the basis of strictly national laws, which Member States are free to implement as they see fit: As this national protection type does not relate directly to the European asylum *acquis*, it will not be discussed extensively in this thesis. The two latter protection types are however both described as 'other protection' in UNHCR data, and for the sake of simplicity, the term 'subsidiary protection' is used to describe all of these observations when studying these data.

While an asylum seeker is a person who has applied for asylum in a third country, a *displaced person* is a person who has for some reason been driven from his or her country of origin, independent of whether or not the person has applied for asylum or has any intentions of doing so. This includes refugees and people eligible for subsidiary protection, as well as economic migrants and other people who do not qualify for any of the protection statuses mentioned above. A person who has been granted either a refugee status or subsidiary protection is a 'beneficiary of international protection'.

1.5 Disposition

The next chapter starts by reviewing earlier literature on the development of the CEAS in general and convergence of asylum recognition rates specifically, in an attempt to place this thesis in a larger context. The chapter concludes by quickly describing trends in previous literature, and what knowledge gap is left to be answered in this thesis.

This is followed by a chapter discussing the development of the European asylum regime, focusing on the development of the Common European Asylum System and measures that are expected to influence convergence of European asylum recognition rates. After going through the development of the European asylum regime in chronological order, the current developments that can be expected to work towards further harmonisation of European asylum procedures are discussed.

The following chapter presents the methodology used in the quantitative part of the thesis, discussing different types of convergence and the challenges of measuring these. This chapter ends by presenting expectations drawn from the development of

the CEAS that can be measured by the discussed statistical means. The succeeding chapter presents the findings of this research, where two different measurements of convergence are applied in combination with expectations drawn from the policy development process. I find that there has been a clear process of convergence following EU directives, but that these processes can be observed as divergence while being implemented, possibly explaining the differing conclusions of previous studies.

The thesis concludes with a chapter discussing these findings in the context of the current situation in Europe, and the implications of these findings for the legitimacy of the Common European Asylum System as well as for the further development of the European asylum regime.

Chapter 2

Literature Review

Much has been written about the development of the Common European Asylum System, resulting in an extensive literature on the field. This chapter sets out to place this thesis within the literature on the European asylum regime and discuss earlier contributions of particular relevance, before concluding with a discussion of what knowledge gap is left by earlier literature on asylum policy harmonisation and how this thesis can make a contribution in this regard.

2.1 Academic Interest in the Development of European Asylum Policy

Academic interest in the field of asylum has increased sharply since the 1980s, as a result of both a higher influx of asylum seekers and the intensifying Europeanisation of asylum issues (Vink and Meijerink 2003, p. 299). After the European Council decided to work towards a CEAS at the meeting in Tampere in 1999 (Tampere European Council 1999), research of European integration in the field of asylum intensified, often asking whether or not Europe is moving closer to common asylum procedures. The development of the CEAS was divided into two phases. The first phase, laying the foundation for the CEAS, was finished in 2007, with the last directive being adopted by the Council in 2005. The second phase directives were mostly to be transposed into national law no later than in June 2015, with the last measures having been adopted by the EU in 2013. The literature on the development of the European asylum system expanded quickly after this first phase of the CEAS, as scholars set out to provide evidence that the asylum system was in reality by no means 'common', with large discrepancies between Member States (Chetail 2016, p. 18). The last few years have seen a revitalisation of academic interest in asylum issues, following a historically large influx of asylum seekers,

heavy politicisation of asylum issues, and the conclusion of the second phase of the CEAS all taking place in 2015. One natural question to ask in this context is whether or not the CEAS has succeeded in making European asylum systems more unified after the second phase.

When studying the harmonisation of European asylum policies, there are two main approaches to chose from: One can conduct a comparative empirical study of national asylum regimes and their outputs (bottom-up), or one can study the measures taken by the European Union in order to harmonise national policies (top-down). A recent contribution to the latter can be found in Chetail et al. (2016), where the development of the Common European Asylum System is explained in detail, with focus on recent recast directives of the second phase.

Reoccurring (and often overlapping) themes in comparative studies of the European asylum regime have been the determinants for outcomes of asylum applications (Schneider and Holzer 2002; Toshkov 2014), what determines the movement of asylum seekers (Neumayer 2004; 2005b), how the burden of handling asylum seekers is distributed in Europe (Thielemann 2003; Vink and Meijerink 2003; Thielemann et al. 2010; Toshkov and de Haan 2013), and if the Europeanisation of asylum policies has lead to convergence of procedures and outcomes.

This thesis enters the latter tradition, examining the convergence (or lack thereof) of asylum outcomes. These studies have usually set out to measure the *status quo* of convergence in European asylum procedures, and whether or not there has been a development towards further harmonisation in the preceding years. The study of convergence can be a challenging procedure, something that was demonstrated by Heichel et al. (2005): In an overview of 74 published studies on policy convergence they found that 15 studies rejected convergence completely, 33 studies supported the existence of convergence, and 26 studies remained undecided (observing limited convergence): This included substantial variation within policy fields. The situation is much the same while looking at studies of convergence of asylum policies in Europe, with findings pointing in different directions.

There are to my knowledge three published studies looking at convergence of European asylum recognition rates. Neumayer (2005a) was the first to publish such an analysis, and found no indication of convergence when studying the period of 1980 to 1999. When studying the periods 1999 to 2009 and 2000 to 2010 respectively, Bovens et al. (2012) and Toshkov and de Haan (2013) reached different conclusions. Bovens et al. found the dispersion of asylum recognition rates to move in an almost U-like curve, rapidly converging the first three years under study, then steadily diverging until 2007, before showing signs of slight convergence. Toshkov and de Haan, on the other hand, observed a slight trend of convergence, while studying the

same period of time. I will look further into these three articles below, along with a few other articles of particular relevance.

2.2 Previous Studies of Asylum Recognition Rates and Convergence

An early quantitative attempt to compare the different asylum policies in Europe can be found in Bronkhorst (1991), inspired by the beginning efforts to harmonise European asylum procedures. Bronkhorst set out to assess the realism of a common European asylum policy, which was done by comparing available asylum data from the 1980s. These data were analysed in two ways. First, recognition rates were compared directly between European countries, finding large discrepancies. While being limited by the availability of data, Bronkhorst made a strong argument that a lot of work needed to be done in order to establish a common policy on asylum. The second part, focusing particularly on data from the Netherlands, compared recognition rates to an Amnesty International index of human rights violations. Bronkhorst found major inconsistencies in the treatment of asylum applications in both analyses, and concluded that different procedures combined with European unification could have a problematic effect on the distribution of asylum seekers in Europe. Bronkorst proposed increased burden-sharing as a solution for this problem; a lack of which could lead to a policy crisis he described as 'a grim picture of destitution, instability and deadlock' (ibid., p. 157).

Another early study was conducted by Vink and Meijerink (2003), who focused their attention on asylum burden-sharing between European countries. This included two analyses of interest: A log-linear analysis finding that an increase in the number of applications tend to go together with lower recognition rates (a conclusion that has later been disputed by among others Leerkes (2015)), and an analysis of convergence of the European asylum burden between 1982 and 2001. The latter was conducted by calculating the standard deviation of an 'asylum burden' measure every year and observing the change in variation over time. In this analysis, Vink and Meijerink found a clear sign of convergence in the period under study, indicating increased asylum burden-sharing in Europe.

2.2.1 Neumayer (2005)

A widely cited article in the literature on asylum convergence in Europe is Eric Neumayer's study of 'Asylum recognition rates in Western Europe: Their determinants, variation, and lack of convergence' (2005a). Neumayer found both substantial vari-

ation in and a lack of convergence of recognition rates in Western Europe in the period 1980 to 1999. This period is of particular interest due to the entering into force of the Dublin convention in 1997, designed to prevent asylum seekers from applying in more than one of the participating states. For this system to be justified, asylum claims with equal merits would need to have equal chances for success in all participating countries from this point on.

As this study covers the years before the idea of a 'Common European Asylum System' was first introduced at the meeting in Tampere in 1999, there is little reason to expect a strong trend of convergence of asylum outcomes in this period. Neumayer's main focus is therefore on another issue: Whether political and economic conditions in destination countries will impact recognition rates, as recognition rates can be used as a political measure to control the consequences of a high asylum influx. The competing hypothesis is that asylum recognition rates are primarily decided by the merits of asylum claims, controlled for origin-specific variables indicating the need for protection. He also seeks to find signs of convergence of asylum recognition rates by studying σ-convergence over time. Neumayer employs origin-specific UNHCR data in order to test these relationships.

Regarding the determinants of recognition rates, he found that 'recognition rates seem[ed] to be fairly sensitive with respect to the likely merit of the asylum claim' (Neumayer 2005a, p. 4), while also noticing that they were 'positively associated with a destination country's per capita income level' (p. 23). While the finding that the situation in the country of origin is of importance for the outcome of asylum applications is reassuring, the indication that the economic concerns are taken into account in the handling of asylum applications is more troubling.

To measure variability of recognition rates for the convergence study, Neumayer calculates the 'coefficient of variation', which is found by dividing the standard deviation by the mean of the distribution for every year observed. In order to control for country of origin, the coefficient of variation is calculated separately for each country of origin, before a weighted mean is calculated based on the number of asylum seekers from each country. Using this method, Neumayer found no indication of convergence in the period of study, concluding that 'there [was] a great variation in recognition rates that ha[d] not shrunk over time'.

2.2.2 Toshkov and de Haan (2013)

Toshkov and de Haan (2013) use a quantitative approach to make an assessment of EU impact on asylum applications and recognition rates using origin-specific UNHCR data from the period 2000 to 2010. The article tests three common hypotheses in the study of Europeanisation of asylum policies: Those of a race to the bottom,

convergence of recognition rates, and burden sharing between Member States. Interestingly, Toshkov and de Haan finds support for convergence in recognition rates between Member States, which stands in contrast with previous attempts to measure convergence by Neumayer (2005a) and Vink and Meijerink (2003); an indication that the Union's intensified effort to create a common policy on asylum has been successful.

The method applied in Toshkov and de Haan resembles the one used by Neumayer (2005a), in that they applied the coefficient of variation ($\frac{sd}{mean}$) to measure variance in recognition rates. In order to examine convergence of recognition rates controlled for countries of origin, they look at the coefficient of variation in asylum recognition rates for ten 'major asylum countries or origin'. The values for each country of origin are plotted in separate plots for the period 2000 to 2010, both for granting of full convention status (in accordance with the 1951 convention) and for all types of protection (including subsidiary protection and other, national forms of protection). The graphs generally show a downward trend; of all the included countries of origin, Serbia is the only one for which the dispersion observed between 2008 and 2010 is greater than that between 2000 and 2002.

After finding this indication of convergence of recognition rates for asylum seekers coming from the ten countries of origin chosen for the first analysis, Toshkov and de Haan (2013) goes on to study total recognition rates in destination countries, 'irrespective of the country of origin of the applicants'. These data are thus a pure comparison of recognition rates, not taking into account differences in asylum flows between destination countries. The authors find an indication of weak convergence, as 'the coefficient of variation has decreased from an average of 0.84 during 1997-1999 to an average of 0.67 during 2008-2010' (ibid., p. 675). The authors conclude their segment on convergence by stating that while '[t]he 27 EU states, Switzerland and Norway have moved closer, [...] there are still appalling examples of vastly different recognition rates across the continent', listing up several examples of discrepancies in recognition rates for a selection of countries of origin.

The authors test the hypothesis of a 'race to the bottom' in European recognition rates by looking at recognition rates in major receiving countries over time, finding no evidence of a downward spiral of the asylum policies of Europe. While they acknowledge that '[t]here is no single set of numbers that can persuasively confirm or dismiss a race to the bottom in terms of asylum policy outcomes in the Europe', they look into several indicators, finding no evidence of such a trend. The convergence they observe therefore seems to be towards a common asylum procedure that is not simply a dumping of standards. As for the impact of the European Union on burden sharing, they find no indication that Europeanisation of asylum policies has

led to a fairer distribution of the asylum burden in Europe, with asylum burden being defined as the number of asylum seekers in relation to the GDP.

2.2.3 Bovens, Chatkupt, and Smead (2012)

Another quantitative approach to studying convergence of recognition rates is found in Bovens et al. (2012), an article that has a lot in common with that of Toshkov and de Haan (2013). The article has a twofold goal of assessing 'the extent to which European Union member states are using common standards in recognizing asylum seekers' and the extend to which the associated responsibilities are equally shared among Member States. The study of common standards is naturally the one of most relevance for this paper, and one Bovens et al. attack by looking at origin-specific UNHCR data from the period 1999 to 2009.

The approach taken by Bovens et al. to measure convergence of asylum rates differ from that of Toshkov and de Haan in two respects. First of all, Bovens et al. calculate origin-specific recognition rates, instead of comparing countries' recognition rates directly. Secondly, they argue that neither the standard deviation nor the coefficient of variation are suitable measures for the variability of recognition rates, and instead employ what they call the Coffey-Feingold-Bromberg measure (for a further explanation of the different measurements, see subsection 4.2.1).

Calculating this measure for every year from 1999 to 2009 while taking into account different countries or origin, they find evidence of a nonlinear development. Asylum recognition rates converged strongly in the period 1999 to 2001, stabilised on a relatively low level until 2003, then diverged continually until 2007, when they slowly started converging again. As of 2009, the dispersion of recognition rates in Europe were only beaten by the values observed in 1999, 2000, 2007, and 2008. On first sight, the data presented in Bovens et al. therefore gave a pessimistic view of recognition rates in Europe, with higher dispersion observed after the completion of the first phase.

To explain this development, Bovens et al. looked at a small world sample of their data consisting of particularly important receiving states (being responsible for many of the decisions) in years of particular interest. They found that trends in the data could to a large degree be explained looking at just a few of these states: For example, the divergence observed between 2003 and 2007 could be partly explained by the fact that Greece stood responsible for a significantly greater share of asylum decisions than earlier, while maintaining a low recognition rate. Italy and Sweden were also observed to have unusually high recognition rates in the same period, causing further signs of divergence.

These findings demonstrate the importance of taking a closer look at observa-

tions behind the numbers when studying convergence using quantitative methods. What appeared to be a clear sign of divergence of recognition rates in most of the period under study seems to be at least partly due to extreme observations in just a few countries, while a larger trend towards convergence in many Member States could have gone largely unnoticed.

For measuring responsibility-sharing between Member States, Bovens et al. looked into numerous measurements of responsibility-sharing, namely refugee population, acceptance load, and application load compared to population size, GDP-PPP, and GDP. They find indications of both greater equality and greater inequality, depending on which approach is used.

2.2.4 Parusel (2015)

A somewhat different study of the development of asylum recognition rates in Europe was conducted in 2015 by Bernd Parusel, who set out to test the fairness and solidarity of the CEAS using data from Eurostat, the statistical agency of the EU. Fairness was described as relating to common asylum procedures with equal outcomes for similar cases; solidarity referred to the distribution of the asylum-burden in Europe, and was just briefly discussed referring to earlier literature.

Instead of studying convergence of recognition rates in all Member States, Parusel employed data for the period of 2008 to 2013 to calculate recognition rates for the five most important countries of origin: Russia, Afghanistan, Iraq, Syria, and Somalia. Recognition rates for asylum seekers from these countries were calculated for all EU Member States for the six years under study, and the highest and lowest recognition rates were reported for each country of origin in each year. This was followed by a calculation of the deviation between these two rates, with decreased differences over time being interpreted as a sign of increased fairness. While this approach can be criticised for focusing solely on extreme observations while ignoring developments in the majority of countries, as well as being prone to extreme and possibly random changes from year to year, it nevertheless pointed out great discrepancies in asylum outcomes for some important countries of origin. It was concluded that a 'fragile trend towards an approximation of national decision-making practices [could] already be identified', but that persisting differences needed to be addressed, possibly by the continued efforts of the European Asylum Support Office.

2.2.5 Leerkes (2015)

An article that did not set out to measure convergence of recognition rates, but that is still of great relevance for this effort, is Arjen Leerkes' 'How (un)restrictive are we' (2015). The article sets out to improve comparability of European recognition rates by controlling for different aspects of the composition of the asylum seeker population in different countries, namely country of origin, age and sex. The comparability of asylum rates is therefore enhanced in comparison with the analyses of for example Neumayer (2005a) and Bovens et al. (2012), where only countries of origin are controlled for. After comparing asylum recognition rates controlled for composition effects, Leerkes tests the assumption that first-instance asylum decisions are an appropriate basis for calculating recognition rates. Leerkers employs 2014 data from Eurostat.

In order to compare recognition rates across different European countries, Leerkes calculated two alternative recognition rates: The 'adjusted' and 'expected' recognition rate. The adjusted recognition rate is designed to make it possible to rank the restrictiveness of European asylum systems in comparison with each other, and is found by calculating the recognition rate for the given country had it received the same asylum population as the EU/EFTA area as a whole, and given identical outcomes to people with the same country of origin, age, and sex as they did to the asylum seekers they actually did receive. This gives a recognition rate that is directly comparable across countries, as it is calculated on the basis of the same population.

The logic behind the expected recognition rate is the same as that for the adjusted rate, but it's done the other way around: Here, the rate is calculated on the basis of the asylum population that arrived in the respective country in 2014, but applying the recognition rates for all European countries conbined. For example, if a country handled the applications of one hundred 18-34 years old female refugees from Syria in 2014, and the European recognition rate for female Syrian refugees in this age group was 95 percent, the expected recognition rate would be calculated on the basis that 95 refugees in this group were accepted. While the adjusted recognition rate is purposeful for making comparisons between countries, the expected recognition rate is useful for comparing a country's national practice with the European average.

Controlling for differences in the composition of asylum seekers turns out to have a dramatic effect on recognition rates, with Bulgaria serving as an extreme example: The unadjusted recognition rate for Bulgaria was as high as 94 percent, while the adjusted rate was as low as 48 percent, not far away from the European average. The reason for this great difference in the actual and adjusted recognition rate was

in Bulgaria's case the unusually high share of Syrian refugees to arrive in the country in 2014, a group that received high rates of protection all over Europe. While the importance of different countries of origin was of clear importance, controlling for sex and age turned out to be less important, with only marginal implications on adjusted recognition rates. Of all independent variables included in the analysis, country of origin is the most effective for predicting asylum outcomes, followed by country of asylum, age, and sex (p. 21). Finally, Leerkes found that a lower recognition rate in first instance decisions does not appear to be linked with higher chances of being accepted after appeals in a final decision, indicating that it is sufficient to analyse first instance decisions when studying asylum recognition rates (pp. 27-28).

2.3 The Knowledge Gap

This thesis is not the first attempt to study convergence of asylum recognition rates, and the papers discussed above offer a variety of approaches applied to different time periods. There are, however, several reasons why convergence of European recognition rates should be further explored. First of all, the studies mentioned above are all of a descriptive nature, focused on calculating and presenting data for convergence of recognition rates, but not on understanding the mechanisms behind these developments. As stressed by Plümper and Schneider (2007), analyses of convergence need to work closely with theory in order to be convincing, as drawing conclusions on the basis of data alone can lead to false or misleading conclusions. The analysis I will present in this thesis attempts to better explain the observed developments in light of EU policy making, by first looking at which EU measures can be expected to lead to a convergence of asylum recognition rates and when this would happen, and thereafter seeing this in relation to quantitative data. This will allow for both a more robust analysis of convergence and for the possibility to draw conclusions about the impact of EU policy making.

Furthermore, while having chosen different approaches of doing so, all previous studies of convergence of recognition rates have studied σ-convergence, measuring variability between observations over time. This is a problematic approach in that unfinished processes of convergence can appear as σ-divergence (ibid., p. 4), and that single observations can have a great impact on conclusions. In this thesis, these problems are solved not only by seeing data in a closer relation to theory and with a clearer focus on the potential pitfalls of measuring σ-convergence, but also by studying β-convergence, the observed tendency for diverging observations to 'catch up' over time. Studying both σ- and β-convergence with a backdrop of

clear expectations derived from the process of EU policy making should allow for a more robust analysis of convergence with a clearer understanding of the convergence process.

Finally, this thesis has the benefit of being written four years after the last study of convergence of asylum recognition rates, with five more years of empirical data to draw from compared to the last analysis conducted by Toshkov and de Haan (2013). This is of particular interest due to recent developments in asylum issues: Not only has the EU concluded its second phase of the CEAS (implemented between 2011 and 2015), but asylum also became heavily politicised as a result of the 'asylum crisis' in 2015. This allows for the study of the development of the CEAS through two phases of implementation, concluding in a year that is unique in European post-war history. Furthermore, with the second phase of the CEAS being finished, concrete plans for the continued development of the CEAS are yet to be laid down, making this a natural time to study the merits of the current regime.

Chapter 3

Establishing a European Asylum Regime

This chapter will account for the development of the European asylum system in chronological order, beginning with efforts to cooperate on offering protection for displaced people from the Soviet Union during the interwar period and ending with the current efforts of the European Asylum Support Office to enforce common European asylum procedures. As the goal of the chapter is to facilitate the quantitative study of convergence of European asylum outcomes by laying down clear expectations about the convergence process, particular attention will be paid to measures that can be expected to have caused convergence of asylum recognition rates in the period between 2000 and 2015.

3.1 The Early Days: An International Regime and the UNHCR

International humanitarian cooperation on the issue of displaced people can be traced back to the interwar period, when the League of Nations started working on repatriation of prisoners of war in 1920. Over the span of two years, the League of Nations succeeding in sending half a million prisoners of war from 26 different countries back to their homes, laying the foundation for future humanitarian work of the League of Nations in an effort that has been described as the organization's 'first great humanitarian success' (Chetail 2003, p. 3). As a consequence of a couple of million people fleeing from Russia in the wake of the Russian revolution, the Red Cross called for the League of Nations to assist these refugees in August 1921. This resulted in the Leage of Nations appointing their High Commissioner for Prisoners of War, Fridtjof Nansen, as High Commissioner for Russian Refugees: A mandate

that was later expanded to also cover Turkish, Armenian, Assyrian, and Assyro-Chaldean refugees (Chetail 2003, p. 4).

This mandate allowed Nansen to lay the foundation for what was later to become the basis structure of the UNHCR, establishing the office of the High Commissioner for Refugees in Geneva, with local representatives in host countries. During the nine-year life of this office, it succeeded in ministering hundreds of thousands of refugees, helping in issues such as resettlement, voluntary repatriation, and local integration (ibid., p. 4). A major challenge in handling refugees at the time was their lack of internationally recognized identity papers, an issue which was solved at a conference arranged by Nansen outside the framework of the League of Nations. The conference resulted in an international agreement establishing the 'Nansen Passport' in 1922, an international identity paper for refugees ultimately being recognized by 52 states. The Nansen passport was the first international legal measure designed to protect refugees, enabling hundreds of thousands of refugees to travel and settle in other countries, giving them a legal status in their country of settlement (ibid., p. 5). Two new legal documents were adopted in 1928, extending the scope of the refugee status to new groups of people and laying a foundation for the 1951 Convention Relating to the Status of Refugees.

The right to apply for asylum was first introduced to international law in article 14 of the Universal Declaration of Human Rights (1948), which stated that '[e]veryone has the right to seek and to enjoy in other countries asylum from persecution'. This right was concretised with the United Nations' 1951 Convention Relating to the Status of Refugees, a document that is currently ratified by 145 states worldwide; among them all European states. The convention lays down both the current definition of and basic rights of refugees, as well as legal obligations for states to protect them. This document, along with the 1967 Protocol Relating to the Status of Refugees, remains arguably the two most important building blocks in international refugee law, with the latter removing geographical and temporal restrictions of the 1951 convention. Along with the 1951 Convention, the United Nations High Commissioner for Refugees (UNHCR) was established to serve as a guardian of the convention.

The main principle of the 1951 convention and the 1967 protocol is that of non-refoulement, which states that no victim of persecution should be transferred back to his or her persecutor. The convention defines a refugee as a person outside of his or her home country or habitual residence who is 'unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion'. The minimum rights granted refugees included the right for access to

courts, primary education, work, and personal documents. As the convention was ratified by all European countries, it marked an important step towards a common asylum regime in Europe.

Another convention of some importance for the future development of the European asylum regime was the 1950 European Convention on Human Rights, in which Article 3 simply stated that '[n]o one shall be subjected to torture or to inhuman or degrading treatment or punishment'. This has later been used by the European Court of Human Rights as a basis for granting a *de facto* asylum for aliens (Teitgen-Colly 2006, p. 1503).

3.2 Developing a Common European Asylum System

While international agreements and conventions on the field of asylum can be traced back to the interwar period in Europe, European cooperation on asylum issues was to surface much later. Implementation of international commitments was solved on a strictly national basis, which can be exemplified by the diversity in national institutions responsible for determining whether or not asylum seekers qualified for the refugee status: In the late 1980s, this ranged from the interior ministries in the United Kingdom and West Germany, the justice and foreign affairs ministry in the Netherlands, the ministry of public order in Greece, four different ministries in Spain, and as much as six different ministries in Portugal. In some countries, asylum decisions were made by independent bodies, and in Austria and Italy the UNHCR was involved in the process (Bronkhorst 1991). In other words, European practices for implementing the 1951 convention and the 1967 protocol vastly differed in this period.

The harmonisation of European asylum policies was first considered a necessity when work began to abolish internal borders in the Union, which in turn resulted in the first attempts of asylum policy harmonisation. The goal to create a common asylum regime in Europe was first expressed in the Treaty of Amsterdam, which called for the gradual implementation of European minimum standards in the period 2000 to 2005: This was further concretised at the 1999 meeting in Tampere, where European leaders decided to work towards a Common European Asylum System (CEAS). As the first phase approached its conclusion in 2004, the further development of the CEAS was planned in the Hague Programme, which laid down a new five-year plan for the period from 2005 to 2010 where asylum policies were to be further harmonised and the work towards a truly common asylum system would be intensified. After a three-year delay, and under a new five-year plan (The

Stockholm Programme), the last directives of the CEAS' second phase entered into force in 2013, and was to be transposed into national law no later than in 2015. This process of creating a common European asylum policy, starting with the first efforts to harmonise policies, is discussed in further detail below.

3.2.1 Europeanising Asylum Issues (Pre-1999)

The history of Europeanisation of asylum issues can be traced back to 1974, when the Paris Summit of European Heads of State called for a 'stage-by-stage harmonisation of legislation affecting aliens and for the abolition of passport control within the Community' (European Communities 1974). This statement did, however, not lead to much being done in order to harmonise European asylum policies before the signing of the Schengen agreement in 1985 and the Single European Act in 1986 made the development of a common policy on asylum a more pressing issue (Chetail 2016, p. 5): A direct consequence of which could be observed already in 1986, when several European countries went together to establish the Ad Hoc Group on Migration outside of the EU system. It was the work of this group that would later lead to the first Dublin convention, which allocated responsibility for the processing of asylum applications. In 1985, a Commission white paper on the completion of the internal market called for harmonisation of legislation in several issues, among them asylum. It was stated that '[m]easures will be proposed [...] in 1988 at the latest on the right of asylum and the position of refugees', and that '[d]ecisions will be needed on these matters by 1990 at the latest' (European Commission 1985, p. 16). This set the stage for rapid development of European asylum policies, and the goal to establish a single market by 1992 lead to 'an unprecedented effervescence surrounding asylum and laid down the foundations of a common policy in a field traditionally rooted in state sovereignty' (Chetail 2016, p. 5).

As a response to this, the European Council adopted the Palma Document in 1989, stating the need for a common asylum policy in the European Union. This document was elaborated by several intergovernmental groups created by Member States, outside the realm of the European Community (Hurwitz 2009, p. 33). The free movement of asylum seekers, legal and illegal immigrants, terrorists, and criminals was conceptually blurred and portrayed as negative side effects of the abolishment of internal border controls; this was again argued to lead to the necessity of compensatory measures to control these flows. Cooperation on asylum was seen as a part of the broader goal of enforcing stricter controls of the outer borders of the European Community, for which allocating responsibility for asylum claims was an essential measure. Issues such as harmonisation of European asylum law was on the other hand seen as less urgent (ibid., p. 33).

In the following year, 1990, this cooperation was concretised with the signing of two separate but related conventions: The Convention Implementing the Schengen Agreement and the Dublin Convention. Both concerned the determination of responsibility for asylum seekers, and excluded asylum seekers from the area without internal frontiers. The Dublin Convention was more substantial in its coverage of asylum issues, and specified which state was responsible for examining applications for asylum. These were now only to be examined in one state, and a rejection in one state would be valid in all participating states. The state responsible was to be decided by objective criteria, paying no importance to the wishes or preferences of the asylum seeker (Chetail 2016, p. 6). The Convention Implementing the Schengen Agreement entered into force in 1995, at the same time as the Schengen Agreement became effective, and was superseded by the Dublin Convention in 1997.

While the signing of the Dublin Convention was a milestone for the Europeanisation of asylum issues, it left much to be wanted both in terms of international cooperation and humanitarian concerns. As Chetail (ibid., p. 7) noted: '[f]rom its inception, the Dublin Convention was clearly insufficient and made sense only as the first step toward a broader asylum regime'. The main critique of the Dublin regime is that it presupposes similar standards between participating states, both in their definition of refugees and people eligible for subsidiary protection, their asylum procedures, and their reception standards. As long as a common system is not in place, the Dublin regime leads to asylum seekers potentially being punished for applying for asylum in the 'wrong' country, without any chance of getting their case tested in another state with a fairer asylum procedure. While a positive outcome of an asylum application only grants the right to asylum in the country where the application was processed, a negative outcome is valid in all countries even if the application would otherwise have been accepted. The fact that outcomes created by different procedures resulted in a uniform status across Europe created an 'urgent need to harmonise national rules on asylum', as formulated by the Malangré Report on the functioning of the Schengen area which was endorsed by the European Parliament in 1992 (Malangré 1991; Chetail 2016, p. 8).

The Maastricht Treaty, which was signed in 1991 and entered into force in 1993, categorised asylum as a matter of relevance for the third pillar of the European Union, devoted to the field of Justice and Home Affairs (Chetail 2016, p. 7). This cooperation under the third pillar was criticised for being 'defined by its lack of parliamentary oversight, weakness of judicial control and the opaqueness of its working and measures' (Guild 2006), and it was understood as not being driven by 'universal human rights, nor the desire to establish a common asylum policy at the European level, but that asylum was framed as a side issue of the single market

project, with co-operation occurring only insofar as it was deemed necessary to safeguard internal security' (Lavenex 2001, p. 860). The Maastricht Treaty took a clear intergovernmental approach to asylum, doing little to harmonise national asylum policies.

An early effort to harmonise European asylum policies came with the Treaty of Amsterdam in 1997, which entered into force in 1999. Here, asylum was shifted from the third pillar (Justice and Home Affairs) to the first pillar (Community) of the European Union, leading to a intensification of asylum policy development in the following years. The treaty included a five-year plan for harmonisation of national asylum policies, starting the day the treaty entered into force (Chetail 2016). This is specified in article 63 of the Treaty of Amsterdam, which called for common minimum standards on a series of issues, namely reception of asylum seekers, qualification of nationals of third countries as refugees, and on procedures for granting or withdrawing refugee status and temporary protection (Council of the European Union 1997, Article 63). Member States also agreed to adopt common criteria and mechanisms for determining which state had responsibility for processing asylum applications, a concern that was already met (to some extent) in the Dublin Convention which entered into force a month before the Treaty of Amsterdam was signed. Member States also agreed to adopt measures 'promoting a balance of effort between Member States in receiving and bearing the consequences of receiving refugees and displaced persons'; this was however not covered by the five-year scope of the other measures mentioned above.

3.2.2 Laying the Foundations of the CEAS (1999-2005)

Despite much attention being given to asylum issues in the Treaty of Amsterdam, the notion of a Common European Asylum System (CEAS) was first introduced in the conclusion of the 1999 European Council meeting in Tampere, months after the Treaty of Amsterdam entered into force. The meeting was held in October 1999 to discuss 'the creation of an area of freedom, security and justice in the European Union', and the Presidency Conclusions directed much attention towards the development of a common European asylum and migration policy (Tampere European Council 1999). The asylum system was to be developed in two main steps: In the short term, focus would be on including the measures described in the five-year plan of the Treaty of Amsterdam, whereas in the longer term, it was decided that '[c]ommunity rules should lead to a common asylum procedure and a uniform status for those who are granted asylum valid throughout the Union' (ibid.).

By deciding to develop a Common European Asylum System in the Tampere

Conclusions, the European Council went beyond what was required by the Treaty of Amsterdam in terms of an integrated approach to asylum policy. While the Treaty of Amsterdam called for policy harmonisation and common minimum standards, the Tampere Conclusions used Article 63 of the Treaty of Amsterdam as a foundation for starting work on a Common European Asylum System, not just harmonisation of national law. The harmonisation of asylum policies as described in the Treaty of Amsterdam therefore worked in tandem with the objective of creating a common asylum system after the meeting in Tampere (Chetail 2016, p. 11).

The path chosen in the Treaty of Amsterdam for harmonising European asylum policy, namely that of setting common minimum standards that countries had to implement, set for a modest beginning for the CEAS. Many Member States already had asylum systems that went far beyond the minimum standards set in the Treaty of Amsterdam, and were therefore not greatly influenced by these. The development of the asylum system started off in two different directions: On one hand was the goal of creating a truly common asylum system as described in the Tampere conclusions, on the other was the more modest goal of common minimum standards from the Treaty of Amsterdam. An noteworthy exception of the CEAS is that Denmark chose to opt out of the system by not implementing any of the directives.

The Council and Commission began working on policy harmonisation immediately after the entry into force of the Treaty of Amsterdam. On September 28 2000, the Council adopted a decision to establish a European Refugee Fund to promote a balance of effort between Member States by sharing the costs of handling refugees and displaced persons in Member States (Council of the European Union 2000). In December the same year, the Council adopted a regulation on the establishment of a European fingerprint database for asylum seekers ('Eurodac'), a system that was to be implemented three years later (Broeders 2007, p. 82). Important early contributions by the Commission were mainly proposals for coming directives, as well as a September 2000 communication on the introduction of a common asylum procedure and a uniform status for those who are granted asylum in the European Union.

The first directive to be implemented as a part of the CEAS was the *Standards Directive* of July 2001. The directive set minimum standards for the granting of temporary protection in events of mass asylum influx, as well as some measures to enforce a balance of efforts between Member States in receiving such an influx (Council of the European Union 2001). It did not directly concern the granting of the protection types described in this thesis, but rather standards for the handling of asylum seekers before their status is determined. The directive was criticised by the UNHCR for among other things not having a clear definition of what constituted a

'mass influx': An event was to be defined as such after a proposal by the commission, which was then to be accepted by a qualified majority in the Council (Kaunert and Léonard 2012; UNHCR 2001, p. 10). As for the balance of effort between Member States, the directive remained vague, and claimed that the distribution should be decided in 'a spirit of Community solidarity' (Article 25).

This was followed in 2003 by the *Reception Conditions Directive*, with the goal of laying down minimum standards for the reception of asylum seekers and guaranteeing a set of rights to people seeking asylum in Europe whose status is still not determined. Asylum seekers were guaranteed a minimum standard of material conditions, such as accommodation, food, and clothing; this could be executed either by providing it directly or by handing out financial allowances (Council of the European Union 2003). In addition, they were guaranteed a list of other benefits such as family unity and access to education. Ireland chose to opt out of this directive, while participating in all other first phase directives.

Another addition to the Common European Asylum System in 2003 was the *Dublin II* regulation, made to replace the Dublin convention of 1997 and first proposed by the Commission in 2001. The Dublin II regulation focused on reducing asylum shopping, where asylum seekers apply for asylum in several different countries in order to maximise their chances of being accepted. This was a measure taken to improve the efficiency of the Dublin system, and rules for responsibility sharing remained largely the same. The most important new addition in the Dublin II regulation was the implementation of the Eurodac system, in which asylum seekers are registered in a European fingerprint database in order to avoid asylum shopping (Broeders 2007, p. 82). This made the actual return of asylum seekers to the first country they applied in more feasible, a practice that was generally not conducted under the Dublin I regime (Fry 2005, p. 102). As with the original Dublin convention, the Dublin II regulation applied to all EU Member States as well as the four EFTA states (Iceland, Liechtenstein, Norway, and Switzerland).

The work towards common minimum standards was intensified in 2004 with the adoption of the *Qualification Directive*, laying down minimum standards for 'the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted' (Council of the European Union 2004). The directive offered little new for the qualification of people as refugees, as this definition leaned directly on the 1951 Convention Relating to the Status of Refugees which was already implemented in all Member States. However, the directive marked an important step forward for the qualification for subsidiary protection, among other things incorporating elements from the 1950 European Convention on Human Rights into

EU law (Bauloz and Ruiz 2016, p. 240), as well as laying down the content of the two protection statuses. The Qualification Directive is thus the first directive that can be expected to have had a clear impact on convergence of asylum recognition rates in Europe, dealing directly with the qualification for these statuses.

While the Qualification Directive laid down common requirements for qualifying for international protection in the European Union, it also left much to be wanted. The common minimum standards were not necessarily sufficient to meet the requirements of existing conventions (UNHCR 2005, pp. 7, 13), which in turn limits its impact on harmonisation. Still, the directive did mark an important step forward in setting some common minimum standards for qualification for subsidiary protection and the content of international protection in the European Union. The Qualification Directive was to be transposed into national law no later than October 2006.

On the first of December 2005, the five-year plan laid down in the Treaty of Amsterdam finally met its conclusion with the adoption of the *Procedures Directive*. This directive laid down minimum standards for procedures for granting and withdrawing refugee status in Member States, in an attempt to 'reduce the disparities between national examining procedures and to safeguard the quality of decision-making' (Council of the European Union 2005b). The Council laid down detailed common guidelines for the procedural treatment of asylum applications, while still leaving the implementation solely in the hands of each individual Member State.

It is worth noting that the Procedures Directive, while being the last first phase directive to enter into force, was the first directive to be proposed by the Commission as early as in September 2000. However, the process of reaching an agreement between Member States on common asylum procedures proved particularly challenging, leading to several rounds of negotiations and an agreement five years after the first Commission proposal, just barely in time for the deadline of the first phase of the CEAS (European Commission 2002). The Procedures Directive can be expected to influence refugee recognition rates as it deals solely with procedures for granting this status in European countries. It does not explicitly concern applications for subsidiary protection, and can therefore be expected to have less of an impact on these rates. The Procedures Directive was to be transposed into national law by the end of 2007, which can therefore be seen as the true end of the first phase of the CEAS.

Even though the period between 1999 and 2005 introduced an impressive amount of asylum legislation to the EU *acquis*, the instruments of the first phase faced severe criticism from both NGOs, scholars, the UNHCR, and the European Commission (Chetail 2016, p. 14). Chetail listed three main drawbacks for which this founding

phase of the CEAS received criticism. First of all, the approach of implementing minimum standards left much power in the hands of the different states, and could in a worst case scenario lead to a 'race to the bottom' of asylum policies, where the common minimum standards became the *de facto* common standards (Monheim-Helstroffer and Obidzinski 2010).

Secondly, observers have questioned whether the EU asylum *acquis* after the first phase of policy harmonisation was even compatible with international law, leading the UNHCR to 'urge the Council to reaffirm its commitment to protecting the rights of refugees and other people in need of international protection' (UNHCR 2004). Lastly, the system included an impressive number of derogations, exceptions, and optional clauses, which could prove counterproductive if the goal was to create a common asylum system. Teitgen-Colly (2006, pp. 1512-1513) listed up a series of 'loophole techniques' that characterised the process and limited the impact of the first phase measures:

> [F]or example: the general preference for directives rather than for more binding regulations, the very principle of 'minimum standards' stated in the Amsterdam Treaty amendments (Art. 63), the technique of harmonisation *à la carte*, the reference to national law, the ambiguity – or even contradictory nature – of certain provisions, the minimal binding force for some provisions, the possibility of exemptions and of options, and the discretionary competence often left to the States. These techniques allowed the States to preserve a substantial amount of discretion and not to be too constrained, revealing an attempt to re-nationalize the whole asylum question.

In short, while the first phase of the CEAS offered a substantial framework for asylum policies in the participating Member States, it was far from a common policy on asylum *per se*. In the words of Chetail (2016, p. 16), the 'minimum standards contained in the directives and regulations have been transformed into double standards diverging from one state to another'. Asylum seekers were still facing severely different chances depending on which country they arrived in, and thanks to the strengthened Dublin Regulation, their chances to take the situation into their own hands was further limited. However, some scholars also pointed out the positive achievements of the first phase, emphasising that the introduction of minimum standards significantly improved asylum procedures in some countries. With this in mind, Kaunert and Léonard (2012, p. 13) concluded that 'the first phase of the CEAS can generally be considered a success'.

3.2.3 The Hague Programme and Preparing the Second Phase (2005-2010)

As the five-year plan of the Treaty of Amsterdam approached its conclusion, and shortly after the signing of the Treaty of Rome in October 2004, the Council adopted the Hague Programme in November 2004. This programme laid down a new five-year plan for the strengthening of the 'area of freedom, security and justice' in the European Union, which pays close attention to the further harmonisation of asylum policies. The programme starts by acknowledging that not all the aims of the Tampere European Council had been reached, but further states that 'the foundations for a common asylum and immigration policy have been laid, the harmonisation of border controls has been prepared, police cooperation has been improved, and the groundwork for judicial cooperation on the basis of the principle of mutual recognition of judicial decisions and judgments has been well advanced' (Council of the European Union 2005c, p. 1). The Hague Programme directed much attention to the further development of the CEAS, something that is made clear in the objective of the Programme: It was among other things stated that the common capability of the Union and its Member States 'to provide protection in accordance with the Geneva Convention on Refugees and other international treaties to persons in need' was to be improved through the 'the development of a Common Asylum System' (ibid.).

The further development of the CEAS was thus high on the agenda for the next five-year period, which was to begin in 2005 and end in 2010. This was described as the 'second phase' of the Common European Asylum System, and would include the 'establishment of a common asylum procedure and a uniform status for those who are granted asylum or subsidiary protection' (ibid., p. 3). The goal of building truly common standards stands in stark contrast to the 'common minimum standards' of the first phase.

While the work on implementing and negotiating new directives began immediately after the meeting in Tampere, the first years after the adaptation of the Hague Programme were of less significance in the development of new EU policies. The deadline for transposition of the Procedures Directive into national law, which would mark the end of the legal implementation of the first phase, was set to December 2007 (Council of the European Union 2005b). In this context, the first years of the Hague Programme were spent evaluating the policies of the first phase and planning the way forward, with little asylum policy innovation. Instead of new legislation, the years following 2005 were characterised by numerous, and often somewhat repetitive, policy evaluations.

The European Council and the European Commission adopted the action plan

for implementation of the Hague Programme in 2005, where a concrete timetable was set for policy development and implementation in the coming years (Council of the European Union 2005a). In June 2007, the European Commission published a Green Paper on the future CEAS, that served both as an initial evaluation of the first phase of the CEAS as well as the 'launch [of] a broad process of consultation leading to the publication of an action programme' (European Commission 2007).

This action programme arrived in June 2008 with the 'Policy Plan on Asylum: An Integrated Approach Across the EU', taking into account the conclusions from the green paper. The policy plan emphasised that the CEAS consists of three pillars: Legislative harmonisation, political cooperation and solidarity among Member States. It also made clear that the system in the second phase should be built on top of the foundation made in the first phase and proposed amendments and revisions of the first phase instruments, which it acknowledging that had 'not created the desired level playing field' (European Commission 2008). Later the same year, in September 2008, the Council adopted the 'European Pact on Immigration and Asylum'. This pact set out to further improve interstate cooperation on immigration and asylum, but also stated that the initial 2010 deadline for the completion of the CEAS was postponed until the end of 2012, due to the comprehensiveness of the work ahead.

The Treaty of Lisbon entered into force in December 2009, introducing a foundation for the future development of the CEAS in several respects. Most importantly, the objective that '[t]he Union shall develop a common policy on asylum' was explicitly stated in Article 78 of the Treaty (Council of the European Union 2008, Article 78(1)). The CEAS thus became a legal obligation Member States were committed to implement, as opposed to a more general policy objective. Secondly, where earlier documents had called for common minimum standards, Article 78(2) of the amended Treaty called for the adoption of a CEAS comprising a number of 'uniform' and 'common' elements, stating that the system should implement a) a uniform status of asylum for nationals of third countries, b) a uniform status for subsidiary protection, c) a common system of temporary protection for displaced persons in the event of a mass influx, d) common procedures for the withdrawing of uniform protection statuses, e) criteria and mechanisms for determining which Member State is responsible for considering applications, f) standards (not explicitly common) concerning the conditions for reception of asylum seekers, and g) partnership and cooperation with third countries in order to manage inflows of asylum seekers (ibid., Article 78(2)).

In addition to the entry into into force of the Treaty of Lisbon, the Stockholm Programme was adopted by the European Council in December 2009. This was the

new five-year work-programme for the development of the Area of Freedom, Security and Justice, following the Tampere Conclusions and the Hague Programme, and was to lay down the agenda for the period 2010 to 2014. The programme repeated that a common asylum procedure and a uniform status for those who are granted protection should be established by 2012, stating that 'there are still significant differences between national provisions and their application' after the first phase (Council of the European Union 2010, 6.2.1). The programme underlined the need for common procedures, stating that

> [w]hile CEAS should be based on high protection standards, due regard should also be given to fair and effective procedures capable of preventing abuse. It is crucial that individuals, regardless of the Member State in which their application for asylum is lodged, are offered an equivalent level of treatment as regards reception conditions, and the same level as regards procedural arrangements and status determination. *The objective should be that similar cases should be treated alike and result in the same outcome.* (ibid., 6.2, my emphasis)

The Stockholm Programme also called for the strengthening of relevant EU agencies and for the Commission to explore how these can be used to ensure further integration. Importantly, the establishment of the European Asylum Support Office (EASO) is highlighted as a necessity to achieve the appropriate common standards, stating that the office 'should contribute to strengthening all forms of practical cooperation between the Member States' (ibid., p. 6.2.1). Further development of the Eurodac system is also proposed, inviting the Commission to check the feasibility of having the Eurodac system as a 'supporting tool for the entire CEAS'.

The EASO was established in May 2010, with the primary purpose of supporting Member States in bringing national asylum practices closer together. This was to be achieved through '[s]upporting practical cooperation on asylum', providing '[s]upport for Member States subject to particular pressure', and '[c]ontribut[ing] to the implementation of the CEAS' (European Parliament and The Council of the European Union 2010, Chapter 2). Though having a limited mandate, the establishment of the EASO was an important step towards a common asylum procedure, and was described as 'a breakthrough in the European spirit' that 'present[ed] openings for the future' (Comte 2010, pp. 404, 405). The current relevance of the EASO is further discussed in subsection 3.3.1.

3.2.4 Recast Directives and the Second Phase (2011-2015)

The development of the CEAS intensified after the entry into force of the Treaty of Lisbon and the adaptation of the Stockholm Programme. A recast Qualification Directive was adopted in December 2011, and recasts of the Procedures Directive, the Reception Conditions Directive, the Dublin Regulation, and the Eurodac Regulation were all adopted on overtime in June 2013. As in the first phase of the CEAS, the Qualification Directive and the Procedures Directive were the ones of the greatest importance for the treatment and outcome of asylum applications, and these recasts will therefore be the main focus of this section. Unlike the first phase of the CEAS, the UK and Ireland opted out of all directives of the second phase.

The recast *Qualification Dective* of December 2011 was the first of the new directives to be adopted, and was given a deadline for transposition into national law in December 2013. A couple of important changes are apparent already in the full name of the directive: The reference to 'minimum standards' was changed to merely refer to 'standards', and the notion of 'a uniform status for refugees or for persons eligible for subsidiary protection' was added (European Parliament and The Council of the European Union 2011). Despite the removal of the term 'minimum standards', Member States are free to set higher standards than what is provided by the Directive, as long as this is not at odds with the 1951 Convention (Peers 2012, pp. 204-205). Steve Peers (2013, p. 3) describes the changes to the Directive as threefold: The general rules on qualification for subsidiary protection or refugee status were amended, it became easier to qualify as a refugee in particular, and standards for those who obtained subsidiary protection were improved.

The changes relating to the granting of subsidiary protection were mostly made up of relatively small changes to the concepts used in the previous directive, such as an elaboration of the meaning of the 'best interest of the child', a justification for a broader definition of 'family members', and the role of the country of origin as an 'actor of protection'. The recast directive paid specific attention to the granting of refugee status, stating that '[g]ender related aspects, including gender identity, *shall* be given due consideration' (emphases added), in contrast to the 2004 Directive which stated that '[g]ender related aspects *might* be considered' (Peers 2012, p. 213). The recast Directive also states that the failure of authorities to protect an individual from persecution by private parties can be a sufficient reason to provide the status as refugee, a major change to the European refugee status.

Lastly, the status of subsidiary protection was improved, in an attempt to bridge the gap between the refugee status and the status of subsidiary protection. The European Parliament originally wanted the two statuses to be equal, while the Council was reluctant to improve the status of subsidiary protection. The result

was a compromise between the two, with the validity of residence permits for people granted subsidiary protection being doubled to two years (versus three years for refugees), travel documents being issued to persons who are unable to get a passport from their country of nationality (as opposed to previously only being granted in very special situations), and subjects of subsidiary protection being guaranteed the same access to employment as refugees (Peers 2012, pp. 216-117).

A detailed overview of the changes in the recast directive was made by Steve Peers, who sums up the recast Qualification Directive as 'a welcome but insufficient move towards the completion of the Common European Asylum System' (ibid., p. 221)

As in the first phase of the CEAS, the recast *Procedures Directive* was the last measure to be agreed on; however, it was adopted at the same time as the other remaining measures in June 2013. The changes of particular importance for the harmonisation of asylum outcomes will be discussed below; a more extensive list of changes can be found in Peers (2013, pp. 10-15).

First of all, the Directive now explicitly applies to applications for subsidiary protection. While most Member States already applied the 2005 Procedures Directive to these applications, this was not formalised before the recast (ibid., p. 11). The recast Directive set new provisions for the training of and options for authorities responsible for making asylum decisions, and new, stricter time limits were given for asylum procedures. Applications for subsidiary protection must now first be examined for refugee status before subsidiary protection is considered, which could boost the granting of refugee statuses in favour of subsidiary protection. Furthermore, the Directive added numerous provisions for the asylum interview, enhancing the rights of the asylum seeker in the interview situation, and thus addressing what has later been described as 'one of the worst features of the original Procedures Directive' (Costello and Hancox 2016, p. 404).

The rules on 'safe third countries' have also been amended, restricting Member States' opportunities to assume that areas are safe, and allowing asylum seekers to challenge such assumptions. This addressed the problem of vastly different approaches to safe third countries between Member States: A telling example being that not a single country of origin is considered safe in all Member States that operate with such a list. Costello and Hancox (ibid.) stated that 'the use of the safe country of origin concept seems to undermine [...] the objective of convergence of decision-making', and limiting the power of these lists should therefore be seen as a welcome step towards a more unified European asylum policy.

The recast Procedure Directive was to be transposed into national law no later than June 2015, with the exception of the new deadlines, which are to be imple-

mented within 2018. Peers (2013, p. 15) concluded that '[t]he revised Directive definitely provides for certain improvements', even though 'Member States still retain a good deal of flexibility to set fairly low standards as regards to the special procedures'. The directive can be expected to have a substantial impact on asylum recognition rates through several improvements to the decision process, as well as the expansion to cover applications for subsidiary protection in countries where this was not already common procedure..

The recast *Reception Conditions Directive* introduced, among other things, modest improvements to asylum seekers' access to education and employment, new rules on detention of asylum seekers, and formally extended its scope to cover applicants for subsidiary protection. While the Directive offers several improvements *vis-à-vis* the 2003 Directive, it also includes exceptions that serve to give Member States a great degree of discretion in detention of and offering of benefits to asylum seekers (ibid., pp. 4-5).

The recast *Dublin Regulation* focused on enhancing efficiency of the system and improving the protection of asylum seekers affected by it. While the recast offers several modest improvements, especially regarding asylum seekers' rights for legal procedures, the most striking feature of the Dublin III Regulation might be the lack of any significant attempt to rethink the fundamentals of the Dublin system. The system has been criticised for transferring responsibility away from northern and western Member States and toward southern and eastern Member States, as well as 'significant human rights abuses' (ibid., pp. 5-8). Despite this, there was little political will to change its fundamental mechanisms of the Dublin regime, and changes remained insufficient to deal with some of the main points of critique. The Dublin III Regulation entered into force in January 2014, six months after it was adopted. The forth and final recast to be adopted in June 2013, the *Eurodac Regulation* gave national law enforcement access to the Eurodac database along with other more minor changes, and entered into force in June 2015 (ibid., pp. 9-10).

As after the first phase, scholars and other observers have different opinions about the success of the second phase of the CEAS. In a book about the legilsative development of the CEAS, Velluti (2013, p. 3) found that there is, despite notable improvements, 'a gap between the Union's commitment to the equal treatment and protection of the rights of asylum-seekers and the ability and willingness of the legislative institutions to make that commitment a reality'. A similar judgement is held by Chetail (2016, p. 27), stating that '[t]he recast instruments must be viewed more modestly as a new and important step – but not the last one – toward the establishment of a truly uniform status and common procedure', and that 'the second phase instruments are neither radically new nor truly common' (p. 35).

However, the limitations of the second phase seem to be the result of what Velluti describes as a 'legislative deadlock', with Chetail concluding that the objective of 'establish[ing] a uniform status and a common procedure across the union [...] can hardly be reached in the current stage of EU law, which is still characterised by a preference for directives [...] and the central role conferred to Member States' (Chetail 2016, p. 27).

3.3 What Now? The CEAS After the Second Phase

As the second phase of the CEAS has reached its conclusion, the future development of the system remains unpredictable, with forces pushing in different directions. The Commission has proposed several policy changes for a future reform of the CEAS (European Commission 2016), but the legislative deadlock between nation states makes policy development in the field of asylum challenging. While one could expect the effort to harmonise European asylum policies to slow down as a result of this, some factors are still pushing towards further convergence even after all participating countries are done implementing the second phase directives, even without the implementation of new legal instruments. Without attempting to predict the future, this section discusses some important forces in the current development of the CEAS which are likely to be of importance in the coming years.

3.3.1 The European Asylum Support Office

The European Asylum Support Office (EASO) has gained increasing influence since it was first established in 2010. The efforts of the EASO has been particularly influential in two respects: By providing training for national actors in handling asylum seekers, and by offering a database of country of origin information for all countries to use (European Commission 2014, pp. 9,22). The agency has a goal of ensuring the harmonisation of European asylum procedures through practical measures, and a 2015 external evaluation found the EASO to be successful in this regard, stating that '[a] majority of national stakeholders think that EASO's information and analysis activity and emergency support have helped their country achieve the medium to long term changes needed in their national asylum system towards the implementation of the CEAS' (EY 2015, p. 53). The report also found that the standard deviation of recognition rates for a selection of countries of origin had fallen between 2008 and 2014, concluding that '[Member State] practices are gradually converging, thanks to EASO's widely appreciated outputs'. While the convergence observed in

the period is not necessarily due to the efforts of the EASO alone, national stakeholders nevertheless gave a positive impression of the agency, indicating that it has indeed been of some importance (EY 2015, pp. 53-54).

The EASO shows no sign of loosing influence over time, and the budget of the agency has increased steadily over the years, from a budget of eight million Euros in 2011 to close to twenty million Euros in 2016 (European Asylum Support Office 2017). The agency has solidified its position in facilitating cooperation between Member States in the later years, marking a change from an intergovernmental to a more transnational agency (Egeberg and Trondal 2017; European Commission 2014). Furthermore, the European Commission recently proposed to amend the agency's mandate to also play a policy-implementing role, possibly giving the agency a supranational component. As noted by Egeberg and Trondal (2017), transnational agencies are likely to give way for more uniformity in the application of EU law than traditional intergovernmental agencies, while the introduction of supranational elements is likely to further enhance this harmonisation. The massive increase in funding, wide variety of projects, and institutional development makes the EASO likely to play a major role in the harmonisation of European asylum procedures in the coming years.

3.3.2 Burden-Sharing

While a lot has been done to harmonise asylum policies and ensuring equal treatment of applications with equal merits in Europe, other parts of the CEAS have seen less progress. There has been several calls for 'solidarity between Member States', and for mechanisms of crisis management in particularly demanding situations. Despite these intentions, the CEAS has been built around the Dublin system, which the Commission stated 'was not devised as a burden sharing instrument', and 'may *de facto* result in additional burdens on Member States that have limited reception and absorption capacities and that find themselves under particular migratory pressures because of their geographical location.' (European Commission 2008, p. 8). De Bruycker and Tsourdi (2016, p. 536) goes even further, and states that:

> [...] Member States pretended to build a CEAS mainly on the basis of the principle of responsibility with the Dublin mechanism as symbol. As it was one of the most politically sensitive issues for Member States, even the Commission pushed forward during years only the idea of a toolbox made of diverse instruments for solidarity supposed to favour its implementation. In fact they were actually used to hide the rejection of the principle of fair sharing of responsibility, despite its endorsement by the Treaty of Lisbon.

The problems of burden-sharing became painfully obvious in 2015, as a mass influx of refugees arrived at the southern shores of Europe. The asylum burden of already overloaded Mediterranean Member States like Cyprus, Greece, Italy, and Malta grew even heavier in relation to the rest of Europe (De Bruycker and Tsourdi 2016, p. 506), and new Member States on the eastern border of the Union also faced a massive asylum influx. An extreme example is Hungary, which went from receiving little more than 2 000 asylum seekers in 2012 via almost 43 000 in 2014 to more than 177 000 asylum seekers in 2015 (Eurostat 2017a). Efforts to resettle refugees within Europe has been of limited success (De Bruycker and Tsourdi 2016, p. 491), leaving a highly problematic distribution of the asylum burden in Europe.

While these developments are not of a direct relevance for the harmonisation of European asylum procedures and will not be the subject of further attention in this thesis, they are of great importance for the future of the CEAS, the Schengen system, and the project of European integration as a whole. The current crisis opens the door for policy entrepreneurs (Kingdon 1995), and despite the conclusion of the second phase of the CEAS, intensive efforts to solve the problem of burden-sharing can be expected in the coming years. The idea of yet another recast Dublin Regulation has been raised by the European Commission, but an agreement between the involved parties is currently unlikely (Mortera-Martinez 2016, pp. 5-6). As the CEAS is moving towards an uncertain future, it can be useful to make an assessment of the successfulness of its development to date, allowing for a better understanding of the legitimacy of current and potential future policies.

Chapter 4

Research Design

The overarching goal of this thesis is to study the process of European integration in the field of asylum, in order to make an assessment of the impact of EU policy making on European asylum procedures. After having reviewed the development of the European asylum system in chapter 3, it is possible to make assumptions about the pace and nature of asylum policy harmonisation in Europe. The goal of this chapter is to lay down a research design capable of testing these expectations based on available data of asylum procedures in Europe the last sixteen years and facilitate a quantitative analysis of convergence of European asylum procedures.

As mentioned in the introductory chapter, this thesis approaches convergence of European asylum policies by looking at differences in asylum recognition rates. This approach offers several benefits, in that equal treatment of equal cases is a) an outspoken priority in the development of the CEAS, b) normatively important for the asylum systems of all participating states, c) directly measurable in asylum outcomes, and d) possible to conduct with regards to data availability.

On the negative side, studying asylum recognition rates will fail to catch the entire grasp of the CEAS, as policy development also has been happening in ways that do not directly relate to the convergence of recognition rates. For example, this approach is unlikely to observe improvements made to the Dublin or Eurodac regulations, as these deal with interstate cooperation in handling asylum seekers rather than the procedure of determining their protection status. The same goes for important progress that is made in reception conditions, such as guaranteeing displaced persons access to the labour market and education. While progress in these fields is undoubtedly an important part of establishing a CEAS, it falls outside the scope of this analysis.

In the defence of the approach chosen in this thesis, the different treatment of asylum applications is arguably one of the most critical issues to be handled in the development of the CEAS. Steve Peers (2013, p. 1) quoted the European

Commission (2008) when stating that differences in Member States' recognition rates were '[i]n particular' a 'critical flaw' of the CEAS after the first phase. The importance of equal treatment of asylum applications is enhanced by the increased capabilities of the Dublin and Eurodac regulations, depreciating asylum seekers' chances of applying for asylum in a different country if they are subject to unfair procedures in the first country in which they apply for asylum.

The study of convergence in European asylum recognition rates is by no means a new undertaking, and while choosing a different approach, this analysis follows the footsteps of researchers such as Neumayer (2005a), Toshkov and de Haan (2013), and Bovens et al. (2012). The main difference between this analysis and the ones listed above is a greater focus on the process of convergence, where statistical observations are seen in relation to policy developments in the EU: While previous works have been in the field of *descriptive* statistics, this paper sets out to better understand the mechanisms behind the process of convergence, attempting to trace the impact of specific EU measurements. As will be explained later in this chapter, this is likely to greatly improve the reliability of the conclusions. This thesis also stands out by studying both σ- and β-convergence, while previous studies have looked exclusively at σ-convergence.

4.1 The Data Material

This thesis employs origin-specific asylum data for the 32 countries taking part in the Dublin regulation at the time of writing, which includes the EU28 and the four EFTA countries (Iceland, Liechtenstein, Norway, and Switzerland). The data show the number of asylum decisions and outcomes of these decisions in each receiving state every year. That the data are origin specific means that asylum decisions are sorted by the country of origin of each asylum seeker, making it possible to have different expectations for asylum outcomes depending on what country asylum seekers originate from.

Data meeting the criteria above are freely available from two different sources. Eurostat, the statistical agency of the EU, offers origin-specific asylum data for EU Member States back to 1999, the same year as the goal of developing a Common European Asylum System was first expressed. Similar data are available from the UNHCR starting one year later, in 2000. While origin-specific data are available for one additional year from Eurostat, these data are unfortunately incomplete: Only eight countries are included in the data in 1999, and some countries fall in and out of the data in the following years. The UNHCR offers a more complete data set, with origin-specific data for all 32 countries available from year 2000.

As data continuity is crucial for studying convergence over time, UNHCR data are employed in this thesis. Besides not offering data for 1999, the main drawback of UNHCR data is that it does not include information about the gender and age of asylum seekers, something Eurostat offers from 2008: However, these variables have previously been found to be of little relevance in predicting asylum outcomes (Leerkes 2015), which justifies excluding these factors from the analysis. The UNHCR also does not give detailed data for observations between one and five after 2013, for the sake of anonymity; in order to deal with this, all values between one and five in this period are given the value two for the analyses presented in this thesis. The data used in this thesis are freely available online from the UNHCR statistics website (UNHCR 2017).

4.2 Measuring Convergence

Policy convergence can be broadly defined as 'the tendency of societies to grow more alike, to develop similarities in structures, processes, and performances' (Kerr 1984, p. 3). As convergence is not in itself a precise mathematical concept, the study of convergence can be approached in vastly different ways: A convenient example being that none of the studies of asylum recognition rates discussed in section 2.2 used the exact same approach for studying convergence.

One thing all previously mentioned articles have in common is that they set out to measure so-called *σ-convergence*, which can be defined as a reduction of the observed variance between units under study over time (Young et al. 2008; Holzinger 2006). In this context, σ-convergence would be observed if the variation of European asylum recognition rates was observed to fall between two moments in time, and σ-divergence would be observed if the said variation was observed to increase. Another concept of convergence is *β-convergence*, which can be defined as 'the extend of which laggard countries catch up with leader countries over time' (Holzinger 2006, p. 275): In the case of asylum, β-convergence would be observed if countries with deviating recognition rates in one point of time were observed to develop in the necessary direction in order to ensure less deviating recognition rates in the next observed point in time. The last potentially relevant measurement of convergence is *δ-convergence*, in which the observed distance from a certain policy (for example the values of one specific observation) decreases over time. In the case of asylum policies, if we could assume that one specific country has always had 'ideal' recognition rates, δ-convergence would be observed if other countries' procedures approached the procedures of this country over time. As there is no such 'optimal' observation for recognition rates to converge towards, δ-convergence

will not be extensively studied in this thesis; however, the approach can also be used to measure convergence towards average procedures, giving similar results as the study of σ-convergence.

I will start this section by looking at benefits and problems of approaches used in previous studies of the convergence of asylum recognition rates. This is followed by a more in-depth discussion of different forms of convergence and the measurement of it, concluding in a description of the mixed approach chosen for this thesis.

4.2.1 Measurements of Convergence in Previous Studies

Even though all previous studies of convergence of asylum recognition rates have (to my knowledge) studied convergence by measuring changes in variance over time (σ-convergence), different approaches for measuring variation of recognition rates have been chosen by different scholars. Vink and Meijerink (2003) arguably used the most straightforward measure, by studying the development of the standard deviation of the relative number of asylum applications when conducting a study of convergence of the asylum burden in Europe. Neumayer (2005a) and Toshkov and de Haan (2013) both used the 'coefficient of variation', which is calculated by dividing the standard deviation by the mean of the population. A third approach is utilised by Bovens et al. (2012), who calculate what they call the Coffey-Feingold-Bromsberg (CFG) measure.

Employing the standard deviation intuitively makes sense for measuring σ-convergence, as it is a direct measurement of variety in a distribution. The reason why some scholars prefer the coefficient of variation is, as explained by Bovens et al. (ibid., p. 73), that variability should be seen in relation to size: A set consisting of the lengths {1 cm, 2 cm, 3 cm} contains greater variability than a set of the lengths {10.01 m, 10.02 m, 10.03 m}, as the relative differences to the latter set would be minimal, while the first set shows great relative differences in length. The standard deviations of the two sets are equal, at 1 cm. The coefficient of variation solves this by dividing the standard deviation by the mean, making the coefficient of variation 0.5 for the first set, and close to zero for the second set. Bovens et al. (ibid.) argue that this logic also applies for potential recognition rates, as the set of proportions {0.01, 0.02, 0.03} seems to display more variability than the set {0.49, 0.50, 0.51}.

While the coefficient of variation offers a distinction between values relating to size, Bovens et al. still find the measure problematic. It is argued that the two sets {0.01, 0.02, 0.03} and {0.99, 0.98, 0.97} should have equal values for variability; a criteria that is clearly not met when dividing the standard deviation (0.01) by the mean (0.02 and 0.98, respectively). This issue is solved by using the CFB measure, which offers a value for variability ranging between 0 and 1 where the value for

these two sets will be measured to be equal.

Despite alternative approaches being popular, it can be argued that it is sufficient, if not preferable, to simply employ the standard deviation when measuring σ-convergence of asylum recognition rates. This can be exemplified with a thought experiment, set in a small universe with five countries: Two are countries of origin for asylum seekers, and three are receiving countries. The recognition rates for asylum seekers from the first country of origin are 1%, 2%, and 3% in the three receiving countries, while the recognition rates for asylum-seekers from the other country of origin is 49%, 50%, and 51%. While the variability in recognition rates for the first country of origin can at first sight appear to be greater, this is not necessarily the best way to interpret the situation: in both cases, the countries display largely the same recognition rates for the two countries of origin, around two and fifty percent. The importance of these differences is not increased by the greater number of asylum applications being accepted from the second country of origin, and they are likely to be a result of random factors or measurement errors in both instances. Giving both observations the same value for variation therefore seems well-grounded, and the standard deviation should be a sufficient measurement of variety. This is in accordance with the findings of Plümper and Schneider (2007), who found the standard deviation to be more suitable than the coefficient of variation when testing the approaches on simulated data. A more pressing issue is whether or not studying the development of variance alone is a suitable approach for studying convergence, which will be further discussed below.

4.2.2 Problems of Sigma-Convergence

While the standard deviation appears to be more suitable than the coefficient of variance for measuring σ-convergence, Plümper and Schneider (ibid., pp. 3,4) argue that the variance approach 'is not capable to capture all theoretically relevant convergence processes', and that it is likely to incorrectly suggest the absence of convergence in three different scenarios: If the process of convergence depends on certain criteria, if so-called convergence clubs (groups of countries that converge in different patterns) are ignored, and if the process of convergence is unfinished.

To apply these concerns on the analysis presented in this thesis, the convergence of European asylum recognition rates can be expected to be unfinished, possibly incomplete, and conditional. That it is unfinished means that the process has not yet reached its equilibrium, and that countries are still in the process of converging. Even as most of the ongoing policy processes were concluded in 2015, as well as in the period between 2007 and 2011, it is reasonable to expect the involved countries to be working on changing their procedures for a longer period of time, as opposed to

suddenly changing the asylum system over night when EU directives are transposed into national law.

As the problem of unfinished convergence can be particularly problematic in leading to false conclusions, it is worth quickly explaining how an unfinished process of convergence can lead to an observation of σ-divergence (Plümper and Schneider 2007, p. 4). For this purpose, imagine an observation of two data points observed over three points in time. In t_1, the observed values are 2 and 1; in t_2, they are 2 and 0 respectively, and in t_3, they are both 0. In this example, the variance observed in t_2 was greater than the one observed in t_1, but when the period is seen as a whole, we discover that this observation of σ-divergence was due to an unfinished convergence process, as the two observations reached the equilibrium (0) at different times. This is likely to be the case in the implementation of EU directives, as countries have several years from the adoption of directives by the EU until the deadline for transposition into national law, and the impact of directives on policy outcomes can possibly be expected to be observed even later.

An incomplete convergence of asylum recognition rates would take place if there was still discrepancies in recognition rates between countries even after the process of convergence was finished, meaning that the equilibrium of the convergence process is not completely equal for all Member States. As long as different institutions handle asylum applications in different countries, there will probably never be a complete convergence of asylum recognition rates. Additionally, problems of comparing recognition rates between countries (see subsection 4.3.2) could lead to what would appear to be incomplete convergence, even if differences in reality were a result of composition effects or methodological challenges.

The convergence of asylum recognition rates is likely to be conditional if countries can be divided into different 'convergence clubs' subject to different convergence processes. These clubs could be the result of many factors, such as different political traditions for asylum politics or the effectiveness of implementation of EU directives. Two clubs that could be particularly interesting are the EU15, consisting of Member States who were in the EU before the work on the CEAS began, and the new Central and Eastern European Member States of the 2004 EU enlargement. While these two groups are easily derived from theory, it is not obvious that they will behave as convergence groups, and if this is not the case, it will result in highly unreliable results. Of the earlier studies of asylum recognition rates, only Bovens et al. (2012) tested for different convergence clubs, looking at the EU15 and the EU27 separately.

To help avoid these problems, Plümper and Schneider made two recommendations for future researchers. First of all, researchers need to be more specific about

the process of convergence, as 'failing to appropriately model the convergence process might lead to wrong inferences on the existence of convergence'(Plümper and Schneider 2007, p. 5). Secondly, the authors advise against (at least solely) studying convergence by whether a decline of variance on the dependent variable is observed over time (σ-convergence): Instead, they encourage researchers to test the predictions generated from theory by employing a regression model (ibid., p. 5). This proposed model measures β-convergence.

Another challenge of the approach of measuring σ-convergence, related to that of convergence clubs, is the possibility for single extreme observations to greatly increase divergence in particular points of time, radically altering the observed pattern of convergence. When studying σ-convergence in this thesis, robustness is tested by controlling for the effect of individual countries on one by one: If a particular country is proven to have a great impact on estimates, an alternative graph with this country left out is presented. Additionally, not weighting countries by the number of asylum seekers in a given year helps prevent results driven by single extreme observations, as was observed by Bovens et al. (2012).

4.2.3 Beta-Convergence

As explained above, there are many challenges with the approach of studying σ-convergence; many of which can be avoided by taking the alternative approach of estimating β-convergence. It is important to stress that these two concepts measure two different things: While σ-convergence is simply defined by a decrease of variety over time, β-convergence is observed if diverging observations are observed to move towards the convergence equilibrium from one point in time to the next. In order to make the concept of β-convergence more clear, looking at a simple model estimating β-convergence can be helpful.

$$\Delta y_{i,t} = \alpha + \beta y_{i,t-1} + \varepsilon_{i,t} \tag{4.1}$$

Here, $\Delta y_{i,t}$ is the observed change in the converging variable y ($\Delta y_{i,t} = y_{i,t} - y_{i,t-1}$) for country i in time t, α is the intercept, ε is the error term, and β is the coefficient of the convergence variable. For example: If we observe that countries with abnormally low asylum recognition rates (y) in *t-1* tend to have more normal recognition rates in *t=0*, a low value in *t-1* will be associated with a positive change in recognition rates (y) between the two time points. This would be observed as a negative value for β (making $\alpha + \beta y_{i,t-1}$ higher for low values of $y_{i,t-1}$), indicating convergence. If the β-coefficient is positive, this indicates that observations deviating in *t-1* were measured to deviate even more in *t=0*, making positive values for β a sign of divergence.

A drawback of measuring β-convergence, and one for which the the approach has been criticised (Quah 1993), is that it can be observed when the distance between observations remains constant, or even when it is increasing. One example can be the ranking of sport teams: β-convergence can be used to investigate the time it takes for great teams to fall from grace in the rankings, which would be observed as β-convergence even though the distance between the observations remains constant (Sala-i-Martin 1996, p. 1327). An observation of β-convergence is therefore not an observation of convergence in itself, but rather an observation that values move in the direction necessary in order to ensure convergence. The presence of β-convergence is thus a *necessary but not sufficient* condition for σ-convergence, and as Young et al. (2008, p. 1086) notes, 'economies [or recognition rates] can be β-converging toward one another while, at the same time, random shocks are pushing them apart'.

4.2.4 Problems of Estimating Beta-convergence

The possibility of β-convergence to be estimated due to random fluctuations in the population could prove very problematic if not all changes in the converging variable are the result of an actual process of convergence. Such random movements are likely to affect β-convergence of recognition rates, as asylum procedures can not be expected to be completely consistent over time in all countries, only being influenced by actual policy change. Changes in the composition of the population of asylum seekers in a country could also result in changes in the discrepancy of recognition rates, given that countries of origin are regarded differently between Member States. It is therefore a risk that β-convergence will be overestimated, due to countries randomly changing their positions in relation to each other. The development of the discrepancy variable in the EU15 Member States can be seen in Figure 1 in the appendix, showing a certain amount of seemingly random fluctuations over time which are likely to cause a bias for estimation of β-convergence.

Random fluctuations and measurements errors in single years could also lead to a possibility of endogeneity, occurring due to the inclusion of the value of y in *t-1* as an independent variable. As the dependent variable is change in y since *t-1* (Δy), there is a possibility that these variables are related, which would hurt the inner validity of the analysis. One possible solution to this problem would be to incorporate y in *t-2* as the independent variable instead of the value in *t-1*, which would remove endogeneity. The problem of this solution is that genuine information about the development will also be lost in this process, meaning that the approach could fail to detect actual developments. The approach of including y in *t-1* is therefore chosen for this thesis.

Even though β-convergence is likely to be negatively biased, studying the development of β-convergence is still of interest. If the bias towards measurement of β-convergence is more or less constant over time, studying relative changes in β-convergence will still help enlighten the process of convergence, although the value of each single estimate will be hard to interpret substantially. Relative changes in β-convergence over time will therefore be the main focus of the study of β-convergence, seeking to observe potential influence of EU policy making and facilitate a more informed interpretation of σ-convergence.

4.3 Methodological Challenges

Besides the challenges of measuring convergence, the study of asylum recognition rates leaves a few practical issues to address. Most importantly, asylum recognition rates can be measured by different criteria, and are likely not to be directly comparable across countries, making it necessary to study recognition rates controlled for composition effects. Asylum recognition rates are usually operationalised as the share of positive outcomes out of all first instance decisions in a given year (Leerkes 2015, p. 11), to which this thesis is no exception. This could in theory challenge the validity of this measure, as there is a possibility for asylum seekers to make an appeal if their application is not accepted, resulting in outcomes of first-instance decisions not necessarily reflecting the final outcomes of all asylum procedures. However, Leerkes (ibid.) found the success rates for such appeals to be no higher in countries with low recognition rates, indicating that first instance decisions are likely to give a fair impression of a country's restrictiveness.

Furthermore, there are two different types of positive outcomes represented in UNHCR data: Applications ending in a full refugee status in accordance with the 1951 Convention Relating to the Status of Refugees, and outcomes resulting in 'other' types of protection, usually what is known as 'subsidiary protection' in the EU, but also including positive outcomes made on a basis of strictly national legislation. In this thesis, I look at refugee recognition rates and rates for other outcomes separately as well as combined as the rate for all positive outcomes. This makes it possible to study the impact of directives on the two protection statuses separately, which can be helpful when attempting to trace the impact of specific directives. For example, a directive giving a clear definition of who is eligible for subsidiary protection would be expected to have a significant impact on the granting of 'other' forms of protection, but less so on the granting of refugee status.

4.3.1 Controlling for Countries of Origin

As this thesis sets out to compare European asylum procedures over time by studying recognition rates, an important challenge lies in the possibility that recognition rates are varying between countries due to legitimate reasons: That is if the same variation would have been observed if the identical procedures were applied in all countries. This is the case if countries receive heterogeneous asylum populations, where the average need for protection of asylum seekers differs between different receiving countries. There are several possible explanations why this could be the case, which is further explained below.

The most obvious reason for the protection need in asylum populations to vary between receiving countries is the different composition of countries of origin, making the use of origin-specific data a necessity. Different receiving countries are observed to receive asylum seekers from greatly differing countries of origin (Guild 2016, pp. 43-44), giving a legitimate reason for recognition rates to vary between these countries. As demonstrated by Leerkes (2015), country of origin is by far the most important variable when explaining differences in asylum outcomes between countries, and controlling for this should therefore improve comparability between countries substantially.

Earlier convergence studies have controlled for country of origin by calculating variability in recognition rates for each country of origin, and using the weighted sum of these different values in order to conclude with one single country of origin-specific measure of variability (Bovens et al. 2012; Neumayer 2005a). This is far more problematic when estimating the β-convergence of recognition rates, and an approach closer to the one utilised by Leerkes (2015) is therefore chosen for this thesis.

Country of origin is controlled for in this thesis by first finding the 'expected recognition rate' for each receiving country, calculating what the recognition rate of each given European country would have been if asylum applications from all countries of origin had been given the same success rate as they were given in the entire EU15 in each particular year. In a situation where similar cases resulted in the same outcome in all of Europe, there would theoretically be no difference between the actual recognition rates and the expected recognition rates of European countries. Convergence of recognition rates is observed if the difference between actual and expected rates decreases over time, which is the basis for the measure of differences in asylum recognition rates. This measure is calculated by subtracting the expected recognition rate from the actual recognition rate, giving a value between -1 and 1. For example, if a country's actual recognition rate is 20 percent, and the expected recognition rate given average European procedures is 32 percent, the

measured discrepancy for the given country would be -12 percent points (or -0.12). A negative value indicates that the country accepts fewer asylum applications than the European average, a positive value indicates the opposite. A value close to zero indicates an average recognition rate when controlled for the different countries of origin. From now on, this value is referred to as the *discrepancy variable*.

Equation 4.2 shows the calculation of the discrepancy variable (DV) for country i in time t, where $ER_{i,t}$ is the expected recognition rate in country i, $AR_{d,t}$ is the actual recognition rate of the same observation, $r_{o,t}$ is the recognition rate in the entire EU15 for applications from country of origin o, $a_{o,i,t}$ is the number of first instance decisions for asylum seekers from o applying in i, and $a_{i,t}$ is the total number of first instance decisions made in i in the given year.

$$ER_{i,t} = \frac{\sum_{o=1}^{O}(a_{o,i,t} \cdot r_{o,t})}{a_{i,t}} \qquad (4.2)$$
$$DV_{i,t} = ER_{i,t} - AR_{i,t}$$

Restricting the basis for the calculation of expected recognition rates to the EU15 is done in an attempt to make the basis for this calculation as comparable over time as possible. Adding new countries to the reference group at the time they joined the EU would hurt comparability of data over time, and including non-EU Member States (such as the four EFTA-states and each new Member States before they joined the Union) would risk obscuring progress that is made in the European asylum system, as recognition rates would be compared to countries that were not a part of the development. In addition to this, the asylum systems of new Member States have been observed to be unstable in periods, which was especially the case in the countries subject to the 2004 enlargement, as they quickly conducted radical changes to their asylum systems before joining the EU (van Selm 2005, p. 2). While there is no perfect way to ensure comparability over time, the EU15 is likely to be the most stable reference group in the data set, and therefore the best basis for comparison.

A problem with the approach of calculating expected recognition rates is that having a low recognition rate for one country of origin could be masked by a higher recognition rate for another country of origin, reducing the variability in the expected recognition rates between states (Leerkes 2015, p. 17). While this can be problematic, it is unlikely to influence findings too much as there is no reason to expect there to be a systematic change in this 'washing out' of high and low recognition rates over time. Bovens et al. (2012, pp. 76-78) found this effect to slightly decrease the variability of recognition rates, but that it remained constant and did not impact the developments presented in the data.

4.3.2 Otherwise Heterogeneous Asylum Populations

While controlling for country of origin undoubtedly improves comparability between receiving countries, it is not necessarily sufficient to completely justify direct comparison of recognition rates between countries. It is impossible to completely rule out the possibility of unobserved heterogeneity in asylum populations: Even though neither gender nor age seems to be of great importance in predicting recognition rates (Leerkes 2015), it is possible that other factors that are not controlled for influences the protection need of the population of asylum seekers in different countries.

One such factor is region of origin: For example, it is possible that asylum seekers from one region of Afghanistan often end up going to Germany, while asylum seekers from another region have a preference for going to France. Differences like these can be explained by network theory, as asylum seekers prefer to apply for asylum in countries where they already have connections (Neumayer 2005b). If we assume that asylum seekers from one of the regions in Afghanistan in average have a greater need for protection than asylum seekers from the other region, we are left with a realistic explanation for legitimate differences in recognition rates for Afghan asylum seekers between France and Germany.

Other variables could of course play a role in legitimising differences in recognition rates between countries, providing that people of different protection needs end up applying for asylum in different countries. However, as such mechanisms are difficult to imagine, it seems likely that controlling for country of origin should make recognition rates at least relatively comparable across countries. As what this thesis sets out to examine is convergence of recognition rates over time, instead of just the fixed difference in recognition rates, such left out variable bias would be mostly problematic if the influence of this bias varied greatly over time, which makes a problematic interference from external factors even less likely. All in all, controlling for countries of origin should be sufficient to conduct this analysis, especially in the lack of more detailed, region-specific data.

4.3.3 Tracing the Impact of Directives

If the policy harmonisation efforts of the European Union have succeeded, it would not only be expected to result in a convergence of European asylum procedures, but it should be possible to predict the impact of specific EU directives. The directives that are most likely to have had a significant effect on recognition rates in the period under study are arguably the Qualification Directive of 2004, the Procedures Directive of 2005, and the recasts of these directives in 2011 and 2013

(see chapter 3). While the qualification directives lay down common rules for who is eligible for refugee status and subsidiary protection, the procedures directives set common procedures for the process of determining the protection status of asylum seekers.

One challenge of tracing the effects of specific directives is the problem of attribution: Since several directives entered into force in a short period of time, it is difficult to distil the effect of each single directive. Directives usually have a deadline for transposition into national law two years after their entry into force, and several directives are often being implemented in overlapping time periods. Additionally, the impact of directives on actual asylum procedures should not be expected to happen immediately after transposition into national law, as it takes time for the national asylum systems to react to and implement new procedures. The implementation of new directives can therefore be expected to happen in partly overlapping time periods, taking place at different times in different states.

One way around the problem of several directives being implemented at the same time is to distinguish between recognition rates for the two different types of outcomes. The strongest case for this can be made for the first qualification and procedures directives, which were implemented over a partly overlapping time period, with the Qualification Directive being the first directive to enter into force. All European countries were subject to the 1951 Convention Relating to the Status of Refugees since before 2000, and the 2004 Qualification Directive should therefore not have had a great impact on recognition rates for full refugee status, as the refugee definition was left unchanged. However, as the Directive was the first attempt to define a uniform status of subsidiary protection in the Union, one could expect the Qualification Directive to have a had greater impact on recognition rates for 'other' protection statuses than on refugee recognition rates. The first Procedures Directive, on the other hand, formally only applied to 'procedures for granting and withdrawing *refugee status* in Member States' (Council of the European Union 2005b, my emphasis), and could therefore be expected to have a more visible impact on refugee recognition rates. It is important to note that this is not completely clear-cut: The Qualification Direcive is likely to have had some impact on the process of granting refugee status, and most countries eventually applied the 2005 Procedures Directive to applications for subsidiary protection (Peers 2013, p. 11).

While the original Qualification Directive and Procedures Directive can both be expected to have had an effect mainly on one of the two protection statuses, the recast directives of 2011 and 2013 partly bridged the gap these statuses. The recast Qualification Directive amended the rules for qualification for both statuses, even though it made it easier to qualify for full refugee status in particular. The

status of subsidiary protection was also improved to be more similar to that of full refugee status, removing some of the initiative to give asylum seekers a 'weaker' protection status for economical or political reasons (Neumayer 2005a, p. 26). In sum, the recast Qualification Directive can be expected to have had an impact on the asylum system as a whole, both regarding subsidiary protection and full refugee status, but one could possibly expect it to have a slightly greater influence on the granting of full refugee status.

The recast Procedures Directive was extended to cover applications for subsidiary protection, an amendment that can be expected to be influential to the degree this was not already common practice (Peers 2013). Arguably, a more important change for actual policy outputs could be that all asylum applications are to first be tested for refugee status, and if this is not granted, they will go on to examine whether or not the criteria for subsidiary protection are met. This could lead to an increase of asylum applications ending in full refugee status being granted. The last important new step is a weakening of the 'safe third country' system, which can be expected to increase convergence of recognition rates as a whole. To conclude, the recast Procedures Directive can be expected to lead to convergence of both protection types, but of refugee status in particular. Its impact on subsidiary protection rates will to a large degree depend on countries that did not apply the 2005 Directive on applications for subsidiary protection before the transposition of the recast Directive.

The impact of the recast Procedures Directive is obscured by the fact that no less than three other EU measures entered into force at the same time: The Reception Conditions Directive, the Dublin III Regulation, and the Eurodac regulation. These measures might have had an indirect effect on recognition rates: For example, the Reception Conditions Directive further obscured the differences between subsidiary protection and refugee status, removing some of countries' incentives to give asylum seekers subsidiary protection rather than refugee status out of economical or political preferences, as some have argued to be the case (Neumayer 2005a). As this thesis sets out to trace the influence of EU policy making as a whole, seeing a potential effect from all the directives as a whole is still of interest, even when the exact importance of specific directives can be unclear.

In short, convergence of European asylum recognition rates since 2000 can be expected to have been particularly strong during the implementation of the qualification and procedures directives, pointing towards four partly overlapping time periods when it is reasonable to expect convergence to have occurred. From this, testable expectations for policy convergence can be derived, both for the period in which convergence can be expected to occur and for the types of protection

that should be expected to be affected. These expectations are summarised below, and will be further discussed in relation to statistical findings of convergence in chapter 5.

2004 - 2006: The implementation of the Qualification Directive gives reason to expect harmonisation of subsidiary protection rates in particular.

2005 - 2007: The Procedures Directive sets minimum standards for procedures determining refugee status, influencing refugee recognition rates in particular; however, most Member States also applied this directive to applications for subsidiary protection (Peers 2013).

2011 - 2013: The recast Qualification Directive can be expected to influence both protection types.

2013 - 2015: The recast Procedures Directive, along with several other new measures, can be expected to have an impact on the granting of both types of protection.

While the list above starts in the year of adoption by the EU and ends in the year of the deadline for transposition into national law, it is natural to expect system changes to take more time as national procedures are likely not to change completely over night by the transposition of a new directive. One can therefore expect the convergence process following new directives to take longer than the given time periods.

4.4 Analytical Approach

With clear expectations about what the process of convergence will look like, the next step is to lay down a research design capable of testing for patterns in convergence that fits the developments explained above. As the different approaches to measuring convergence have different strengths and challenges, this thesis sets out to employ a mixed approach where both β- and σ-convergence are studied in the light of the empirical development in order to give a holistic understanding of the convergence process.

The study of β-convergence will be executed by running separate ordinary least squares regressions for every year under study, as explained in subsection 4.2.3. The coefficient of convergence for each year is plotted over time, creating a graphic representation of year-by-year convergence. The regression approach makes it possible to add control variables, which will include measures of economic factors and asylum burden, as well as dummy variables for potential convergence clubs.

The analysis consists of two main parts, studying two groups of countries. The first part studies the EU15, as these countries are likely to show the clearest and most consistent impact of EU policy making. The second part includes all 32 countries included in the Dublin system, seeking to measure the converging effect of directives outside of the EU15. As convergence between all of these countries is of relevance for the legitimacy of the current asylum regime, the latter analysis is of importance for the legitimacy of the CEAS, while the first part is more relevant for understanding the impact of directives. The main focus will be on the EU15, as this gives the best indicator of the actual changes brought by directives. The EU15 also has the benefit of acting as one single *convergence club*, making the study of convergence more feasible.

The dependent variable in the regression is change in the discrepancy variable for recognition rates between the year under study and the previous year. For the purpose of the regression analysis, the variable is made to vary between zero and one, not taking into concern whether or not the deviation from average asylum procedures is positive or negative: The direction of the deviation is instead included in the regression as a dichotomous variable. This makes $y = \sqrt{DV^2}$ in the regression models presented in chapter 5, with DV being the discrepancy variable. While this does not greatly alter estimates, it makes the analysis more consistent by avoiding the estimation of β-convergence in cases where the deviation variable goes from a slight deviation in one direction to en equally large or even greater deviation in the opposite direction, reducing the importance of outliers. For example, a change in the discrepancy value from 0.01 in *t1* to -0.10 in *t2* would be interpreted as an indication of convergence, as the observation moves eleven percentage points in the direction needed in order to reach the convergence equilibrium (assuming that the said equilibrium is around 0). By making these values absolute, we instead observe a divergence of nine percentage points, which is arguably a more accurate interpretation. Similarly, a change from 0.05 to -0.05 will not be interpreted as either convergence or divergence, which seems to be a fair interpretation. By making values absolute, the analysis goes from measuring convergence towards the sample mean, and instead measures convergence towards the sample minimum. As Plümper and Schneider (2007, p. 20) found the estimation of β-convergence to be equally robust when measuring convergence in both of these situations, this should not hurt the estimation of β-convergence.

For the study of σ-convergence, the advise of Plümper and Schneider (ibid.) to measure variety using the standard deviation is followed. Unlike earlier convergence studies, I calculate the standard deviation on the basis of the discrepancy variable for receiving states, which can vary between -1 and 1, instead of calcu-

lating variability of recognition rates for all countries of origin and adding these together. Countries are not weighted by their number of asylum applications in this thesis: However, findings of σ-convergence appear to be relatively consistent with a previous weighted study conducted by Bovens et al. (2012).

As studying appropriate 'convergence clubs' is vital for a constructive study of σ-convergence, these set strict limits for the analysis of σ-convergence. Two groups of countries that can be expected to act as convergence clubs are the EU15 and the new Central and Eastern European Member States from 2004: However, only findings from the EU15 turns out to be robust enough to make presenting σ-convergence between these countries fruitful, while findings of σ-convergence in the new Member States is less robust and will just be discussed briefly.

The impact of directives on σ-convergence can be expected to be counterintuitive. As explained above, an unfinished process of convergence can lead to an observation of σ-divergence, as countries move towards the convergence equilibrium at different paces. This is likely to be the case with European asylum policies as countries are given a period of several years to implement new directives, making it reasonable to expect the implementation of harmonising policies to result in short-term σ-divergence. The study of variance should therefore be seen in context of EU policy making and β-convergence. For example, as σ-convergence is observed when the process of harmonisation is finished, this could make it possible to study the time it takes for directives to be properly implemented. Seeing results of β- and σ-convergence is seen in relation to each other will reduce the chances of drawing false conclusions from either method, and developments of β-convergence can be particularly helpful for understanding patterns of σ-convergence.

In order to avoid unreliable data, observations where less than 100 asylum decisions are made in a year are omitted from the data set, as they are likely to produce unreliable findings. This includes data for Croatia, Portugal, Malta, Liechtenstein, Iceland, Lithuania, Estonia, and Latvia in certain years. Three observations are excluded due to being extreme outliers: These are the Czech Republic in 2011 and Switzerland in 2010 and 2011, all of which were observed to have a recognition rate of one hundred percent. In addition to this, seven observations are not available in the data from the UNHCR. While this excludes some observations from the data set, there are still more than 400 observations left to study.

In order to ensure continuity in the study of recognition rates over time, no other observations are excluded when conducting the main analyses presented in chapter 5. However, the presence of outliers can still be expected to greatly affect findings, and in order to control for this, the influence of outliers is discussed explicitly. When outliers are found to have a great impact on the data presented in years

of importance, alternative figures are presented with these observations excluded for the entire period, avoiding bias from excluding observations in certain years.

4.4.1 Controlling for External Factors

Since the goal of this thesis is to study the development of the CEAS and its impact on asylum procedures and recognition rates, a potential problem for the analysis would be if convergence (or divergence) occurs as a result of external shocks rather than the development of European asylum policies. By estimating β-convergence, such external factors can be controlled for by incorporating them into the model. The literature points towards two external factors of particular relevance: Neumayer (2005a) observed that asylum recognition rates tend to reflect economical problems, while different authors have had different expectations for the importance of a heavier asylum burden. Some claim that a heavy asylum burden will lead to a stricter asylum policy (Vink and Meijerink 2003), while others have found no such mechanisms, and argue that asylum seekers instead end up going where the recognition rates are more favourable, leading to the opposite pattern (Leerkes 2015). However, if the hypothesis that financial problems lead to a feeling of being overburdened and therefore lower recognition rates is true, it is natural to expect the same to be true for feelings of being overburdened with asylum seekers. Even though an increased influx of asylum seekers can be expected to lead to a less liberal asylum system, a more liberal asylum system can be expected to in itself increase the asylum influx: However, this mechanism would be likely to be slower, as asylum seekers would need to learn about the changes to the system before deciding to go to the country. An increased asylum influx could therefore be expected to be associated with lower recognition rates in the short term, if there is any causality at all.

Both of these shocks can be expected to happen simultaneously in several countries in the event of an international financial shock or a large influx of asylum seekers. Making clear predictions for the impact of these shocks is difficult, as they could possibly lead to either convergence or divergence. For example, a financial crisis could motivate countries that were already struggling with receiving asylum seekers before the crisis to make their policies even stricter, leading countries with already low recognition rates to diverge even more: On the other side of the spectrum, countries with unusually high recognition rates would have a motivation to move closer to the European average in times of crisis, leading to convergence. Alternatively, these mechanisms could happen at the same time at the same force, leading to simply stricter recognition criteria and neither convergence nor divergence. It is not important to make clear predictions in this context, but simply to

be aware of potential external factors in order to control for these and get a clearer understanding of the impact of EU policy making.

In order to control for economical shocks, changes in unemployment rates for the working population is utilised as a control variable, calculating the change in unemployment over time by subtracting the unemployment rate in *t-1* from that of *t=0*. The same is done when controlling for changes asylum burden, a variable which is calculated in the way proposed by Toshkov and de Haan (2013), by dividing the total number of asylum applications by the GDP. While there are many ways of calculating asylum burden, seeing the number of asylum applications in relation to the GDP allows for a simple measure that controls for both the population and the economical strength of each country, two important aspects in a country's capability to receive asylum seekers. Data for unemployment and GDP are collected from Eurostat (2016; 2017b), while asylum data are gathered from the UNHCR (2017).

Since the discrepancy variable in the regression analysis vary between 0 and 1, where a high value could indicate deviation in both a positive and negative direction, the relationship between the control variables and the changes in asylum recognition rates can be expected to depend on the sign of the deviation. As an example, one can imagine that increased unemployment always causes lower recognition rates. In countries with negatively deviating recognition rates, increased unemployment would lead to divergence, as recognition rates became even lower; however, in countries with high recognition rates, increased unemployment would lead to converging asylum recognition rates, as these would move closer to the European average. The impact of these control variables can therefore be expected to rely on the sign of the deviation variable, and this is taken into account by the inclusion of an interaction effect between the control variable and the dichotomous variable for the sign of the deviation.

Chapter 5

Findings

This chapter will present findings from the empirical analysis of convergence, followed a by discussion of how these findings fit expectations derived from the process of policy development. The chapter starts by presenting findings of convergence in the EU15, where the process of policy harmonisation can be expected to have had the greatest impact. It then moves on to study convergence in all of the 32 countries participating in the Dublin system, where findings of convergence can be expected to be more vague, but equally important from a normative point of view.

5.1 EU Member States Since Before 2000

Analysing the impact of EU directives on countries that were a part of the European Union since before the expansions of 2004, the so-called EU15, will serve to test the influence of the CEAS under particularly favourable conditions. If the implementation of EU directives has been of importance for convergence of asylum recognition rates in Europe, this is likely to be easiest observable when studying the EU15, and this section will therefore deal exclusively with convergence between these countries. The section starts by discussing findings of β-convergence, before it moves on to σ-convergence and concludes by discussing the process of convergence in the EU15 as a whole, focusing on explaining patterns found in the convergence analyses.

5.1.1 Beta-Convergence

As expected from theory, studying β-convergence of asylum recognition rates in the EU15 gives the impression that the implementation of EU directives has a substantial impact on convergence of asylum recognition rates, as a clear pattern can be seen in all years major directives were implemented. Figure 5.1 shows the estimated β-coefficient for each year since 2001, calculated using the following

regression model:

$$\Delta y_{i,t} = \alpha + \beta_1 y_{i,t-1} + \beta_2 D_{2i,t} + \varepsilon_{i,t} \tag{5.1}$$

Where i is a country in the EU15 and $D_{2i,t}$ is the dummy variable for the sign of the discrepancy variable in time t: If country i receives more asylum seekers than it would have done with average procedures in the given year, $D_{i,t}$ is one, otherwise it is zero. A further explanation of this model can be found in subsection 4.2.3.

The semitransparent areas in Figure 5.1 shows the 95 percent confidence intervals of each estimate, giving a clearer impression of the predicted β-convergence. The graph shows the estimates for β_1 in the model specified above, where negative values indicate β-convergence (diverging observations are moving in the direction necessary for decreased dispersion over time), and positive values indicate β-divergence (deviating observations are observed to diverge even more in the same direction over time). As random variation is likely to cause a negative bias, the observed trends over time should be the main point of interest when studying graphs of β-convergence, rather than the value of the β-coefficient in itself.

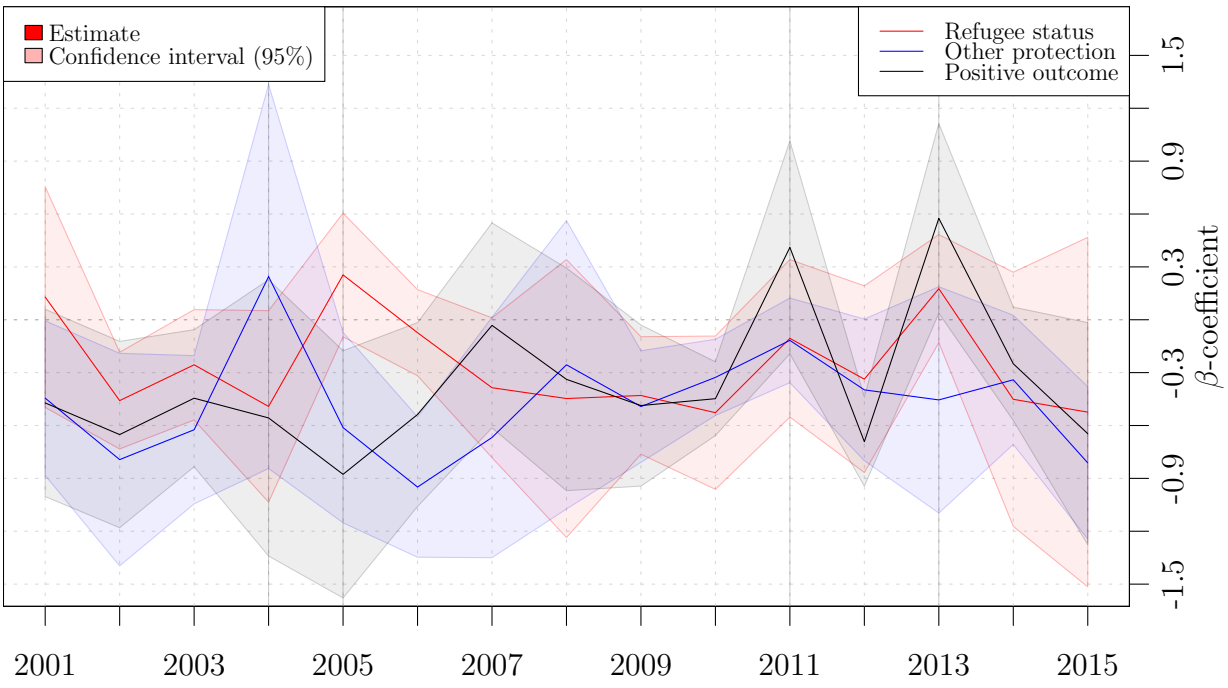

Figure 5.1: Estimated β-convergence of asylum outcomes in the EU15 with confidence intervals. Vertical lines mark the adoption of major new directives.

When studying Figure 5.1, there appears to be 'peaks' of divergence in certain points in time: In particular, this can be observed for subsidiary protection rates (other outcomes) in 2004, granting of refugee statuses in 2005, total positive

outcomes in general in 2011 and 2013, as well as refugee recognition rates in 2013. These signs fit remarkably well with the implementation of important EU directives. The Qualification Directive of 2004 was expected to have an impact on recognition rates for subsidiary protection, but not on refugee recognition rates; the opposite was expected for the 2005 Procedures Directive, which explicitly only applies to applications for refugee status. Both of these predictions fit well with what can be observed in Figure 5.1. The directives of 2011 and 2013 were expected to have an impact on both statuses, and at the first glance they seem to have had a significant impact on the rates of positive outcomes and a visible impact on refugee recognition rates, although less clearly so on the granting of subsidiary protection.

While these trends are consistent with what can be expected from the policy development process, other potential explanations can of course not be ruled out. An advantage of using a regression model for estimating β-convergence is that such external factors can be included in the model to test whether or not observations can be explained by variables other than the implementations of EU directives. Figure 5.2 shows β-convergence when controlling for changes in unemployment and asylum burden. The theoretical reason for including these variables is that both asylum burden and economic hardships can be expected to lead to a sentiment of being 'overburdened' with asylum seekers, again resulting in a change of national procedures (Neumayer 2005a). The following model estimates convergence of recognition rates when controlling for one such external factor, which is used to calculate the graphs shown in Figure 5.2. This figure can be read the same way as Figure 5.1, with the addition of a stapled line representing the values when control variables are not included.

Equation 5.2 adds a control variable (change in unemployment or asylum burden) x_3, as well as an interaction effect between the control variable and the sign of the discrepancy variable D_2, as explained in subsection 4.4.1.

$$\Delta y_{i,t} = \alpha + \beta_1 y_{i,t-1} + \beta_2 D_{2i,t} + \beta_3 x_{3i,t} + \beta_4 (D_{2i,t} \times x_{3i,t}) + \varepsilon_{i,t} \tag{5.2}$$

While most of the patterns of β-convergence remain the same when controlled for unemployment or asylum burden, both control variables seem to have had an impact on convergence of asylum recognition rates at certain points in time. One notable change is in the estimated convergence of recognition rates for subsidiary protection in 2004 when controlled for asylum burden; while 2004 still shows a weaker sign of convergence of subsidiary protection than the surrounding years, part of the estimated β-divergence appears to be due to changes in asylum burden. Interestingly, the same observation increases when controlling for unemployment, indicating that this pushes observations in the opposite direction. However, the

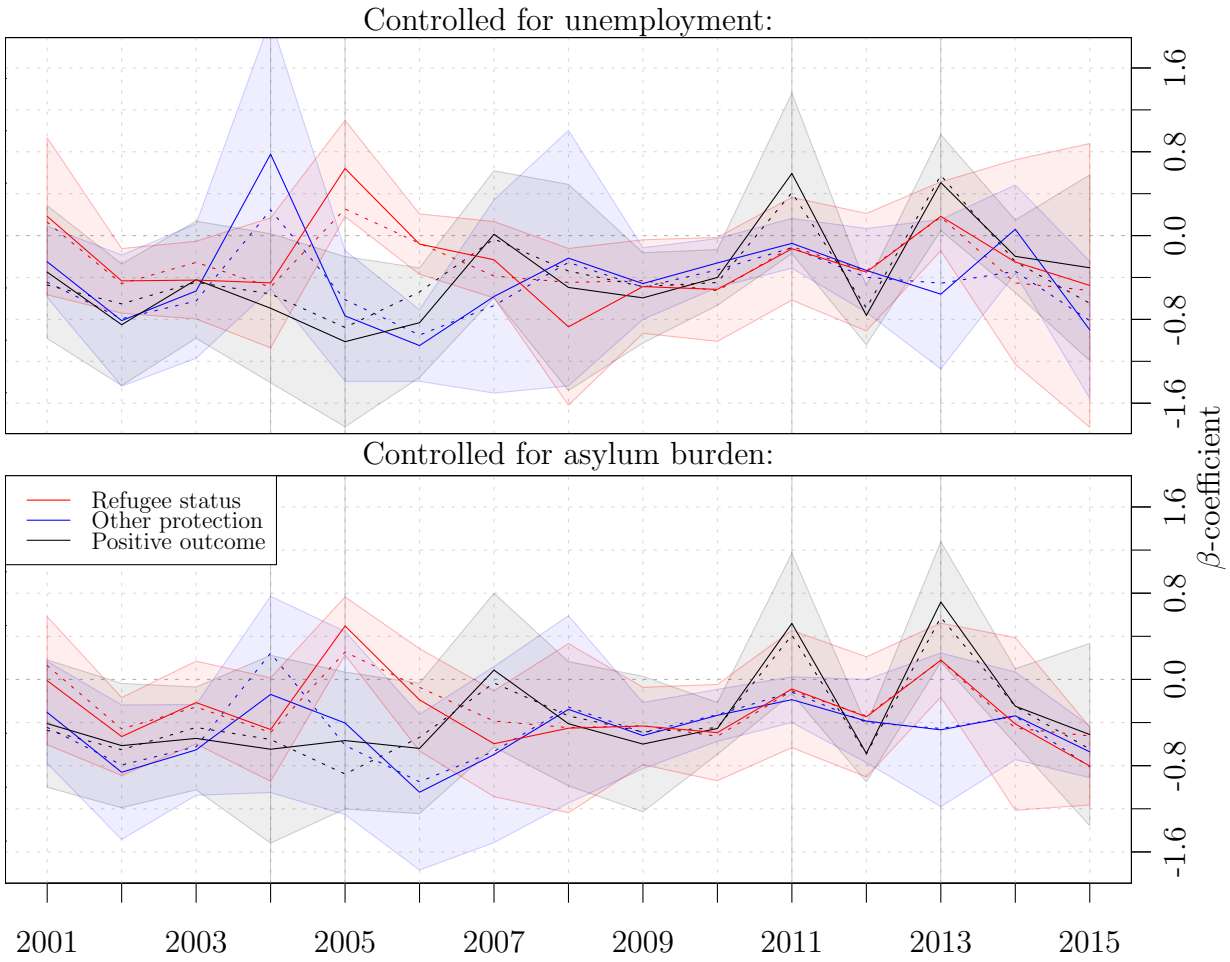

Figure 5.2: Estimated β-convergence of asylum outcomes in the EU15, controlled for variables potentially influencing the pace of convergence.

adjusted R^2 is substantially higher when controlling for asylum burden (58 percent, as opposed to 29 and 19 percent when controlling for unemployment and including no control variables respectively), indicating that this is the model that best fits the data. The adjusted R^2 of all models can be seen in Table 1 in the appendix.

All other observations of divergence in the year of major directives either remain largely unchanged or are made stronger by controlling for external factors. It therefore seems even more likely that these observations of divergence are related to the adoption of EU directives in these years, which would mean that EU directives are associated with a short-term β-divergence of recognition rates. These peaks of divergence are usually followed by a period of β-convergence in the following years, as the directives are being implemented. In order to explain these 'peaks of divergence', it is useful to remember how β-convergence is calculated. Positive values, or β-divergence, indicate that observations tend to show a stronger deviation from the

norm in t=0 than they did in t-1. The observation of β-divergence in years of new directives can therefore have three potential explanations: Countries with average or restrictive systems becoming relatively more restrictive, countries with average or unusually high recognition rates becoming even less restrictive, or a combination of the two.

As these divergence peaks are observed in the years new major directives are adopted by the European Union, countries that are particularly early to adopt EU procedures could be the key to explaining these observations. As Member States normally have a two-year deadline for the transposition of directives relating to the CEAS into national law, the impact seen in the year of adoption by the EU can probably be attributed to early adopters, countries where there is a will, possibility, and competence to adopt EU asylum legislation quickly. While one should be careful with drawing too stark conclusions by looking at single observations, there are some observations in support of this interpretation. The most robust observation of a 'divergence peak' is the one observed for refugee recognition rates in 2005, which calls for taking a closer look at the observations behind this estimate. The greatest changes in the discrepancy variable for refugee recognition rates between 2004 and 2004 were observed for Austria, Luxembourg, and Italy, all seeing a change of two percent points or more. In Austria and Luxembourg, this change in the discrepancy variable was positive, increasing divergence of the countries' recognition rates in a positive direction. In Italy, the change was negative, leading to a convergence as the country's recognition rates were relatively high. Luxembourg and Austria are both reported to be of importance when studying influential observations in the estimation of β-convergence in 2005, indicating that these observations indeed have some explanatory power. In a similar manner, divergence of other outcomes in 2011 and 2013 can be attributed partly to Finland and the Netherlands, both of which saw already high recognition rates for other outcomes being greatly increased in these years.

With the exception of the peaks of divergence in the years new directives were adopted, the patterns of β-convergence are not very surprising. The deadline for transposition of the 2004 Qualification Directive into national law was set to October 2006, which fits nicely with the trend of convergence of subsidiary protection rates between 2005 and 2007, the first year after the directive was to be implemented in all countries. The 2005 Procedures Directive seems to have had a weaker overall impact on convergence, with the strongest convergence being observed in 2008, again the year following the deadline for transposition into national law in December 2007. This seems to be partly concealed by the impact of economic factors, as a stronger convergence is estimated when controlling for unemployment.

As for the 2011 Qualification Directive, a sharp turn to convergence is observed in 2012, but this is cut short by divergence following the adoption of a new round of directives in the succeeding year. This is followed by a trend of convergence until the end of the data set in 2015, the year of the highest asylum influx in Europe since the second world war. This is particularly clear when controlling for asylum burden, which will be further discussed in the end of this section.

When looking at influential observations for the rates of positive outcomes in 2011, Portugal marks itself as a clear outlier: The same goes for the calculation of recognition rates for subsidiary protection in both this and surrounding years. If this is taken into account and Portugal is excluded from the analysis when estimating β-convergence during the second phase of the CEAS, there is a notable change to the estimates. An increased divergence of total positive outcomes in 2011 is no longer estimated, and one can instead observe a spike in the graph showing convergence of subsidiary protection. In 2013, the estimated β-convergence of refugee recognition rates and positive outcomes remain unchanged when omitting Portugal, but a substantial spike of divergence is observed in rates for subsidiary protection instead. This pattern matches the expected development of β-convergence in the period, as the recast directives were expected to influence recognition rates for both full refugee status and subsidiary protection. Figure 5.3 shows β-convergence in the EU15 between 2008 and 2015 when Portugal is omitted, while Figure 2 in the appendix shows similar figures when control variables are included.

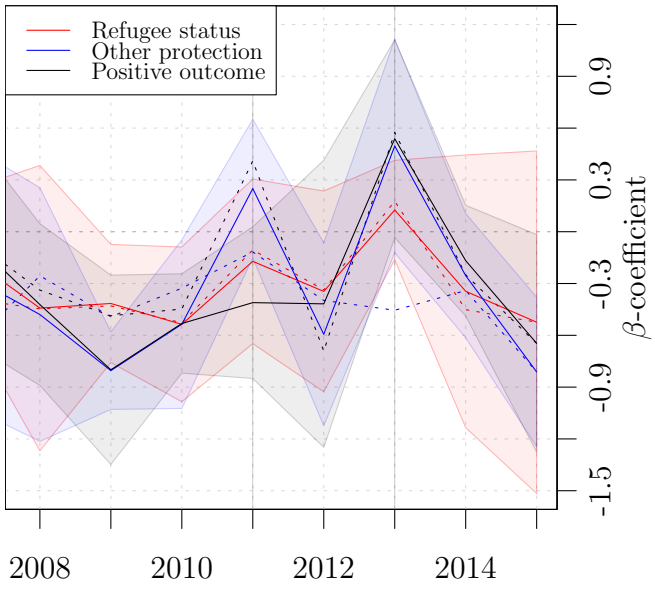

Figure 5.3: Estimated β-convergence in the EU15 when omitting Portugal. The stippled lines show estimates when Portugal is not excluded.

Due to the decision of the UK and Ireland not to participate in the second phase directives of the CEAS, observations of these countries could potentially be expected to be outliers: However, omitting these countries from the calculation only marginally alters the calculated β-convergence, making the estimated β-coefficient for refugee recognition rates in 2011 a bit higher, at roughly the same value as observed in 2013. In the same manner, the exclusion of Denmark, which has never been part of the CEAS, does not lead to significantly different estimates. This is

an indication that the deviation of these countries' recognition rates has remained relatively stable, despite not being a part of the CEAS.

With a basic understanding of the process of β-convergence, it is possible to better understand the findings of σ-convergence in the period under study, which will be further explored below. This is followed by a discussion of the process of convergence in the EU15 as a whole, drawing from findings of both β- and σ-convergence.

5.1.2 Sigma-Convergence

In order to make a robust measurement of σ-convergence, it is necessary to study convergence within appropriate convergence clubs, as failure to do so can result in the observation of non-existing convergence or the failure to detect convergence that has taken place (Plümper and Schneider 2007). The EU15 appears to suitable for this purpose, as the standard deviation for these countries can usually not be greatly altered by the exclusion of a single country. As in the study of β-convergence, a clear outlier is Portugal, which is shown to have a great impact on the measured variance between 2007 and 2012. This is due to an unusually high number of asylum seekers being granted subsidiary protection in Portugal in this period compared to if they were subject to average procedures. As in the study of β-convergence, Portugal has a particularly strong impact on findings in 2011.

Similarly, Austria granted an unusually high share of refugee statuses in the period between 2004 and 2008, and Germany did the same in 2008 in particular. This gives the impression that recognition rates for full refugee status were diverging in the period between 2003 and 2008, only to strongly converge from 2008 to 2010. Excluding Germany and Austria from the calculation shows that the dispersion of refugee recognition rates was quite stable in the period between 2002 and 2007. Excluding Portugal does not have a great impact on the standard deviation of recognition rates for full refugee status, neither does excluding Austria or Germany on subsidiary protection or all positive outcomes. Figure 5.4 presents recognition rates for full refugee status both with and without Austria and Germany in the calculation, and the standard deviations for subsidiary protection and positive outcomes calculated with and without Portugal. The full drawn lines include all of the EU15, the dashed lines exclude Portugal, and the dotted line excludes Austria and Germany. In addition, a mixed red line is included that shows σ-convergence of refugee recognition rates when excluding Sweden, which greatly impacts the impression of σ-convergence between 2014 and 2015. As the impact of single observations should ideally not be decisive when studying convergence, the stippled lines in Figure 5.4 are likely to give a better impression of the process of convergence than the full

drawn lines when these are deviating strongly from each other.

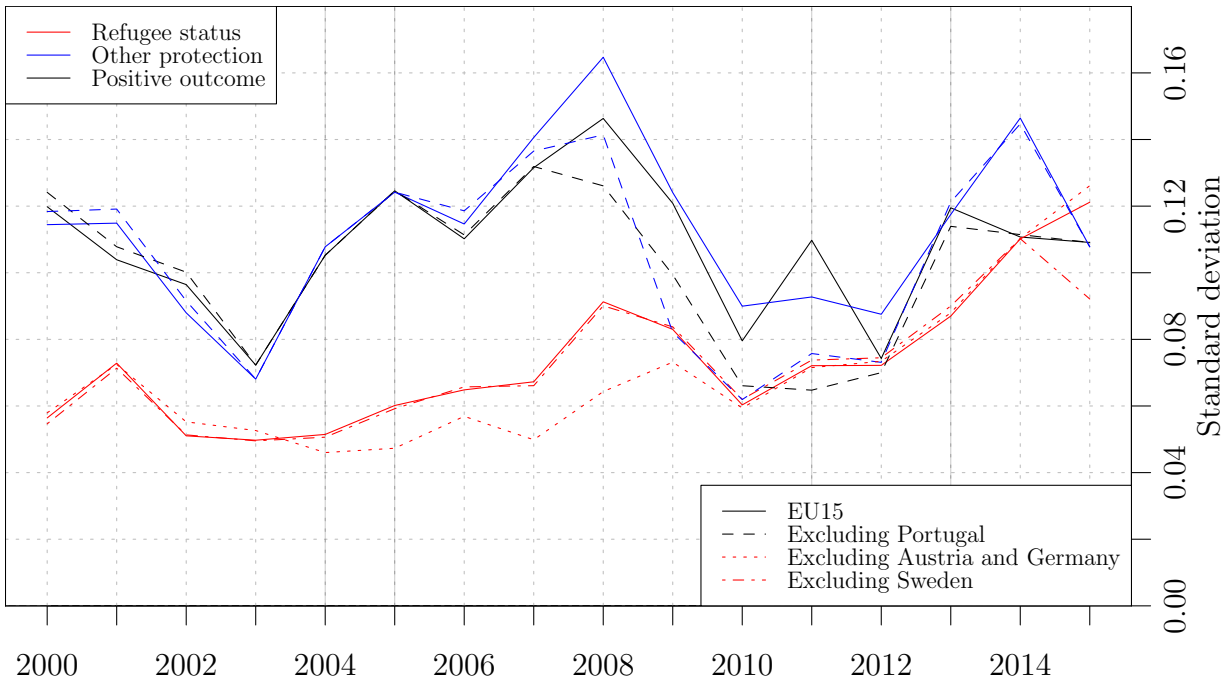

Figure 5.4: Observed σ-convergence of asylum outcomes in the EU15

Another trend of σ-convergence worth elaborating is the divergence observed in total positive outcomes between 2012 and 2014, which is largely due to high recognition rates in Italy and low recognition rates in Greece: If these countries are excluded from the calculation, the standard deviation of positive outcomes remains roughly between 0.06 and 0.09 the last four years of the analysis. This is not the case for recognition rates for subsidiary protection or refugee status, and is not shown in Figure 5.4.

While some observations are found to have a great impact on the observed variance of asylum recognition rates, the EU15 is still suitable enough as a convergence club that it is possible to draw conclusions about the general development of σ-convergence in the period under study. The most striking feature of Figure 5.4 is arguably the sharply increasing divergence of positive outcomes and subsidiary protection between 2004 and 2008, which is followed by rapid convergence until 2010. This bears resemblance to the development of convergence in total positive outcomes observed by Bovens et al. (2012): Remaining differences can be explained by the different measures of variability (this thesis studies the standard deviation, whereas Bovens et al. calculated the Coffey-Feingold-Bromberg measure) along with their decision to weight countries by the number of asylum seekers, while all countries are weighted equally in this thesis. Despite these differences, both analyses found a trend of divergence starting in 2004 and ending in 2007 (when controlling

for Portugal in the case of this thesis), followed by a trend of convergence. These results therefore seem to be consistent with previous research.

Interestingly, this trend of σ-divergence happens in the exact same period as theory would predict recognition rates to converge. Divergence of subsidiary protection rates starts in 2004, at the time of adaptation of the Qualification Directive. Furthermore, it ends in 2008, the year after the deadline of transposition of the Procedures Directive into national law in December 2007. This is followed by a period of strong convergence between 2008 and 2010, a period in which the European Union did very little to ensure further convergence of recognition rates.

When studying σ-convergence of refugee recognition rates, the observed pattern also fails to intuitively fit the impression given by the development of β-convergence. β-convergence following the 2005 Procedures Directive was at its strongest in 2008, in particular when controlling for the impact of unemployment. When studying σ-convergence, the adoption of the 2005 Directive appears to have had very little impact; if anything, a short trend of divergence of refugee recognition rates can be observed in this period. This turns to converge in 2010, when β-convergence was observed to remain stable. Divergence is yet again observed in 2011, at the time of adoption of the recast Qualification Directive, which could in itself be expected to lead to convergence.

These observations of σ-convergence could lead to two possible conclusions. One is that efforts made by the European Union to ensure convergence are contra productive, and that convergence primarily takes place when the asylum system is left undisturbed. A more likely explanation is that what is observed as σ-divergence is, in fact, *unfinished convergence*. How unfinished convergence can lead to σ-divergence is explained in subsection 4.2.2, and this explanation seems likely to be valid in the case of asylum recognition rates. For example, recognition rates for subsidiary protection are observed to diverge from the adoption of the Qualification Directive to shortly after the deadline for transposition into national law, which would be the expected period for unfinished convergence, as the Directive is only implemented in a limited number of countries. Shortly after the deadline for transposition into national law is reached, the strongest convergence of the entire period is observed, making the standard deviation of discrepancies in recognition rates for subsidiary protection fall from the record-high 0.14 in 2008 to just above 0.06 in 2010 when excluding Portugal. A plausible explanation is that the directives did lead to convergence of recognition rates for subsidiary protection, but that this could only be observed as σ-convergence after most of the process of convergence was finished and the directives were implemented in all countries: In other words, the observed σ-divergence can be interpreted as a case of 'unfinished convergence',

as explained by Plümper and Schneider (2007).

While both the implementation of the 2004 Qualification Directive and the 2005 Procedures Directive appears have had some impact on convergence of recognition rates, the observed variance remains relatively stable in the period 2010 to 2012 (ignoring Portugal as a major outlier) despite the adoption of the recast Qualification Directive in 2011. This does not fit with expectations generated from the process of β-convergence, as the implementation of the recast Qualification Directive in 2004 is found to have had a substantial impact on asylum recognition rates (see Figure 5.3). A likely explanation of why σ-divergence following an unfinished process of convergence initiated by the 2011 Qualification Directive is not apparent in the data could be that this effect is neutralised by a continuing converging effect following the first phase directives: σ-convergence of all recognition rates are seen to suddenly stagnate in 2011, coming from a period of rapid convergence in the previous years. While it is impossible to say for sure how variation in recognition rates would have developed if it it was not for the 2011 Directive, the notion of these two effects neutralising each other offers a plausible explanation for the sudden halt of convergence following the first phase directives, as well as the lack of divergence with the adoption of the recast Qualification Directive. This Directive is expected to impact recognition rates for both types of protection, which appears to be the case if this interpretation of the observed σ-convergence is correct, given that convergence of both protection types came to a halt in 2011.

The recast Procedures Directive was adopted along with several other measures in 2013, and had a deadline for transposition into national law in June 2015. The variance observed in this period follows the exact pattern that can be expected for this process of convergence, given that Sweden is omitted as an outlier in 2015 when looking at refugee recognition rates. The 2013 Procedures Directive was expected to have an impact on recognition rates for both protection statuses, and σ-divergence can be observed in both of these recognition rates as the process of convergence began in 2013. Furthermore, the June 2015 deadline for transposition into national law gives reason to expect convergence to be observed already from this point on, as the majority of the asylum decisions of 2015 were yet to be made after the deadline for transposition. In accordance with this, both recognition rates are seen to converge from 2014 to 2015. The trends observed during the second phase of the CEAS therefore backs up the notion of unfinished convergence as an explanation for observed σ-divergence.

A third approach to measure convergence is to study δ-convergence towards average recognition rates, by looking at developments of average values on the discrepancy variable over time. As the discrepancy variable is calculated on the

basis of average procedures, this approach shares many similarities to the study of σ-convergence, and yields similar results which can be interpreted identically. Findings of δ-convergence in the EU15 can be seen in Figure 6 in the appendix.

5.1.3 Notable Observations

When studying the dispersion of refugee recognition rates in Figure 5.4, it is remarkable that the greatest observation of discrepancies in refugee recognition rates since the beginning of the data set in 2000 can be observed in 2014, following two directives that had a particular focus on the granting of refugee status (Peers 2012; Peers 2013). This can be seen in contrast to the 2005 Procedures Directive, where the focus was on ensuring fair access to procedures that met the criteria of the 1951 Convention Relating to the Status of Refugees, which was already ratified by all European countries. The study of β-convergence indicated that both the recast Qualification Directive and the recast Procedures Directive had an impact on refugee recognition rates, and Figure 5.4 indicates that the development towards a record high dispersion of refugee recognition rates began with the adoption of the recast Qualification Directive in 2011. While the recent dispersion of refugee recognition rates can seem worrying at first sight, it is therefore likely that this is merely the result of changes to this status being enforced by the EU, which resulted in a record high observation of variance in 2014 due to the unfinished process of convergence. If this interpretation is correct, it indicates that EU efforts to strengthen the refugee status has been successful in having an impact on refugee recognition rates, and gives room for a positive interpretation of a development that on first sight appears to be very troubling.

It is worth elaborating on the role of asylum burden in 2015. When calculating σ-convergence, the trend of divergence of refugee recognition rates from 2012 to 2014 is continued until 2015 if Sweden is included in the selection of countries; as for the estimated β-convergence, no clear sign of convergence of refugee recognition rates is found if asylum burden is not controlled for. Sweden is observed to be an influential observation when asylum burden is left out of the model, but not when asylum burden is included. Asylum burden is furthermore proven to be an important variable for explaining changes in the discrepancy variable between 2014 and 2015: It is not only highly significant ($p = 0.001$), but it also greatly increases the model's capabilities in predicting changes in the discrepancy variable (see Table 1 in the appendix). There is therefore little doubt that asylum burden played an important role in the handling of European asylum applications in this period.

The importance of asylum burden in 2015 fits well with the idea that countries where the notion of it being overburdened with asylum seekers is popular will have

stricter regimes and prefer 'weaker' forms of protection, as observed by Neumayer (2005a). Sweden in 2015 is a particularly clear example of this form of 'status dumping': The asylum burden of Sweden in 2015 was the highest observed in the EU15 in the entire period, which can be seen in context with sharply diverging refugee recognition rates. Swedish refugee recognition rates were observed to be 4.5 percent points lower than with average procedures in 2013, and 11.9 percent points lower than with average procedures in 2014, another year with a heavy asylum burden. In 2015, this increased further, with refugee recognition rates being 31.1 percent points lower than the expected rates given average procedures. In the same period, recognition rates for subsidiary protection increased accordingly, making the discrepancy of rates for all positive outcomes in Sweden relatively low through the entire period. It therefore seems likely that Sweden has conducted 'status dumping' as a response to the ongoing asylum crisis, while continuing to offer protection to those in need. As the significant impact of asylum burden in the model estimating β-convergence implies, this is not solely the case in Sweden, but rather something that can be observed to various degrees in several countries.

One factor that could have an impact on convergence of asylum recognition rates in the latest years is the high number of asylum seekers arriving from Syria following the outburst of the Syrian civil war in 2011. The years following the outbreak of the war saw a linear growth in the share of asylum applications in Dublin states originating from Syria, starting at just over one percent in 2011 and ending at over 26 percent in 2011. When looking at outcomes of Syrian asylum applications, the share of positive outcomes is found to rise steeply between 2010 and 2012; however, both subsidiary protection and refugee status have been frequent outcomes through most of the period, indicating a lack of unity in the definition of Syrian asylum seekers by the Dublin member states.

While this dispersion of outcomes for Syrian asylum seekers was particularly notable in 2012 and 2013, there appears to have been a convergence in the outcomes of Syrian asylum application in favour of full refugee status in the last two years of the data set, partly explaining the σ-convergence observed in 2015. While it is impossible to give an exact reason for the harmonisation of Syrian asylum outcomes in 2014 and 2015, possible explanations could be the work of the EASO to ensure common procedures, further harmonisation of asylum law, and receiving states independently gaining a better understanding of the Syrian civil war as the conflict progresses. The development of Syrian asylum recognition rates in all Dublin states can be seen in Figure 5 in the appendix.

5.2 All Dublin Countries

When studying all countries participating in the Dublin system, that is the 32 countries of the EU and EFTA, the approach of studying β-convergence is the most fruitful. This is because these countries can not be studied as a 'convergence club' in the same way as the EU15, owing to a great influence by single countries: The exclusion of one country from the calculation of the standard deviation can greatly alter the impression of σ-convergence, giving unreliable results. New Member States do, however, seem to act more as a convergence club over time: When studying σ-convergence in the new Central and Eastern European Member States of 2004, trends have gotten more robust since around 2009, and the σ-convergence of subsidiary protection rates in these new Member States follows a relatively robust development pattern between 2010 and 2015, as recognition rates are shown to diverge until 2014, and converge rather strongly between 2014 and 2015: This is the same pattern as observed in the EU15, and can be explained by unfinished convergence. While it is promising that these countries have shown signs of becoming a part of the same convergence club as the EU15 over time, the measurement of σ-convergence is still ill fitted for studying the development in these countries back to 2000, and equally so for studying the development in the Dublin system as a whole. The remaining part of this section will therefore focus solely on the development of β-convergence in all Dublin states.

5.2.1 Beta-Convergence in EU and EFTA Countries

The estimated β-convergence in the 32 Dublin countries follows a pattern resembling the one found in the EU15, with very little convergence or even signs of divergence in years when new and important directives are adopted, followed by strong convergence in the following years. The 2005 Procedures Directive appears to have been slower to have an impact than other directives, being followed by signs of convergence only after its deadline for transposition into national law.

As for the EU15, I first present a simple regression model estimating β-convergence in the EU15 without controlling for factors that could influence the pace of convergence, before similar models controlling for asylum burden and GDP are presented. All regression models estimating convergence in the EU and EFTA include two dichotomous control variables sorting the data set roughly into 'convergence clubs', with one dummy variable for the EU15 and another for the new Member States of 2004. The remaining group of countries includes the four EFTA states and the three later additions to the EU. Including a control variable for countries included in the CEAS did not have a significant impact on findings after the two dummy

variables mentioned above were included. Figure 5.5 shows the results for the following regression model, where D_3 and D_4 are the dummy variables for the EU15 and the 2004 additions to the Union.

$$\Delta y_{i,t} = \alpha + \beta_1 y_{i,t-1} + \beta_2 D_{2i,t} + \beta_3 D_{3i,t} + \beta_4 D_{4i,t} + \varepsilon_{i,t} \tag{5.3}$$

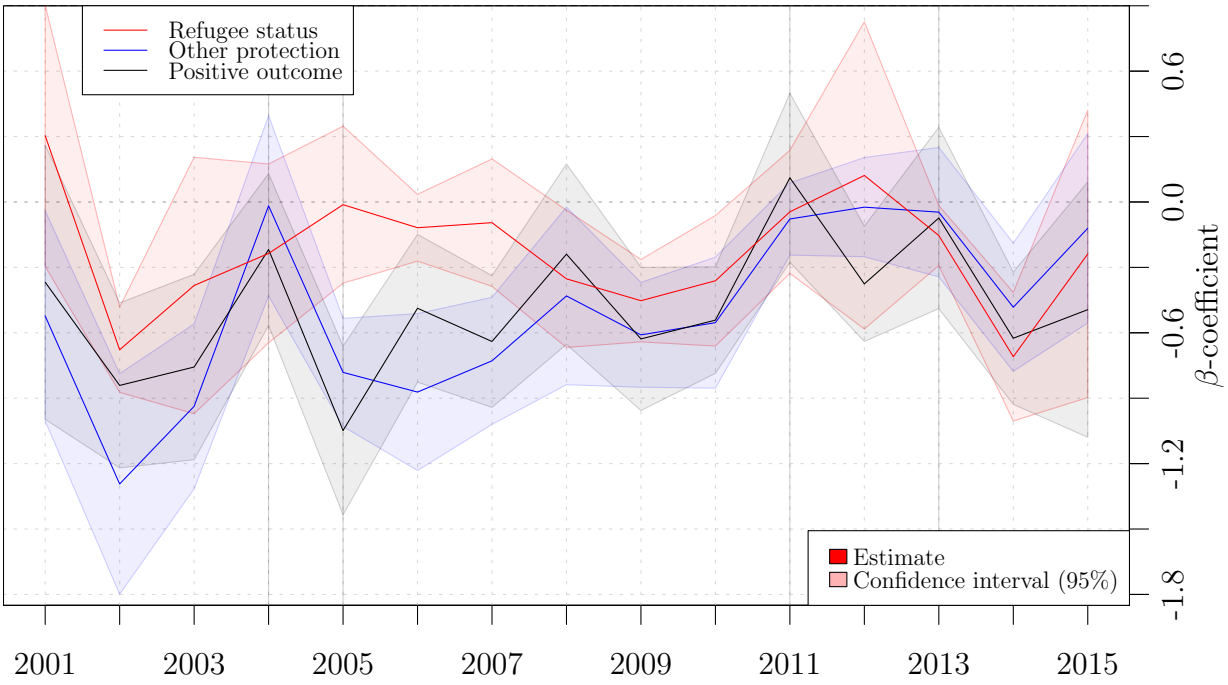

Figure 5.5: Estimated β-convergence of asylum outcomes in EU and EFTA countries with confidence intervals. Vertical lines mark the adoption of major new directives.

While there are many similarities between the patterns of β-convergence in the EU15 and the Dublin area as a whole, there are also striking differences. First of all, there appears to have been a more dramatic development in the first four years under study. This is not surprising, as new Member States had to rapidly implement EU asylum policies before entering the Union in 2004. New Member States often had little competence of their own in the beginning of the period, having transformed from sending to receiving states just a few years earlier (van Selm 2005, p. 2). The introduction of common policies in these countries can therefore be expected to have a strong effect on convergence, especially in the first years under study.

As in the EU15, the 2004 Qualification Directive appears to have had an impact on β-convergence of subsidiary protection rates, but not on refugee recognition rates. A clear spike in β-divergence can not be observed in 2005 with the adoption of the Procedures Directive; rather, a lack of β-convergence is observed until after

the deadline for transposition into national law in 2007, again indicating a slower convergence process for the 2005 Procedures Directive than other directives. Increased divergence can be observed in 2011, with the implementation of the recast Qualification Directive: However, with the exception of total positive outcomes, this does not at all show signs of convergence before after the adoption of the recast Procedures Directive in 2013. After an estimation of β-convergence in 2014 the picture presented for 2015 is again less clear, possibly relating to the high influx of asylum seekers. Figure 5.6 shows β-convergence of asylum outcomes in the EU/EFTA32 when controlling for changes in unemployment and asylum burden.

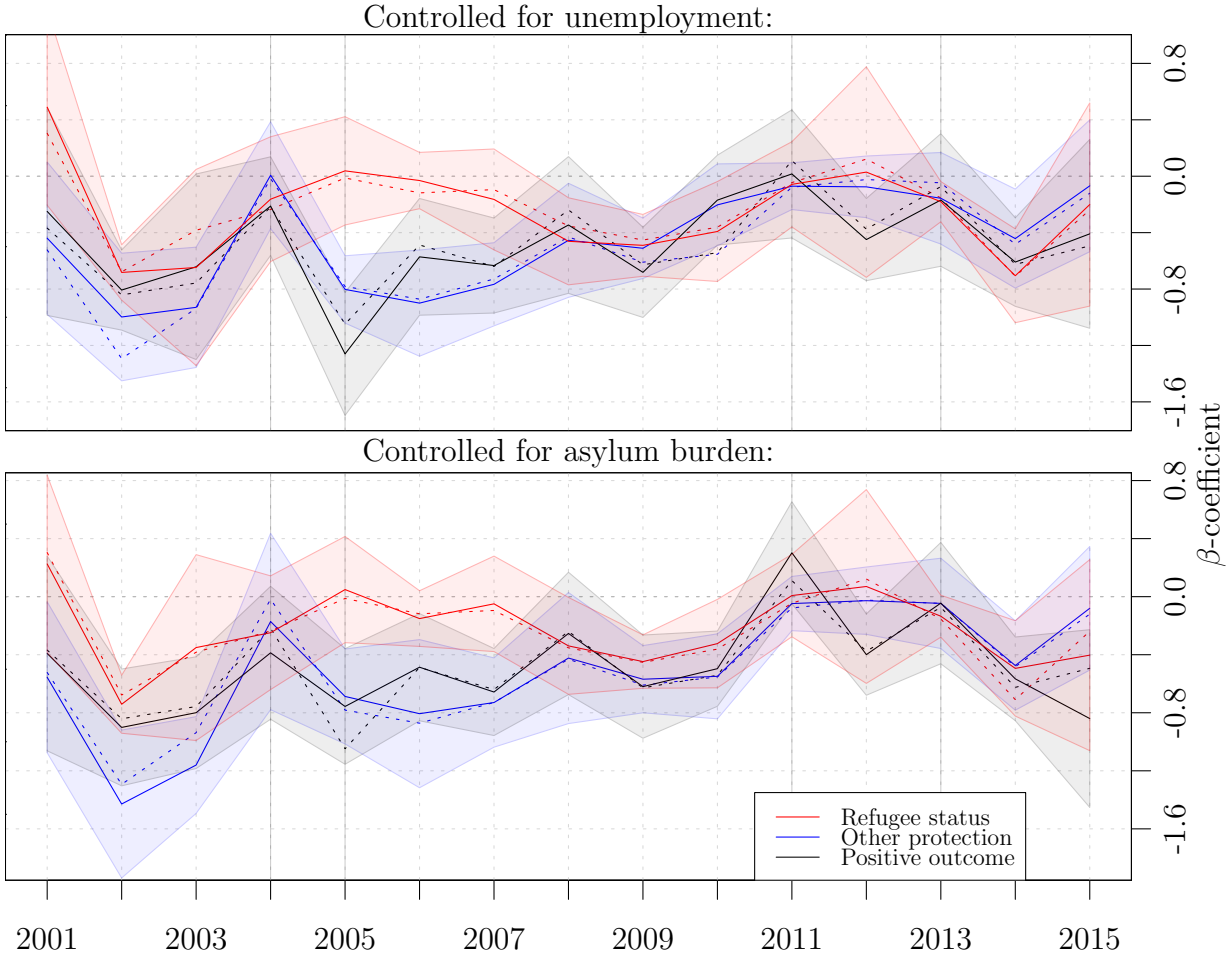

Figure 5.6: Estimated β-convergence of asylum outcomes in EU and EFTA countries, controlled for variables potentially influencing the pace of convergence.

As this figure shows, control variables tend not to be of great importance for the estimation of β-convergence, but some exceptions do exist. Changes in unemployment rates seem to be capable of explaining some of the β-convergence of subsidiary protection rates observed in 2010: One possible explanation being that

financial hardships following the 2009 Euro crisis caused unusually liberal asylum regimes to implement stricter procedures for subsidiary protection while still acting in accordance with EU law, moving these observations closer to the average. However, economic factors are also found to have had an impact in 2002, with no preceding financial crisis.

The most notable impact of controlling for asylum burden is the one observed in 2015, as the estimated β-coefficient for positive outcomes becomes lower than that observed in 2014, as opposed to increasing. This is an indication that the shifting trend in 2015 can at least partly be explained by the 'asylum crisis' happening in the same year, as asylum burden clearly has an impact on estimates. Controlling for asylum burden is however not sufficient to explain the decline of the trend of convergence of the two specific types of protection in 2015, possibly indicating that the practice of status dumping does not show a linear relationship to asylum burden. The diverging effect of asylum burden on positive outcomes is, however, an indication that the high influx of asylum seekers in Europe in 2015 increased national differences in the granting of positive outcomes of asylum applications.

When looking for outliers in the estimation of β-convergence in all 32 Dublin countries, Malta and Portugal both stand out as important outliers in the last years of the period under study, influencing the impression of the impact of the 2011 and 2013 directives. If these countries are excluded, it becomes apparent that Malta is responsible for the slight observation of divergence of refugee recognition rates in 2012; excluding Malta results in an observation of convergence in 2012 followed by divergence in 2013, as would be expected with the implementation of new directives in 2011 and 2012. The exclusion of Portugal has much the same effect as in the EU15: The observation of β-convergence of positive outcomes in 2012 disappears, but the expected pattern of convergence is instead observed for the granting of subsidiary protection. Figure 5.7 shows the estimated β-convergence in all Dublin states between 2008 and 2010 when outliers

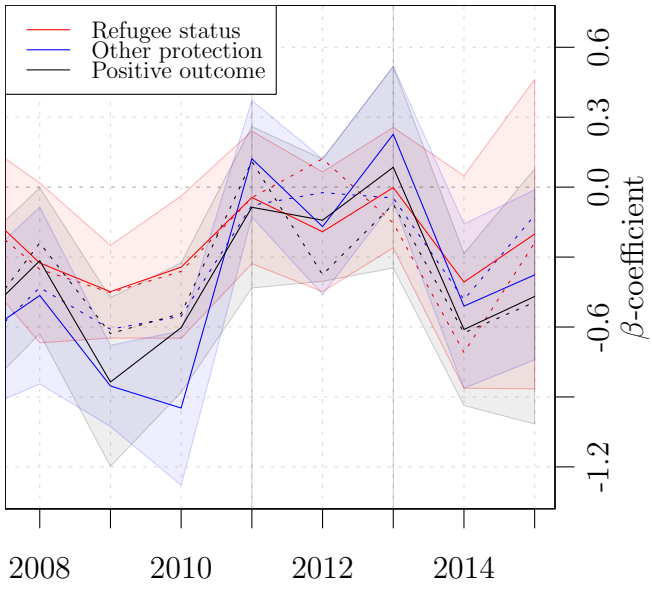

Figure 5.7: Estimated β-convergence in EU and EFTA countries when Malta and Portugal are omitted. The stippled lines show estimates when outliers are not excluded.

are omitted, and Figure 3 in the appendix shows similar estimates when incorporating control variables.

5.3 Concluding Remarks

By studying both β- and σ-convergence in the light of expectations generated from the development of the CEAS, this analysis reaches different conclusions about the convergence of asylum recognition rates than what has been the case in previous studies. In accordance with the warnings of Plümper and Schneider (2007), it is found that studying the development of variance alone is not sufficient when setting out to measure convergence. Even when studying a relatively robust convergence group the first impression given by the development of σ-convergence appears to be misleading, as what can on first sight be interpreted as signs of divergence in Figure 5.4 appears to be signs of unfinished convergence upon closer inspection.

Not only is σ-divergence observed in the same periods as β-convergence, but σ-divergence also appears to occur in times when new EU directives are being implemented. As the introduction of common rules should in theory lead to harmonisation of procedures, it seems very likely that these trends of σ-divergence following new directives are, in fact, signs of unfinished convergence. Not only does this appear to be the case when comparing trends of σ-convergence to the policy development process and trends of β-convergence, but it also makes sense when taking into account the process of policy implementation: As directives are given an extended period of time from adoption by the EU to the deadline for transposition into national law, it would make little sense to expect convergence following the adoption of new directives to happen over night. The observation of σ-divergence in the years following new directives can therefore be interpreted as a sign that the directive has had an impact on European recognition rates, and that it is likely to cause convergence in the long run.

Furthermore, robust trends of σ-divergence tend to follow the adoption of major EU directives, indicating that the divergence observed in the period between 2000 and 2015 can be attributed to unfinished convergence. The policy development of the European Union has had a high pace relative to the implementation of these policies in Member States, and the second phase of the CEAS was implemented before an convergence equilibrium after the first phase can be observed. As some future measures to ensure convergence, such as the continued work of the EASO, are unlikely to have the same effect of creating σ-divergence as the implementation of new directives, it will be interesting to see whether such an equilibrium will be reached in the coming years, and on what level this will be. As the asylum regime of

the European Union is under increasing pressure, both internal and external forces add substantial insecurity to the future development of the CEAS. The record breaking influx of asylum seekers in 2015 is likely to have a long term impact on the European asylum regime, especially as many of the applications lodged in 2015 were still pending at the end of the year. The impact of 2015 asylum crisis will therefore be interesting to follow more closely in the future.

As the CEAS enters a challenging period, the findings of this thesis gives some room for optimism regarding EU influence over national asylum procedures. The implementation of EU directives as a part of the CEAS has had a clear impact on asylum outcomes in Europe, and this process has created a common framework for asylum procedures that has made, and is still making, the Dublin system more just from the perspective of the asylum seeker. Tracing the implementation of EU directives proves helpful for understanding observations of both β- and σ-convergence, leaving little doubt that these have played a decisive role in harmonisation of European recognition rates. In addition, convergence can be observed in the beginning of the period, following the entry into force of the Treaty of Amsterdam and the Meeting in Tampere in 1999 where European leaders agreed to work towards harmonisation of asylum policies. Unfortunately, origin-specific data from before the entry into force of the Treaty of Amsterdam are not available, making it difficult to measure the impact of the Treaty of Amsterdam statistically.

The impact of new directives is shown to be greater in the EU15 than in other countries in the data set, even though a study of σ-convergence in the new Central and Eastern European Member States of 2004 shows that these countries have moved towards a similar pattern of development as the EU15 in the later years, and the implementation of EU directives appears to be an important explanatory factor when studying all EU and EFTA countries as well. The development of the CEAS has usually had a greater effect on subsidiary protection rates than on refugee recognition rates, which is not very surprising considering the regime for refugee protection remained largely unchanged through the majority of the period, leaning on the 1951 Convention Relating to the Status of Refugees. While there appears to be patterns of unfinished convergence in the study of σ-convergence in the EU15, a convergence process is yet to be finished before being interrupted by the implementation of new directives. It will therefore be interesting to follow the development of convergence in the coming years, finding if a convergence equilibrium will be reached, how great the differences will be at this point, and how long it will take to get there.

Chapter 6

Concluding Discussion

This thesis proposes that the signs of divergence observed following the process of developing the Common European Asylum System should in fact be interpreted as signs of unfinished convergence, and that EU measures implemented in order to harmonise European asylum procedures can be expected to lead to long-term convergence of recognition rates. This can be linked to the implementation of four EU directives in particular: The 2004 Qualification Directive, the 2005 Procedures Directive, and the 2011 and 2013 recasts of these directives. All of these directives seem to have had a clear impact on European asylum recognition rates, and while the process of convergence is yet to be finished, it seems likely that discrepancies in European recognition rates will have decreased substantially when the convergence equilibrium is met as the process is completed. This chapter will further discuss some implications of these findings: Why it is of importance, how it can be relevant for the further development of the European asylum regime, and which questions are left unanswered for future research.

6.1 Why Does it Matter?

Since the Dublin convention entered into force in 1997, European asylum decisions have given beneficiaries of international protection a common status in all participating countries: If an asylum application is rejected in one country, the asylum seeker will be denied the right to seek asylum in other EU or EFTA states, and attempts of doing so will normally result in a forced return to the first country of registration. While this system has seen a few exceptions in later years, with notable examples being the 2011 ECHR decision to halt all Dublin returns to Greece and Germany's 2015 decision to suspend Dublin rules for Syrian refugees (Trauner 2016, pp. 314, 319), the Dublin system is still the foundation on which the CEAS is built. As the Dublin system gives asylum seekers a uniform status in Europe no

matter which participating state the application is first handled in, ensuring similar procedures across participating states is an absolute necessity for the legitimacy of the system.

Instead of seeking to guarantee common procedures right away after (or preferably before) the entry into force of the Dublin system, a piecemeal approach for asylum policy development was chosen, where the implementation of numerous measures over time were to guarantee common procedures in the long run. While the enforcement of the Dublin system without these common procedures being in place made the European asylum system inherently unfair from the beginning, this thesis finds that the piecemeal development of the CEAS appears to be bearing fruits: If this development continues as expected, European asylum procedures appear to approach a point where the common status of asylum seekers in Europe could possibly be justified for the first time since the entry into force of the Dublin system.

Studying differences in European asylum outcomes is therefore vital for understanding the legitimacy of the CEAS. While previous research has found no clear support for harmonisation of European asylum procedures taking place as a result of the goal to establish a common system, the findings of this thesis point towards a significant impact of EU directives on asylum recognition rates, which in the long run should be expected to lead to substantial harmonisation of procedures. While a common agency handling asylum applications would in all likelihood be necessary in order to ensure truly common asylum procedures, the second phase of the CEAS combined with the continued efforts of the EASO appears to be likely to ensure substantial harmonisation if countries follow provisions given by EU law.

Studying these issues is of importance when deciding on a strategy for the EU and its Member States moving forward, as an understanding of the issues facing the current regime is necessary in order to facilitate the development of a fair and efficient asylum system. The European Commission (2016, p. 6) recently listed five priorities for the development of the European asylum regime moving forwards, addressing a variety of issues currently facing the CEAS. One of these priorities was to '[a]chiev[e] greater convergence in the EU asylum system', which was to be done by further strengthening and harmonising rules of the CEAS. This priority is partly explained by pointing towards 'a lack of adequate convergence as regards the decision to grant either refugee status [...] or subsidiary protection status' (ibid., p. 5).

While this thesis gives a less pessimistic picture of the convergence of European recognition rates than what has been presented in previous research, the current system is not perfect, and further EU legislation in the area could play an important

role in developing truly common procedures. The following section quickly reviews the *status quo* of asylum in Europe, followed by a discussion of current plans for the continued development of the CEAS and how the findings of this thesis relates to these.

6.2 Current Status of Asylum in Europe

The current situation of the European asylum regime is heavily influenced by two events in Europe the last years: The 2009 financial crisis and the 2015 asylum crisis. The impact of these crises were not evenly distributed in Europe, and while the 2009 financial crisis was predominantly seen as a problem for Southern European Member States, the 2015 asylum crisis was felt possibly even more in Northern European Member States (Trauner 2016, p. 322).

These two crises can be argued have been important causes for two main challenges the CEAS is facing in the time of writing. The asylum systems of some countries, the most notable example being Greece, did not stand the pressure of the financial crisis, resulting in a differentiation between functional and non-functional asylum systems in Europe. This includes situations where asylum seekers are unlikely to access fair procedures, a problem the approach chosen in this thesis fails to detect: The finding of convergence only states that the actual procedures that are carried out are approaching each other in Europe, not looking at the overall treatment of people seeking asylum. The second major asylum related issue facing Europe today is that of burden-sharing, a problem that has grown in intensity with the increased asylum influx and the 2015 asylum crisis. Countries at the frontiers of Europe (such as Italy, Malta, Hungary, and Greece) and particularly attractive countries of destination (such as Germany and Sweden) receive the vast majority of asylum seekers, while other European countries are largely unaffected. The increased asylum influx following the Syrian civil war naturally further enhanced the problem of asylum systems failing under pressure, an extreme example of which being the case of Hungary (Nagy 2016).

The current problems of a large number of asylum seekers arriving in Europe, an unfair distribution of asylum burden, and the failure of certain countries to meet their international obligations in handling refugees, has resulted in an urgent need for further improving certain parts of the CEAS. Challenges range from thousands of asylum seekers living in what Amnesty International (2016) refers to as 'dreadful conditions' in 'overcrowded camps' in Greece to the entire Schengen system being threatened by the failure to control the flow of irregular migrants in Europe (Mortera-Martinez 2016). While the solution to these problems will have to span a

wide variety of policy fields, such as improved police cooperation and cooperation with third countries outside of Europe's border, the following section will discuss certain aspects of the continued development of the CEAS and the relevance of this thesis' findings in the given circumstances.

6.3 Further Development of the CEAS

Trauner (2016) lists two possible scenarios in which the current asylum regime remains intact: Either EU rules are accepted, which would result in southern Member States being overburdened due to the nature of the Dublin system, or EU rules are ignored, which would result in northern states being overburdened due to migrants moving towards northern states such as Germany and Sweden. A substantial reform of certain parts of the CEAS therefore appears to be a necessity if these concerns are to be taken seriously, despite the challenges associated with policy development in the field.

In this context, the Commission published a communication on reforming the CEAS in 2016, listing five priorities for the period ahead: a) to establish a 'sustainable and fair system for determining the Member State responsible for asylum seekers', b) to reinforce the Eurodac system, c) to achieve 'greater convergence in the EU asylum system', d) to prevent secondary movements within the EU, and e) to expand the mandate of the EASO. In order to achieve greater convergence, the European Commission proposed the establishment of a single common asylum procedure in the EU, as well as recasting the Procedures Directive and having a new Qualification Regulation replace the current Qualification Directive (European Commission 2016, p. 6).

While the priorities set by the Commission for the coming period certainly make sense as a part of the development of a humane, fair, and efficient CEAS, Member States have considerable power over the development of the European asylum regime, and decisions have traditionally been made with an informal norm of consensus (Trauner 2016, p. 320). This, combined with greatly varying interests of different Member States, makes the further development of the CEAS unlikely to be an easy process. Forcing asylum legislation upon Member States is also likely to boost nationalistic and Eurosceptic sentiments, undermining the influence of the Union in the long run.

Given the limited political capital of the EU in this field, the further development of the CEAS needs to be carefully conducted in order to ensure a fair asylum system through compromises that will be possible for all parties to accept. As the findings of this thesis indicate that the harmonisation process of European asylum

procedures up to this point appears to have been more successful than what has previously been thought to be the case, it seems likely that discrepancies in asylum outcomes will need less legislative attention by the EU and that the Union therefore can focus more attention on other issues, while ensuring further convergence using 'soft power' such as the continued efforts of the EASO. The EASO can also play an important role in assuring that countries are actually 'playing by the rules', and that EU legislation on asylum procedures is respected in all Member States. Even though new Member States seem to approach the convergence pattern of the EU15 over time, the challenge of certain countries not following EU directives to a satisfactory degree could appear to be a greater challenge than the insufficiency of EU legislation when studying asylum procedures, as exemplified by the stronger impact of directives in the EU15 than in other Dublin countries. In the short run, helping countries abide the current framework could therefore potentially be more efficient for harmonising European asylum procedures than to further strengthen the relevant laws.

6.4 Questions for Future Research

Bearing the current situation of the European asylum regime in mind, it is reasonable to expect a new process of policy development to take place in the coming years: The European asylum regime is subject to pressure from several quarters, and the issues discussed above are likely to open the doors for policy entrepreneurs (Kingdon 1995). In parallel with these developments, the second phase of the CEAS has just recently been concluded, and the implications of the new directives and regulations are just recently starting to become clear. Research on the European asylum regime can therefore play an important role in both evaluating the development of the last few years and better understanding the current situation, both of which can prove helpful for guiding future reform of the CEAS: An undertaking that is equally challenging as it is necessary.

If the interpretation of σ-convergence presented in this thesis is correct, it seems that European asylum systems are converging towards more common procedures, and that directives implemented as a part of the CEAS have been at least moderately successful in striving towards this goal. However, due to the quantitative approach of this study, it is not capable of assessing exactly what changes brought by the directives ended up being decisive for changing European recognition rates and give an in-depth understanding of this process. Qualitative studies could help unravel how the convergence process unfolded in the asylum systems of individual countries, possibly explaining differences in implementation of new dir-

ectives between Member States. This can be particularly interesting for studying the process of convergence in countries outside of the EU15, as these show greater individual differences and are more difficult to study statistically as a group. Furthermore, studying national asylum systems more closely would be particularly interesting not only for better understanding the impact of directives, but also that of shocks such as the 2015 asylum crisis, on national asylum procedures. While the analyses presented in this thesis has found economic factors and asylum burden to be of importance in the handling of asylum applications, recent developments in this regard should be further explored using both quantitative and qualitative methods.

In addition to the aspects that are not possible to detect in a quantitative analysis, the data employed in this thesis ends in 2015, a time of much instability in the European asylum regime. As the recommendations given in this thesis depends on convergence to follow the trends observed in previous years, simply paying attention to these developments moving forward would be of interest for ensuring a continued development towards a fair CEAS. If the 2015 asylum crisis is observed to have long lasting shocks that halts the process of convergence of European recognition rates, it is likely that the EU must implement more drastic measures in order to meet this goal. While the observations of this thesis indicate the development towards a 'convergence equilibrium' in the coming years, it is also incapable of predicting what level this equilibrium will be at, or what level of discrepancies will need to be accepted.

The study of other efforts to harmonise European asylum procedures besides the adoption of directives and regulations could also provide interesting insights. A relevant question relates to the role that can possibly be played by the EASO: Is the agency useful in confronting discrepancies that still exist in European asylum procedures, and to what degree can the current challenge of unequal procedures be met by the continuing efforts of the EASO without changing the legal framework? Though the findings of this thesis are relatively optimistic as to the merits of the current regime, it can by no means be expected to produce a completely fair asylum system without extended efforts, making the study of an efficient way forward necessary.

While this thesis makes some predictions about the convergence of asylum recognition rates in Europe in the coming years, the political context adds substantial insecurity to the future of the CEAS. As the EU sets out to solve the current crisis, understanding the merits of the system currently in place could help focusing attention for further policy making where it is needed the most, and studying what measures have been effective in the past could possibly pave the way for more effi-

cient asylum policy development in the future. While the current situation marks a major challenge for the EU, crises can also open the door for policy entrepreneurs, allowing for innovation that would not have been possible under normal circumstances. Even though regaining control over the present situation in Europe is arguably the most pressing challenge at the moment, this opportunity for policy innovation should also be used for solidifying the European asylum regime in order to provide a humane, fair, and efficient asylum policy in the future, hopefully capable of avoiding future crises comparable to that of 2015. Further studies of the strengths and weaknesses of the current regime should therefore be welcome, both for the cause of focusing attention of future policy development where it is most needed and for uncovering discrepancies standing in the way of a fair asylum regime in Europe.

Bibliography

Amnesty International (2016). *Messages from Greece: Our Hope Is Broken*. URL: https://www.amnesty.org/en/latest/campaigns/2016/09/greece-refugees-broken-hopes/ (visited on 10/04/2017).

Bauloz, Céline and Géraldine Ruiz (2016). 'Refugee Status and Subsidiary Protection: Towards a Uniform Content of International Protection?' In: *Reforming the Common European Asylum System: The New European Refugee Law*. Ed. by Vincent Chetail, Philippe De Bruycker and Francesco Maiani. Vol. 39. Immigration and Asylum Law and Policy in Europe. Brill, pp. 240–268. ISBN: 978-90-04-30865-7.

Bovens, Luc, Chlump Chatkupt and Laura Smead (2012). 'Measuring Common Standards and Equal Responsibility-Sharing in EU Asylum Outcome Data'. In: *European Union Politics* 13.1, pp. 70–93. ISSN: 1465-1165. DOI: 10.1177/1465116511428358. URL: http://dx.doi.org/10.1177/1465116511428358 (visited on 30/01/2017).

Broeders, Dennis (2007). 'The New Digital Borders of Europe: EU Databases and the Surveillance of Irregular Migrants'. In: *International Sociology* 22.1, pp. 71–92. ISSN: 0268-5809. DOI: 10.1177/0268580907070126. URL: http://dx.doi.org/10.1177/0268580907070126 (visited on 01/03/2017).

Bronkhorst, Daan (1991). 'The Realism of a European Asylum Policy: A Quantitative Approach'. In: *Netherlands Quarterly of Human Rights* 9, pp. 142–158.

Chetail, Vincent (2003). *Fridtjof Nansen and the International Protection of Refugees: An Introduction*. SSRN Scholarly Paper ID 1641293. Rochester, NY: Social Science Research Network. URL: https://papers.ssrn.com/abstract=1641293 (visited on 03/02/2017).

— (2016). 'The Common European Asylum System: Bric-à-Brac or System?' In: *Reforming the Common European Asylum System: The New European Refugee Law*. Ed. by Vincent Chetail, Philippe De Bruycker and Francesco Maiani. Vol. 39. Immigration and Asylum Law and Policy in Europe. Brill, pp. 3–39. ISBN: 978-90-04-30865-7.

Chetail, Vincent, Philippe De Bruycker and Francesco Maiani (2016). *Reforming the Common European Asylum System: The New European Refugee Law*. Vol. 39. Immigration and Asylum Law and Policy in Europe. LCCB: 2015045175. Brill Nijhoff. ISBN: 978-90-04-30865-7.

Comte, Françoise (2010). 'A New Agency Is Born in the European Union: The European Asylum Support Office'. In: *European Journal of Migration and Law* 12.4, pp. 373–405. ISSN: 1571-8166. DOI: 10.1163/157181610X535755. URL: http://booksandjournals.brillonline.com/content/journals/10.1163/157181610x535755 (visited on 23/01/2017).

Costello, Cathryn and Emily Hancox (2016). 'The Recast Asylum Procedures Directive 2013/32/Eu: Caught between the Stereotypes of the Abusive Asylum-Seeker and the Vulnerable Refugee'. In: *Reforming the Common European Asylum System: The New European Refugee Law*. Ed. by Vincent Chetail, Philippe De Bruycker and Francesco Maiani. Vol. 39. Immigration and Asylum Law and Policy in Europe. Brill, pp. 377–445. ISBN: 978-90-04-30865-7.

Council of Europe (1950). *European Convention on Human Rights*.

Council of the European Union (1997). *Treaty Establishing the European Community*. URL: http://hrlibrary.umn.edu/instree/EUAmsterdam-treaty.pdf (visited on 19/12/2016).

— (2000). 'Council Decision of 28 September 2000 Establishing a European Refugee Fund'. In: *The Official Journal of the European Union* 43 (L 252), pp. 12–18. ISSN: 0378-6978. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2000:252:TOC (visited on 01/03/2017).

— (2001). 'Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts between Member States in Receiving Such Persons and Bearing the Consequences Thereof'. In: *Official Journal of the European Union* 44 (L 212), pp. 12–23. ISSN: 0378-6978. URL: http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex:32001L0055 (visited on 19/01/2017).

— (2003). 'Council Directive 2003/9/EC of 27 January 2003 Laying down Minimum Standards for the Reception of Asylum Seekers'. In: *Official Journal of the European Union* 46 (L 31), pp. 18–26. ISSN: 0378-6978. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32003L0009 (visited on 19/01/2017).

— (2004). 'Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the

Content of the Protection Granted'. In: *Official Journal of the European Union* 47 (L 304), pp. 12–24. ISSN: 1725-2555. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0083 (visited on 19/01/2017).

Council of the European Union (2005a). 'Council and Commission Action Plan Implementing the Hague Programme on Strengthening Freedom, Security and Justice in the European Union'. In: *Official Journal of the European Union* 48 (C 198). ISSN: 1725-2555. URL: http://eur-lex.europa.eu/legal-content/en/TXT/?uri=OJ:C:2005:198:TOC (visited on 20/01/2017).

— (2005b). 'Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status'. In: *Official Journal of the European Union* 48 (L 326), pp. 13–35. ISSN: 1725-2555. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32005L0085 (visited on 03/01/2017).

— (2005c). 'The Hague Programme: Strengthening Freedom, Security and Justice in the European Union'. In: *Official Journal of the European Union* 48 (C 53), pp. 1–15. ISSN: 1725-2423. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52005XG0303(01) (visited on 19/01/2017).

— (2008). 'Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union'. In: *Official Journal of the European Union* 51 (C 115), pp. 1–47. ISSN: 1725-2423. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2008.115.01.0001.01.ENG&toc=OJ:C:2008:115:TOC (visited on 21/01/2017).

— (2010). 'The Stockholm Programme — An Open and Secure Europe Serving and Protecting Citizens'. In: *Official Journal of the European Union* 53 (C 115), pp. 1–37. ISSN: 1725-2423. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504(01) (visited on 19/01/2017).

De Bruycker, Philippe and Evangelia Tsourdi (2016). 'Building the Common European Asylum System beyond Legislative Harmonisation: Practical Cooperation, Solidarity and External Dimension'. In: *Reforming the Common European Asylum System: The New European Refugee Law*. Ed. by Vincent Chetail, Philippe De Bruycker and Francesco Maiani. Vol. 39. Immigration and Asylum Law and Policy in Europe. Brill, pp. 473–539. ISBN: 978-90-04-30865-7.

Egeberg, Morten and Jarle Trondal (2017). 'Researching European Union Agencies: What Have We Learnt (and Where Do We Go from Here)?' In: *JCMS: Journal of Common Market Studies*, n/a–n/a. ISSN: 1468-5965. DOI: 10.1111/jcms.12525. URL: http://onlinelibrary.wiley.com/doi/10.1111/jcms.12525/abstract (visited on 12/05/2017).

European Asylum Support Office (2017). *Budget, Finance and Accounting*. URL: https://www.easo.europa.eu/budget-finance-and-accounting (visited on 13/02/2017).

European Commission (1985). *Completing the Internal Market: White Paper from the Commission to the European Council*. URL: http://europa.eu/documents/comm/white_papers/pdf/com1985_0310_f_en.pdf (visited on 12/12/2016).

— (2002). 'Amended Proposal for a Council Directive on Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status'. In: *Official Journal of the European Union* 45 (C 291 E). ISSN: 0378-6986. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52002PC0326.

— (2007). *Green Paper on the Future Common European Asylum System*. COM 301 final. URL: http://eur-lex.europa.eu/legal-content/LV/TXT/?uri=uriserv:l14561 (visited on 20/01/2017).

— (2008). *Policy Plan on Asylum - An Integrated Approach to Protection across the EU*. URL: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52008DC0360 (visited on 12/12/2016).

— (2014). *Commission Staff Working Document on the Internal Evaluation of the European Asylum Support Office (EASO)*. URL: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/20150326_swd_2014_122_easo_internal_evaluation_en.pdf (visited on 29/01/2017).

— (2016). *Communication: Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe*. URL: http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:52016DC0197 (visited on 30/03/2017).

European Communities (1974). 'Final Communiqué of the Paris Summit'. In: *Bulletin of the European Communities* 12. Bulletin of the European Communities Luxembourg: Office for Official Publications of the European Communities. URL: http://www.cvce.eu/content/publication/1999/1/1/2acd8532-b271-49ed-bf63-bd8131180d6b/publishable_en.pdf (visited on 12/12/2016).

European Parliament and The Council of the European Union (2010). 'Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 Establishing a European Asylum Support Office'. In: *Official Journal of the European Union* 53 (L 132), pp. 11–28. ISSN: 1725-2555. DOI: 10.3000/17252555.L_2010.132.eng.

— (2011). 'Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals

or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (Recast)'. In: *Official Journal of the European Union* 54 (L 337), pp. 9–26. ISSN: ISSN 1977-0677. DOI: 10.3000/19770677.L_2011.337.eng.

Eurostat (2016). *Purchasing Power Parities (PPPs), Price Level Indices and Real Expenditures for ESA 2010 Aggregates*. URL: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=prc_ppp_ind&lang=en (visited on 17/02/2017).

— (2017a). *Asylum and First Time Asylum Applicants by Citizenship, Age and Sex*. URL: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en (visited on 13/02/2017).

— (2017b). *Unemployment by Sex and Age - Annual Average*. URL: http://appsso.eurostat.ec.europa.eu/nui/show.do?wai=true&dataset=une_rt_a (visited on 13/03/2017).

EY (2015). *Independent External Evaluation of EASO's Activities Covering the Period from February 2011 to June 2014*.

Fry, James D. (2005). 'European Asylum Law: Race-to-the Bottom Harmonization'. In: *Journal of Transnational Law & Policy* 15, p. 97. URL: http://heinonline.org/HOL/Page?handle=hein.journals/jtrnlwp15&div=7&g_sent=1&collection=journals#.

Guild, Elspeth (2006). 'The Europeanisation of Europe's Asylum Policy'. In: *International Journal of Refugee Law* 18 (3-4), pp. 630–651. ISSN: 0953-8186. DOI: 10.1093/ijrl/eel018. URL: https://academic.oup.com/ijrl/article-abstract/18/3-4/630/1537932/The-Europeanisation-of-Europe-s-Asylum-Policy (visited on 21/03/2017).

— (2016). 'The Complex Relationship of Asylum and Border Controls in the European Union'. In: *Reforming the Common European Asylum System: The New European Refugee Law*. Ed. by Vincent Chetail, Philippe De Bruycker and Francesco Maiani. Vol. 39. Immigration and Asylum Law and Policy in Europe. Brill, pp. 39–54. ISBN: 978-90-04-30865-7.

Heichel, Stephan, Jessica Pape and Thomas Sommerer (2005). 'Is There Convergence in Convergence Research? An Overview of Empirical Studies on Policy Convergence'. In: *Journal of European Public Policy* 12.5, pp. 817–840. DOI: 10.1080/13501760500161431. URL: http://dx.doi.org/10.1080/13501760500161431.

Holzinger, Katharina (2006). 'Methodological Pitfalls of Convergence Analysis'. In: *European Union Politics* 7.2, pp. 271–287. DOI: 10.1177/1465116506063721.

URL: http://journals.sagepub.com/doi/pdf/10.1177/1465116506063721 (visited on 07/02/2017).

Hurwitz, Agnès G. (2009). *The Collective Responsibility of States to Protect Refugees*. Oxford monographs in international law. LCCB: 2009023751. Oxford University Press. ISBN: 978-0-19-927838-1.

Kaunert, Christian and Sarah Léonard (2012). 'The European Union Asylum Policy after the Treaty of Lisbon and the Stockholm Programme: Towards Supranational Governance in a Common Area of Protection?' In: *Refugee Survey Quarterly* 31.4, pp. 1–20. ISSN: 1020-4067. DOI: 10.1093/rsq/hds018. URL: https://academic.oup.com/rsq/article/31/4/1/1572616/The-European-Union-Asylum-Policy-after-the-Treaty (visited on 20/01/2017).

Kerr, Clark (1984). *The Future of Industrial Societies: Convergence or Continuing Diversity?* Cambridge, Mass: Harvard University Press. 192 pp. ISBN: 978-0-674-33850-0.

Kingdon, John W. (1995). *Agendas, Alternatives, and Public Policies*. Google-Books-ID: gn5OngEACAAJ. HarperCollins College Publishers. 254 pp. ISBN: 978-0-673-52389-1.

Lavenex, Sandra (2001). 'The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies'. In: *JCMS: Journal of Common Market Studies* 39.5, pp. 851–874. ISSN: 1468-5965. DOI: 10.1111/1468-5965.00334. URL: http://onlinelibrary.wiley.com/doi/10.1111/1468-5965.00334/abstract (visited on 01/03/2017).

Leerkes, Arjen (2015). *How (Un)Restrictive Are We? - 'Adjusted' and 'Expected' Asylum Recognition Rates in Europe*. URL: https://www.government.nl/documents/parliamentary-documents/2016/02/02/presentation-of-wodc-investigation-how-un-restrictive-are-we-adjusted-and-expected-asylum-recognition-rates-in (visited on 02/01/2017).

Malangré, Kurt (1991). *Report on Freedom of Movement for Persons and Problems Relating to National Security in the Community*. (Rapport de la Commission Juridique et Des Droits des Citoyens sur la Liberté de Circulation et la Sécurité dans la Communauté Européenne). A3-0199/91.

Monheim-Helstroffer, Jenny and Marie Obidzinski (2010). 'Optimal Discretion in Asylum Lawmaking'. In: *International Review of Law and Economics* 30.1, pp. 86–97. ISSN: 0144-8188. DOI: 10.1016/j.irle.2009.09.004. URL: http://www.sciencedirect.com/science/article/pii/S0144818809000702 (visited on 07/04/2017).

Mortera-Martinez, Camino (2016). *Why Schengen Matters and How to Keep It: A Five Point Plan*. URL: http://www.cer.org.uk/sites/default/files/pb_schengen_cmm_13may16.pdf (visited on 13/02/2017).

Nagy, Boldizsar (2016). 'Hungarian Asylum Law and Policy in 2015-2016: Securitization Instead of Loyal Cooperation Special Issue: Constitutional Dimensions of the Refugee Crisis'. In: *German Law Journal* 17, pp. 1033–1082.

Neumayer, Eric (2004). 'Asylum Destination Choice: What Makes Some West European Countries More Attractive Than Others?' In: *European Union Politics* 5.2, pp. 155–180. ISSN: 1465-1165. DOI: 10.1177/1465116504042444. URL: http://dx.doi.org/10.1177/1465116504042444 (visited on 01/02/2017).

— (2005a). 'Asylum Recognition Rates in Western Europe : Their Determinants, Variation, and Lack of Convergence'. In: *Journal of Conflict Resolution* 49.1, pp. 43–66. ISSN: 1552-8766. URL: http://www.sagepub.com/journal.aspx?pid=21 (visited on 19/01/2017).

— (2005b). 'Bogus Refugees? The Determinants of Asylum Migration to Western Europe'. In: *International Studies Quarterly* 49.3, pp. 389–410. ISSN: 1468-2478. URL: http://www.blackwellpublishing.com/journals/ISQ (visited on 01/02/2017).

Parusel, Bernd (2015). 'Solidarity and Fairness in the Common European Asylum System - Failure or Progress?' In: *Migration Letters* 12.2, p. 124. ISSN: 1741-8984.

Peers, Steve (2012). 'Legislative Update 2011, EU Immigration and Asylum Law: The Recast Qualification Directive'. In: *European Journal of Migration and Law* 14.2, pp. 199–221. ISSN: 1571-8166. DOI: 10.1163/157181612X642376. URL: http://booksandjournals.brillonline.com/content/journals/10.1163/157181612x642376 (visited on 26/01/2017).

— (2013). 'The Second Phase of the Common European Asylum System: A Brave New World – or Lipstick on a Pig?' In: *Statewatch*. ISSN: 1756-851X.

Plümper, Thomas and Christina J. Schneider (2007). *The Computation of Convergence, or: How to Chase a Black Cat in a Dark Room*. SSRN Scholarly Paper ID 955868. Rochester, NY: Social Science Research Network. URL: https://papers.ssrn.com/abstract=955868 (visited on 23/03/2017).

Quah, Danny (1993). 'Galton's Fallacy and Tests of the Convergence Hypothesis'. In: *The Scandinavian Journal of Economics*, pp. 427–443. JSTOR: 3440905.

Sala-i-Martin, Xavier X. (1996). 'Regional Cohesion: Evidence and Theories of Regional Growth and Convergence'. In: *European Economic Review* 40.6, pp. 1325–1352. URL: http://www.sciencedirect.com/science/article/pii/0014292195000291 (visited on 09/02/2017).

Schneider, Gerald and Thomas Holzer (2002). 'Asylpolitik auf Abwegen : nationalstaatliche und europäische Reaktionen auf die Globalisierung der Flüchtlingsströme'. In: URL: https://kops.uni-konstanz.de/handle/123456789/13450 (visited on 02/02/2017).

Tampere European Council (1999). *Presidency Conclusions*. URL: http://www.europarl.europa.eu/summits/tam_en.htm (visited on 27/01/2017).

Teitgen-Colly, Catherine (2006). 'The European Union and Asylum: An Illusion of Protection'. In: *Common Market Law Review* 43, pp. 1503–1567.

Thielemann, Eiko R. (2003). 'Between Interests and Norms: Explaining Burden-Sharing in the European Union'. In: *Journal of Refugee Studies* 16.3, pp. 253–273. ISSN: 0951-6328. DOI: 10.1093/jrs/16.3.253. URL: https://academic.oup.com/jrs/article/16/3/253/1549805/Between-Interests-and-Norms-Explaining-Burden (visited on 02/02/2017).

Thielemann, Eiko R., Richard Williams and Christina Boswell (2010). *What System of Burden-Sharing Between Member States for the Reception of Asylum Seekers?* Brussels: European Parliament. URL: http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/419620/IPOL-LIBE_ET(2010)419620_EN.pdf (visited on 01/02/2017).

Toshkov, Dimiter Doychinov (2014). 'The Dynamic Relationship between Asylum Applications and Recognition Rates in Europe (1987–2010)'. In: *European Union Politics* 15.2, pp. 192–214. ISSN: 1465-1165. DOI: 10.1177/1465116513511710. URL: http://dx.doi.org/10.1177/1465116513511710 (visited on 19/01/2017).

Toshkov, Dimiter and Laura de Haan (2013). 'The Europeanization of Asylum Policy: An Assessment of the EU Impact on Asylum Applications and Recognitions Rates'. In: *Journal of European Public Policy* 20.5, pp. 661–683. ISSN: 1350-1763. DOI: 10.1080/13501763.2012.726482. URL: http://dx.doi.org/10.1080/13501763.2012.726482 (visited on 30/01/2017).

Trauner, Florian (2016). 'Asylum Policy: The EU's 'Crises' and the Looming Policy Regime Failure'. In: *Journal of European Integration* 38.3, pp. 311–325. ISSN: 0703-6337. DOI: 10.1080/07036337.2016.1140756. URL: http://dx.doi.org/10.1080/07036337.2016.1140756 (visited on 23/02/2017).

UNHCR (2001). *UNHCR Annotated Comments on Council Directive 2001/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving Such Persons and Bearing the Consequences Thereof*. URL: http://www.unhcr.org/protection/operations/436620152/unhcr-annotated-comments-council-directive-200155ec-20-july-2001-minimum.html (visited on 19/01/2017).

UNHCR (2004). *The European Union, Asylum and the International Refugee Protection Regime: UNHCR's Recommendations for the New Multiannual Programme in the Area of Freedom, Security and Justice*. URL: http://www.unhcr.org/protection/operations/43661f352/european-union-asylum-international-refugee-protection-regime-unhcrs-recommendations.html (visited on 18/01/2017).

— (2005). *UNHCR Annotated Comments on the EC Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted*. UN High Commissioner for Refugees.

— (2017). *Population Statistics - Asylum Seekers*. URL: http://popstats.unhcr.org/en/asylum_seekers (visited on 06/02/2017).

United Nations (1948). *Universal Declaration of Human Rights*. URL: http://www.un.org/en/universal-declaration-human-rights/ (visited on 19/01/2017).

Van Selm, Joanne (2005). 'European Refugee Policy: Is There Such a Thing?' In: *New Issues in Refugee Research* 115, p. 23.

Velluti, Samantha (2013). *Reforming the Common European Asylum System — Legislative Developments and Judicial Activism of the European Courts*. Springer Science & Business Media. 118 pp. ISBN: 978-3-642-40267-8.

Vink, Maarten and Frits Meijerink (2003). 'Asylum Applications and Recognition Rates in EU Member States 1982–2001: A Quantitative Analysis'. In: *Journal of Refugee Studies* 16.3, pp. 297–315. ISSN: 0951-6328. DOI: 10.1093/jrs/16.3.297. URL: https://academic.oup.com/jrs/article/16/3/297/1549816/Asylum-Applications-and-Recognition-Rates-in-EU (visited on 30/01/2017).

Young, Andrew T., Matthew J. Higgins and Daniel Levy (2008). 'Sigma Convergence versus Beta Convergence: Evidence from U.S. County-Level Data'. In: *Journal of Money, Credit and Banking* 40.5, pp. 1083–1093. ISSN: 1538-4616. DOI: 10.1111/j.1538-4616.2008.00148.x. URL: http://onlinelibrary.wiley.com/doi/10.1111/j.1538-4616.2008.00148.x/abstract (visited on 04/02/2017).

Appendix

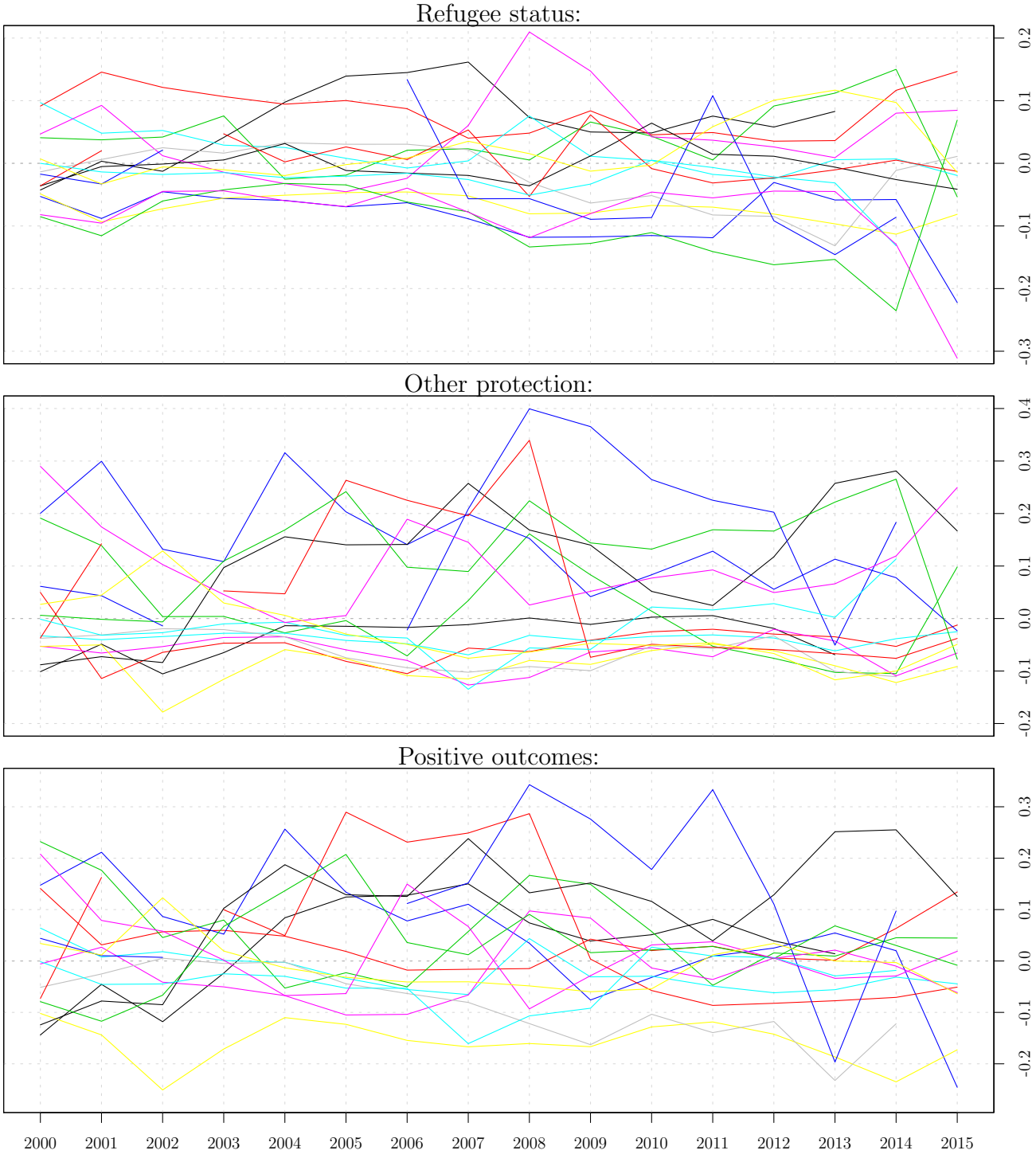

Figure 1: The value of the discrepancy variable in EU15 Member States over time.

	No control variable			Unemployment			Asylum burden			Excluding Portugal		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	23.00	30.26	29.15	27.81	24.23	26.62	24.21	25.65	24.76	22.38	34.33	28.03
2002	73.91	53.79	56.88	76.20	71.13	78.84	76.22	58.19	55.38	73.90	53.86	57.74
2003	-5.28	48.62	42.57	-1.27	44.65	41.00	-14.32	66.52	54.09	-3.46	81.95	60.94
2004	12.96	11.29	18.25	13.13	31.57	20.90	21.68	7.37	16.27	16.49	11.73	31.57
2005	-0.71	65.44	63.48	2.15	72.36	69.52	2.87	63.63	72.21	2.58	39.09	36.01
2006	-2.72	48.62	31.24	7.97	49.02	33.80	-5.31	47.18	23.90	6.64	48.09	30.79
2007	0.05	52.09	49.54	-8.88	51.45	38.56	-6.84	47.42	51.28	-7.20	48.04	48.99
2008	15.11	11.36	-10.42	31.34	17.23	-15.11	11.08	3.11	-8.58	10.84	13.53	6.81
2009	52.49	50.73	35.05	49.52	65.36	43.38	55.93	56.40	29.88	49.16	81.69	51.62
2010	37.57	42.34	75.24	24.07	31.68	60.63	38.09	53.02	75.69	40.72	65.17	75.11
2011	0.05	-5.30	-6.50	-8.10	1.99	-11.15	5.10	-5.85	24.14	2.19	0.46	5.13
2012	18.81	-8.58	31.99	16.85	5.47	36.34	28.23	-4.11	28.06	19.36	-6.27	6.54
2013	25.14	-14.80	-4.10	28.29	-10.98	-7.51	24.74	-24.78	-2.75	-10.12	-4.74	-15.26
2014	46.18	31.75	34.90	42.50	30.68	33.07	54.66	37.37	44.16	9.58	26.43	31.61
2015	2.92	13.14	0.26	-5.30	9.34	-11.20	11.02	20.72	19.48	5.20	20.89	0.55

Table 1: Adjusted R^2 (percent explained variance) for models estimating β-convergence in the EU15.

	No control variable			Unemployment			Asylum burden			Excluding Portugal		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	-2.09	17.13	12.77	-14.26	59.06	4.60	17.62	23.21	3.61	-3.78	26.15	14.44
2002	48.33	48.97	36.31	41.61	57.88	48.08	41.24	51.11	30.49	48.50	51.19	36.45
2003	13.16	43.71	30.23	23.78	35.96	18.29	0.46	49.30	30.67	13.16	43.71	30.23
2004	15.02	18.61	23.39	4.51	29.06	49.44	37.98	57.95	17.74	15.02	18.61	23.39
2005	16.28	25.31	30.17	42.20	23.23	23.72	65.11	17.97	58.22	16.28	25.31	30.17
2006	-13.55	68.19	32.73	-37.62	79.18	52.55	-25.16	66.51	27.81	-13.55	68.19	32.73
2007	15.77	16.70	-16.53	41.07	1.82	-17.81	21.52	1.96	-18.80	-8.08	-11.47	-17.93
2008	-3.19	3.04	-3.54	32.09	-15.08	-20.46	2.72	-2.15	19.80	-4.22	8.81	13.13
2009	30.41	41.18	30.40	20.35	38.27	44.92	28.52	48.62	20.49	28.53	82.57	46.45
2010	26.29	40.62	59.63	18.44	43.79	63.78	29.96	30.44	53.16	27.61	22.98	53.00
2011	-7.56	-6.55	2.22	-22.19	4.92	-0.20	-24.22	26.68	0.10	-2.19	1.34	32.68
2012	8.17	16.73	71.81	4.71	24.67	73.11	5.04	27.50	70.83	5.49	24.18	-4.93
2013	2.11	10.37	23.48	2.74	6.96	51.26	-15.33	-4.93	30.44	-7.20	12.41	16.62
2014	0.27	32.02	6.74	-8.66	60.43	7.18	2.39	21.96	1.84	-9.59	15.26	0.28
2015	2.36	67.77	32.88	-14.25	63.69	33.20	88.75	92.07	27.02	2.36	67.77	32.88

Table 2: Adjusted R^2 (percent explained variance) for models estimating β-convergence in all EU and EFTA states.

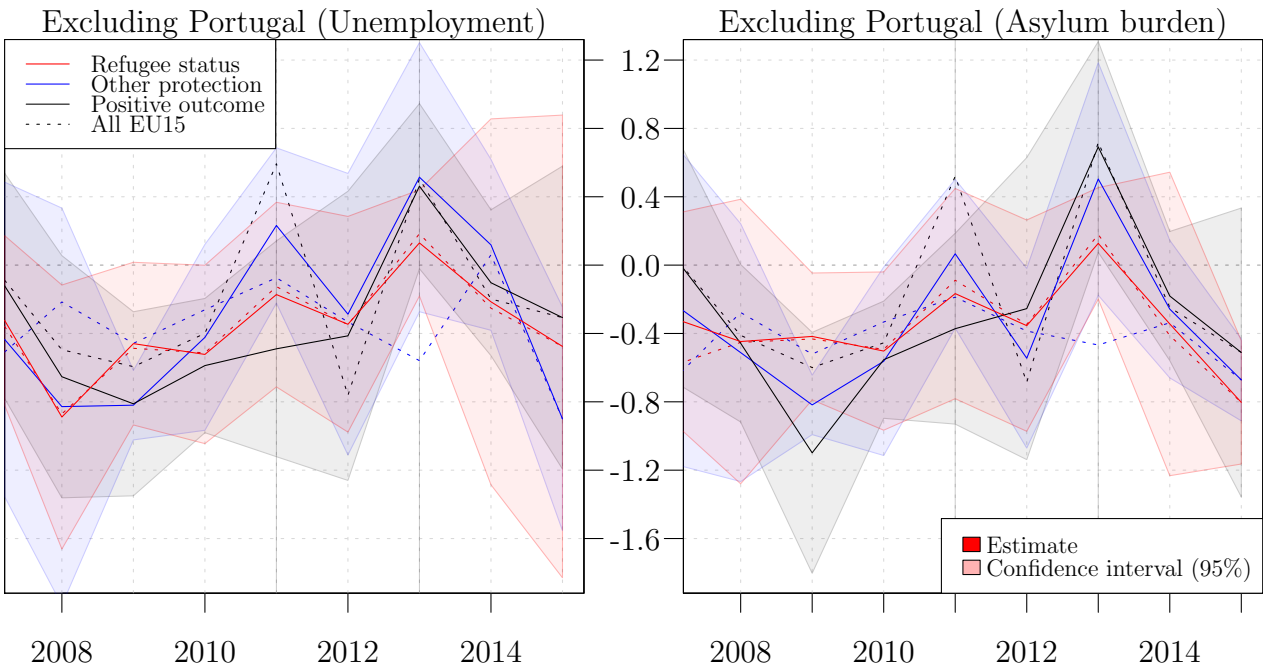

Figure 2: Estimated β-convergence of asylum procedures in the EU15 when omitting Portugal as an outlier, controlled for unemployment and asylum burden. The stippled lines show the same estimates when Portugal is not excluded.

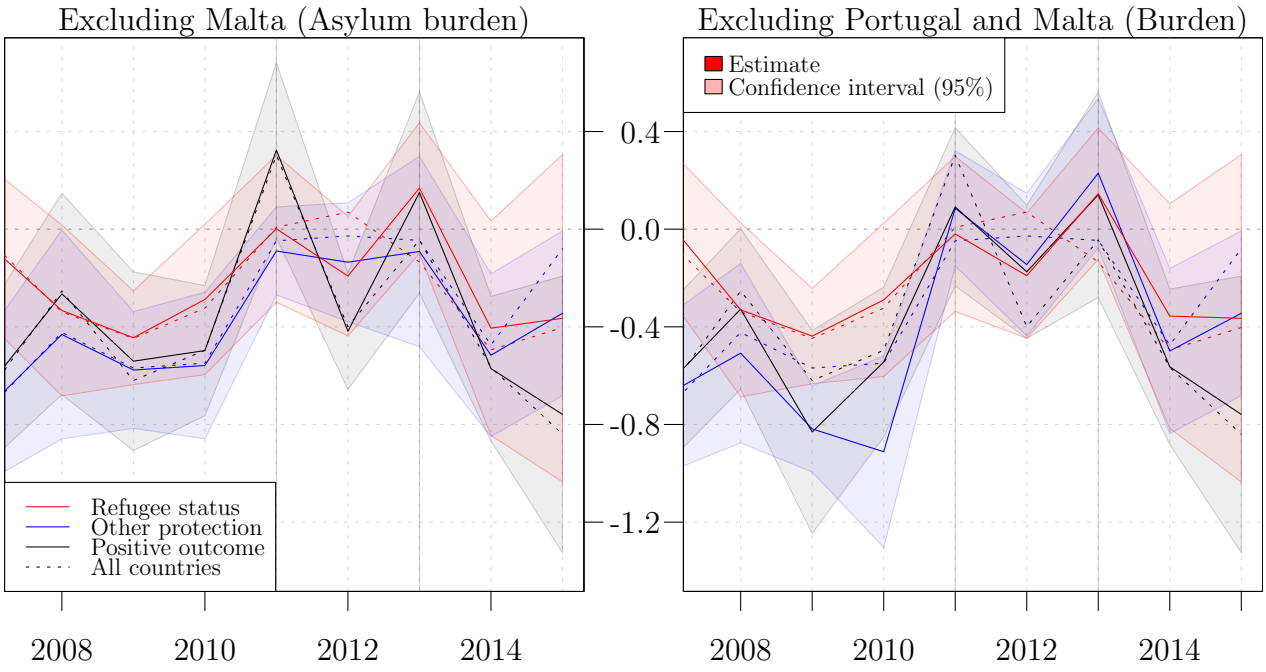

Figure 3: Estimated β-convergence of asylum procedures in all EU and EFTA countries when omitting Malta and Portugal respectively, controlled for asylum burden. The stippled lines show the same estimates when the outliers are not excluded.

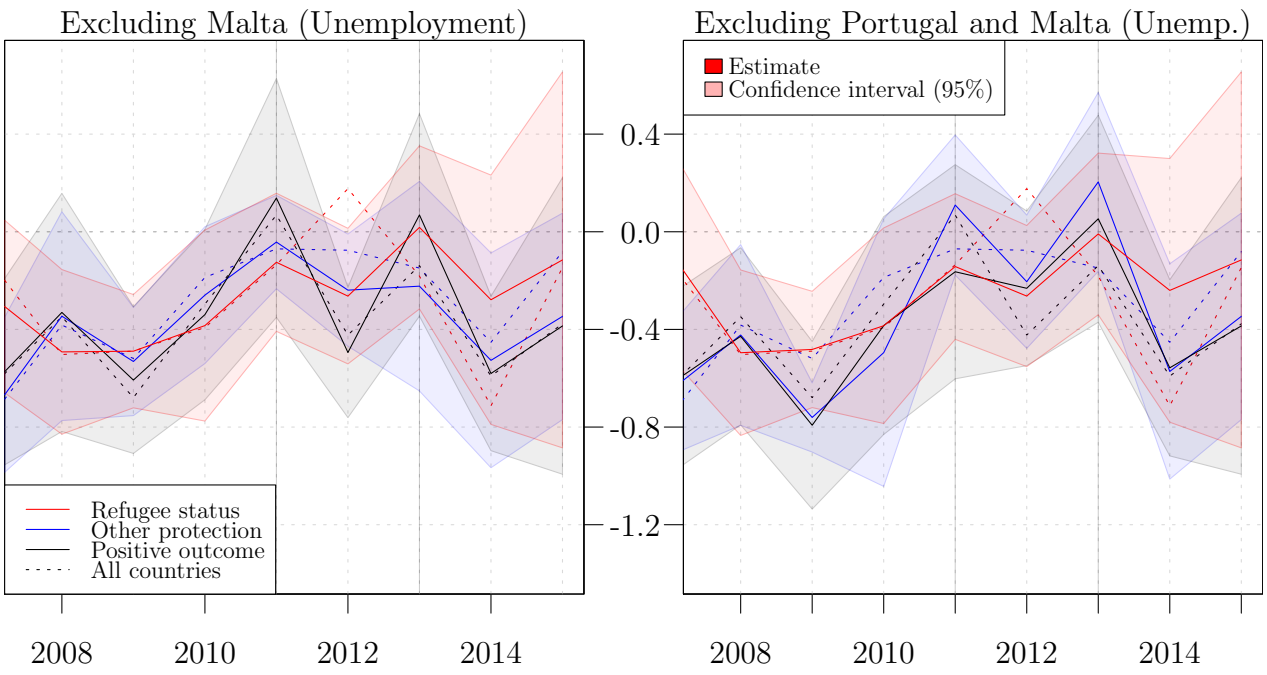

Figure 4: Estimated β-convergence of asylum procedures in all EU and EFTA countries when omitting Malta and Portugal respectively, controlled for unemployment. The stippled lines show the same estimates when the outliers are not excluded.

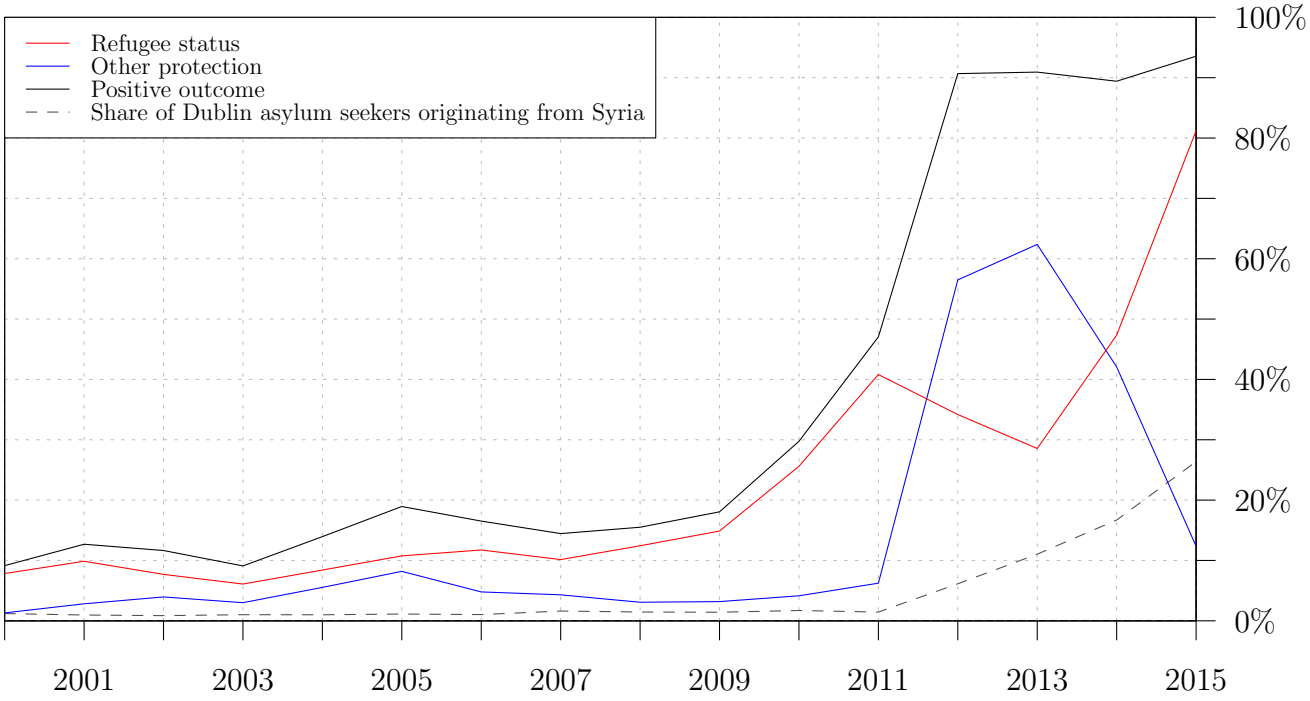

Figure 5: Recognition rates for Syrian asylum seekers in all EU and EFTA states.

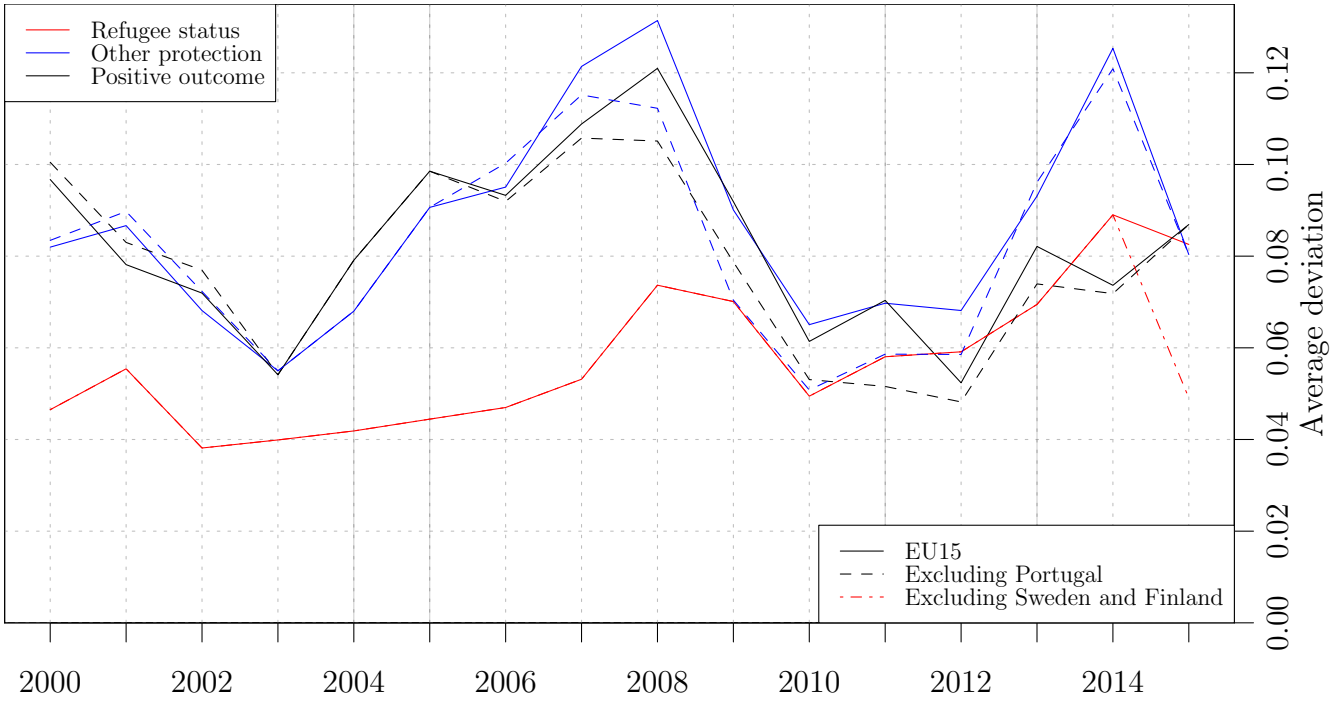

Figure 6: δ-convergence towards average recognition rates in the EU15. Values on the y axis equals average absolute value of the discrepancy variable ($\sqrt{DV^2}$).

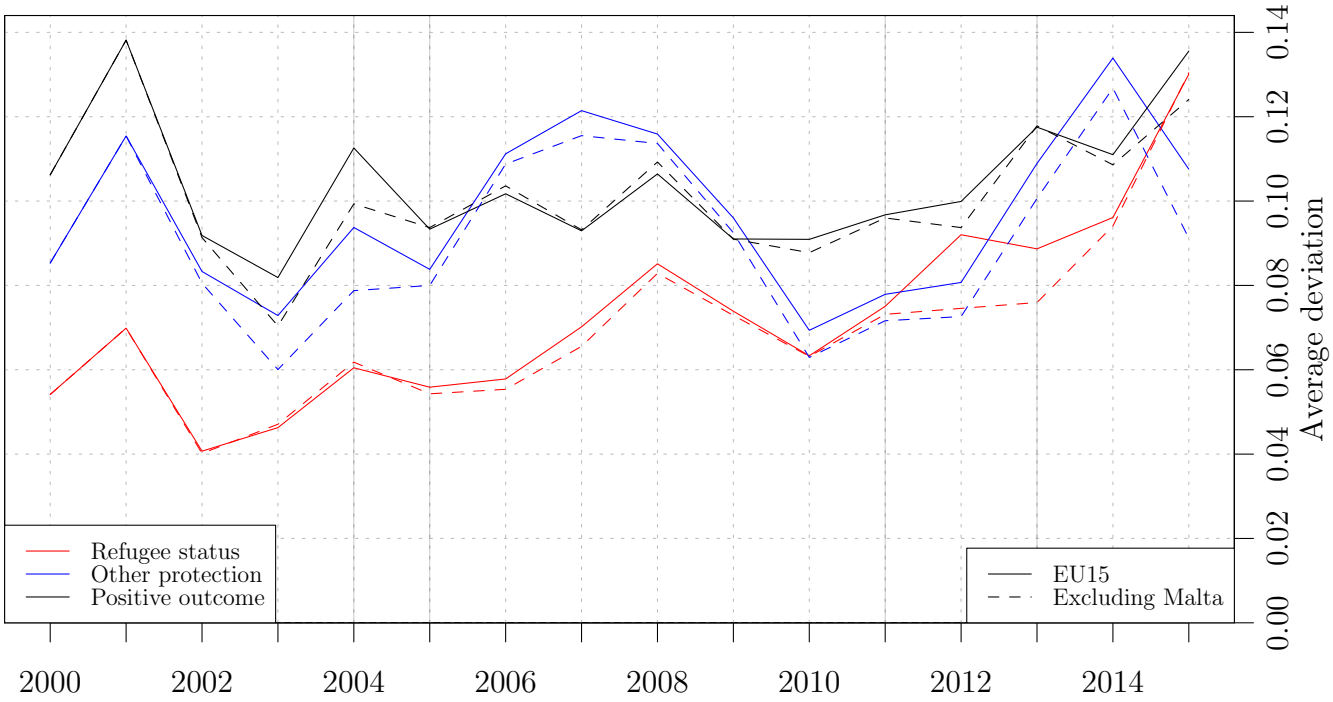

Figure 7: δ-convergence towards average recognition rates in all EU/EFTA states. Values on the y axis equals average absolute value of the discrepancy variable ($\sqrt{DV^2}$). While most trends are relatively robust, the influence of single extreme observations is substantial.

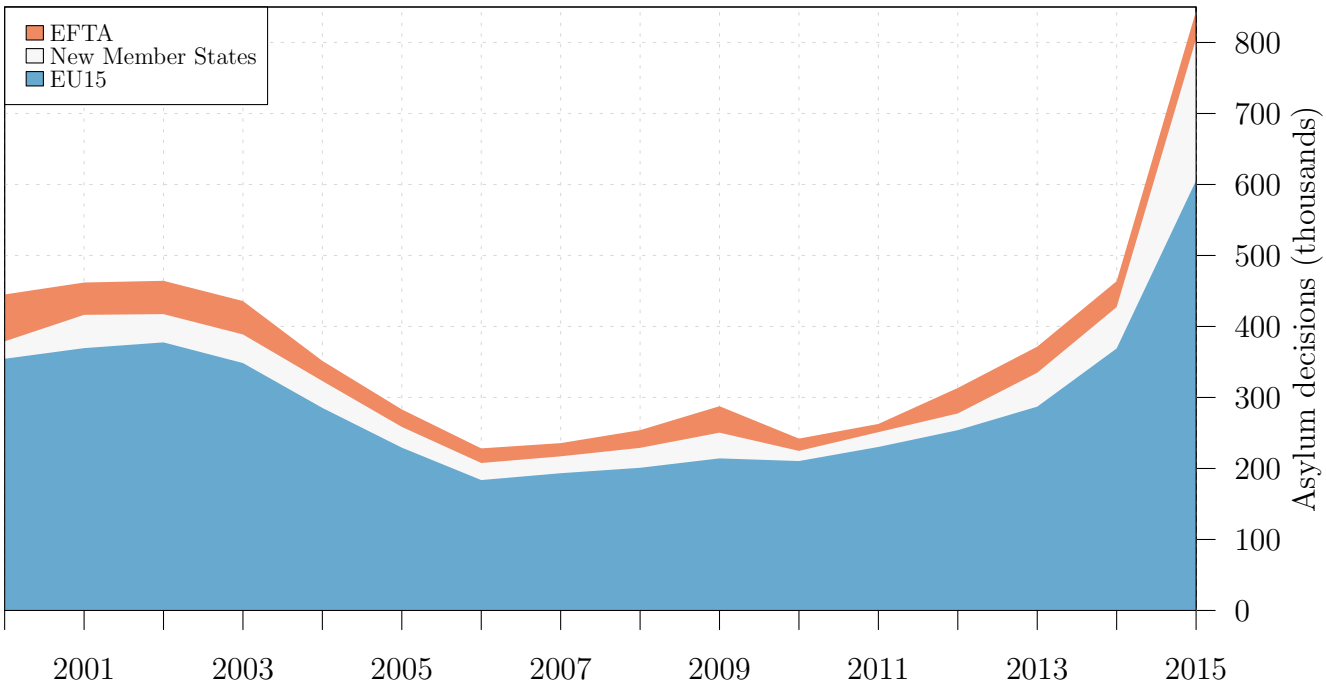

Figure 8: Number of first instance asylum decisions in the EU15, new Member States, and the EFTA countries. In thousands.

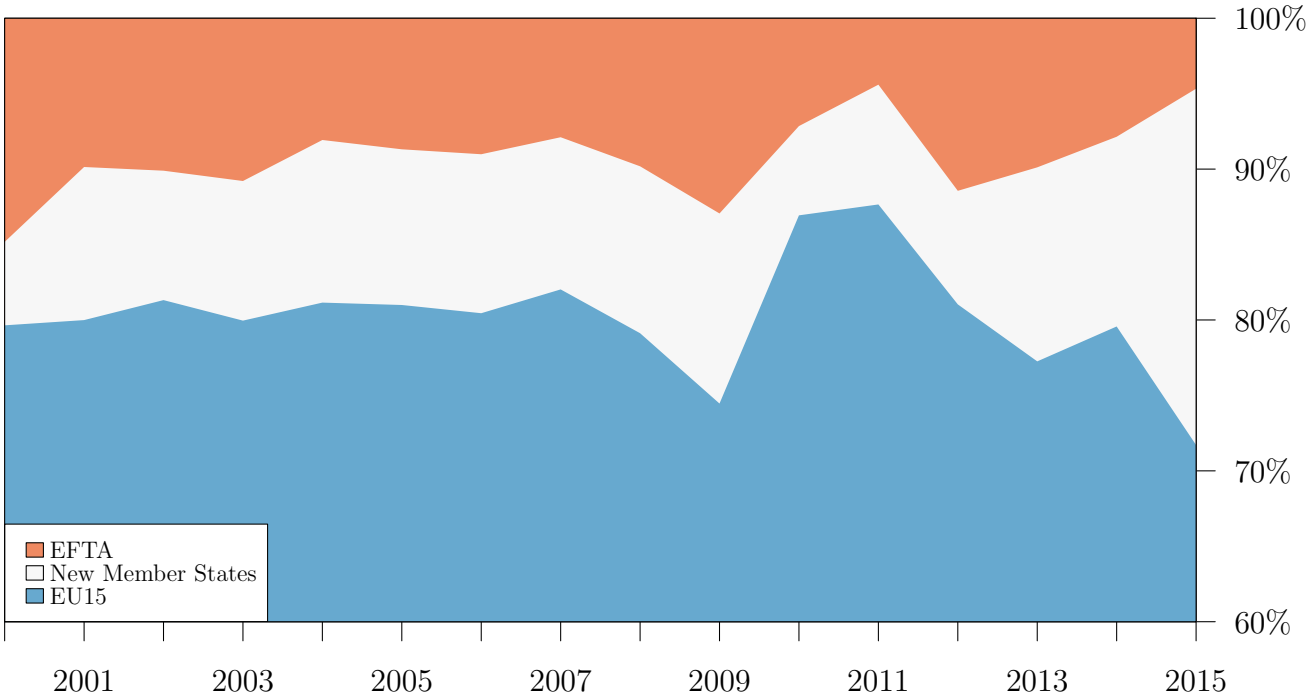

Figure 9: Share of first instance asylum decisions in the EU15, new Member States, and the EFTA countries. Note that the figure starts at 60%.

	No control variable			Unemployment			Asylum burden			Excluding Portugal		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	0.08	0.10	0.34	0.25	0.34	0.14	0.95	0.04	0.59	0.12	0.10	0.28
2002	0.12	0.62	0.50	0.21	0.12	0.02	0.51	0.98	0.94	0.15	0.58	0.52
2003	0.11	0.08	0.24	0.47	0.02	0.32	0.55	0.41	0.25	0.11	0.08	0.24
2004	0.24	0.20	0.13	0.25	0.21	0.22	0.41	0.15	0.10	0.24	0.20	0.13
2005	0.03	0.00	0.04	0.31	0.02	0.18	0.74	0.03	0.23	0.03	0.00	0.04
2006	0.58	0.09	0.17	0.79	0.62	0.14	0.86	0.13	0.11	0.58	0.09	0.17
2007	0.00	0.01	0.81	0.18	0.15	0.51	0.74	0.08	1.00	0.16	0.31	0.75
2008	0.20	0.02	0.18	0.24	0.07	0.56	0.05	0.04	0.20	0.24	0.06	0.05
2009	0.10	0.00	0.03	0.08	0.02	0.03	0.59	0.01	0.06	0.11	0.15	0.01
2010	0.95	0.03	0.74	0.69	0.10	0.14	1.00	0.20	0.75	0.85	0.01	0.54
2011	0.08	0.12	0.01	0.18	0.52	0.08	0.18	0.18	0.02	0.09	0.83	0.25
2012	0.30	0.06	0.85	0.25	0.11	0.20	0.16	0.48	0.48	0.21	0.01	0.74
2013	0.02	0.06	0.43	0.12	0.27	0.98	0.08	0.21	0.87	0.16	0.16	0.32
2014	0.16	0.34	0.03	0.39	0.52	0.51	0.38	0.43	0.52	0.16	0.34	0.08
2015	0.25	0.03	0.58	0.44	0.06	0.09	0.40	0.51	0.23	0.25	0.03	0.58

Table 3: Breusch-Pagan test for heteroskedasticity in regression models estimating β-convergence in the EU15. Values lower than 0.05 indicate heteroskedasticity.

	No control variable			Unemployment			Asylum burden			Excluding outliers		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	0.09	0.01	0.01	0.31	0.02	0.05	0.04	0.08	0.02	0.13	0.01	0.01
2002	0.07	0.03	0.55	0.09	0.22	0.39	0.42	0.10	0.75	0.08	0.04	0.58
2003	0.18	0.28	0.31	0.32	0.40	0.57	0.29	0.72	0.20	0.14	0.52	0.58
2004	0.04	0.15	0.28	0.21	0.34	0.46	0.07	0.23	0.45	0.03	0.10	0.36
2005	0.09	0.00	0.04	0.51	0.05	0.41	0.25	0.01	0.59	0.07	0.00	0.06
2006	0.38	0.27	0.42	0.76	0.28	0.22	0.34	0.23	0.34	0.49	0.12	0.32
2007	0.28	0.16	0.14	0.12	0.06	0.37	0.59	0.32	0.34	0.14	0.22	0.16
2008	0.21	0.03	0.12	0.01	0.13	0.40	0.01	0.04	0.23	0.24	0.02	0.01
2009	0.29	0.00	0.00	0.20	0.02	0.05	0.71	0.00	0.01	0.34	0.06	0.01
2010	0.64	0.02	0.27	0.49	0.50	0.58	0.75	0.49	0.64	0.71	0.55	0.36
2011	0.16	0.40	0.87	0.24	0.57	0.39	0.23	0.24	0.37	0.14	0.67	0.20
2012	0.08	0.59	0.07	0.14	0.59	0.17	0.04	0.41	0.19	0.27	0.36	0.58
2013	0.20	0.34	0.08	0.72	0.66	0.18	0.14	0.61	0.25	0.06	0.74	0.20
2014	0.61	0.14	0.13	0.82	0.33	0.03	0.80	0.27	0.17	0.17	0.06	0.14
2015	0.19	0.01	0.13	0.39	0.01	0.32	0.19	0.04	0.43	0.28	0.02	0.12

Table 4: Breusch-Pagan test for heteroskedasticity in regression models estimating β-convergence in all participating countries. Values lower than 0.05 indicate heteroskedasticity.

	No control variable			Unemployment			Asylum burden			Excluding Portugal		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	0.43	0.05	0.14	0.80	0.71	0.43	0.39	0.34	0.15	0.43	0.05	0.14
2002	0.10	0.61	0.01	0.20	0.88	0.46	0.04	0.03	0.00	0.10	0.61	0.01
2003	0.84	0.93	0.48	0.21	0.54	0.56	0.73	0.01	0.30	0.84	0.93	0.48
2004	0.59	0.12	0.25	0.20	0.46	0.31	0.10	0.66	0.38	0.59	0.12	0.25
2005	0.83	0.53	0.12	0.63	0.84	0.48	0.95	0.31	0.08	0.83	0.53	0.12
2006	0.38	0.78	0.31	0.30	0.80	0.34	0.27	0.88	0.21	0.38	0.78	0.31
2007	0.95	0.98	0.20	0.88	0.98	0.04	0.24	1.00	0.02	0.95	0.98	0.20
2008	0.03	1.00	0.31	0.36	1.00	0.21	0.76	0.71	0.99	0.03	1.00	0.31
2009	0.45	0.17	0.19	0.59	0.16	0.33	0.23	0.08	0.31	0.45	0.17	0.19
2010	1.00	0.90	0.70	0.47	0.94	0.82	0.96	0.89	0.63	1.00	0.90	0.70
2011	0.75	0.32	0.22	0.61	0.51	0.06	0.91	0.37	1.00	0.75	0.32	0.22
2012	0.76	0.89	0.00	0.65	0.87	0.01	0.94	0.15	0.02	0.76	0.89	0.00
2013	0.97	0.36	0.25	0.86	0.05	0.01	0.95	0.19	0.68	0.97	0.36	0.25
2014	0.87	0.35	0.68	0.87	0.80	0.76	0.40	0.09	0.11	0.87	0.35	0.68
2015	0.05	0.41	0.02	0.06	0.12	0.33	0.41	0.66	0.46	0.05	0.41	0.02

Table 5: Shapiro test for normality in residuals of models estimating β-convergence in the EU15. Values lower than 0.05 indicate a lack of normality.

	No control variable			Unemployment			Asylum burden			Excluding Portugal		
Year	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive	Refugee	Other	Positive
2001	0.54	0.54	0.95	0.98	0.75	0.62	0.33	0.86	0.83	0.54	0.54	0.95
2002	0.97	0.15	0.00	0.69	0.17	0.19	0.92	0.14	0.00	0.97	0.15	0.00
2003	0.00	0.00	0.00	0.00	0.00	0.00	0.01	0.30	0.78	0.00	0.00	0.00
2004	0.54	0.02	0.19	0.23	0.39	0.20	0.20	0.05	0.44	0.54	0.02	0.19
2005	0.39	0.22	0.78	0.43	0.03	0.81	0.10	0.20	0.36	0.39	0.22	0.78
2006	0.45	0.28	0.67	0.95	0.88	0.96	0.38	0.58	0.52	0.45	0.28	0.67
2007	0.98	0.94	0.68	0.61	0.74	0.80	0.99	0.91	0.70	0.98	0.94	0.68
2008	0.02	0.85	0.05	0.64	0.15	0.04	0.25	0.87	0.02	0.02	0.85	0.05
2009	0.59	0.07	0.52	0.80	0.00	0.22	0.73	0.00	0.46	0.59	0.07	0.52
2010	0.43	0.51	0.05	0.89	0.10	0.02	0.52	0.38	0.00	0.43	0.51	0.05
2011	0.72	0.13	0.00	0.78	0.62	0.01	0.72	0.11	0.54	0.72	0.13	0.00
2012	0.00	0.02	0.79	0.00	0.41	0.55	0.00	0.03	0.93	0.00	0.02	0.79
2013	0.20	0.01	0.41	0.02	0.03	0.67	0.80	0.01	0.96	0.20	0.01	0.41
2014	0.49	0.71	0.01	0.36	0.48	0.10	0.86	0.13	0.08	0.49	0.71	0.01
2015	0.09	0.41	0.32	0.30	0.66	0.58	0.10	0.17	0.90	0.09	0.41	0.32

Table 6: Shapiro test for normality in residuals of models estimating β-convergence in all participating countries. Values lower than 0.05 indicate a lack of normality.

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Austria	-0.04	0.00	-0.01	0.04	0.10	0.14	0.14	0.16	0.07	0.05	0.05	0.08	0.06	0.08		-0.00
Belgium	0.09	0.15	0.12	0.11	0.09	0.10	0.09	0.04	0.05	0.08	0.05	0.05	0.04	0.04	0.12	0.15
Bulgaria	0.03	-0.02	-0.04	-0.04	-0.04	-0.07	-0.06	-0.08	-0.15	-0.14	-0.18	-0.24	-0.24	-0.19	0.04	-0.30
Croatia	*0.14*	*-0.12*	-0.07	*-0.04*	-0.06	-0.05	*-0.06*	-0.06	-0.10	-0.06	-0.14	-0.15	-0.14	-0.18	-0.12	-0.03
Cyprus			-0.07	-0.07	-0.05	-0.04	-0.05	-0.08	-0.10	-0.12	-0.12	-0.12	-0.10	-0.16	-0.29	-0.49
Czech Rep.	-0.05	-0.03	-0.01	-0.06	-0.13	0.00	0.03	0.00	-0.04	0.01	0.03	0.16*	-0.03	-0.01	-0.02	-0.12
Denmark	0.04	0.04	0.04	0.08	-0.03	-0.02	0.02	0.02	0.01	0.07	0.04	0.01	0.09	0.11	0.15	-0.05
Estonia	*0.50*	*-0.14*	*-0.04*	*-0.08*	*-0.05*	*-0.13*	*-0.13*	*-0.04*	*0.16*	*-0.07*	*0.13*	*0.00*	*0.05*	*-0.01*	*0.03*	-0.06
Finland	-0.05	-0.09	-0.05	-0.06	-0.06	-0.07	-0.06	-0.09	-0.12	-0.12	-0.12	-0.12	-0.03	-0.06	-0.06	-0.22
France	0.10	0.05	0.05	0.03	0.03	0.01	-0.01	0.00	0.08	0.01	0.00	-0.02	-0.02	0.01	0.01	-0.02
Germany	0.05	0.09	0.01	-0.01	-0.03	-0.05	-0.02	0.06	0.21	0.15	0.04	0.04	0.03	0.01	0.08	0.08
Greece	-0.05	-0.09	-0.07	-0.06	-0.05	-0.05	-0.05	-0.05	-0.08	-0.08	-0.07	-0.07	-0.08	-0.10	-0.11	-0.08
Hungary	-0.07	-0.16	-0.05	-0.00	0.05	0.02	0.00	0.03	-0.02	-0.04	-0.09	-0.09	-0.11	-0.07	-0.19	-0.36
Iceland	*-0.02*	*-0.08*	*-0.03*	*-0.03*	*-0.05*	*-0.06*	*-0.10*	*-0.09*	*-0.08*	*-0.03*	*-0.03*	*-0.08*	*-0.09*	-0.04	*-0.01*	-0.03
Ireland	-0.01	0.01	0.02	0.02	0.03	0.03	0.03	0.02	-0.03	-0.06	-0.05	-0.08	-0.08	-0.13	-0.01	0.01
Italy	-0.04	-0.01	-0.00	0.01	0.03	-0.01	-0.02	-0.02	-0.04	0.01	0.06	0.01	0.01	-0.01	-0.03	-0.04
Latvia	*0.10*	*-0.03*	*-0.03*	*-0.14*	*-0.03*	*-0.09*	*-0.09*	*0.11*	*-0.02*	*0.02*	*0.01*	-0.03	-0.06	-0.00	-0.08	-0.13
Liechtenstein		*-0.06*	-0.03	-0.04	*-0.12*	*-0.11*	*-0.08*	*-0.09*	*-0.14*	-0.19	-0.10	-0.07*	*0.11*	*-0.05*	*-0.03*	
Lithuania	-0.08	-0.10	-0.08	-0.16	-0.12	*-0.10*	-0.15	-0.14	-0.14	-0.10	-0.05	-0.04	-0.04	-0.06	-0.02	-0.10
Luxembourg	-0.04	0.02		0.05	0.00	0.03	0.01	0.05	-0.05	0.08	-0.01	-0.03	-0.02	-0.01	0.01	-0.01
Malta	*0.24*	*0.28*	-0.06	-0.03	-0.03	-0.10	-0.12	-0.20	-0.15	-0.10	-0.07	-0.12	0.58	0.46	-0.15	-0.12
Netherlands	-0.09	-0.12	-0.06	-0.04	-0.03	-0.03	-0.06	-0.08	-0.13	-0.13	-0.11	-0.14	-0.16	-0.15	-0.24	0.07
Norway	-0.13	-0.07	-0.04	-0.04	-0.06	-0.04	-0.01	0.00	-0.08	-0.07	-0.01	0.07	0.15	0.13	0.07	-0.03
Poland	-0.03	-0.02	-0.02	-0.15	-0.24	-0.29	-0.26	-0.31	-0.27	-0.14	-0.13	-0.11	-0.10	-0.07	-0.08	-0.12
Portugal	-0.02	-0.03	0.02	*-0.04*	*-0.01*	*0.04*	0.13	-0.06	-0.06	-0.09	-0.09	0.11	-0.09	-0.15	-0.09	
Romania	-0.07	-0.18	-0.03	0.01	0.13	0.05	0.01	0.13	0.03	-0.02	-0.03	-0.04	-0.04	0.02	-0.08	-0.32
Slovakia	-0.08	-0.19	-0.05	-0.06	-0.10	-0.11	-0.07	-0.07	-0.07	-0.06	-0.06	-0.09	-0.09	-0.16	-0.16	-0.22
Slovenia	-0.07	-0.12	-0.06	-0.03	-0.05	-0.06	-0.05	-0.05	-0.11	0.02	-0.01	-0.06	-0.08	-0.07	-0.12	-0.09
Spain	-0.00	-0.01	-0.02	-0.01	-0.02	-0.02	-0.02	-0.03	-0.05	-0.03	0.00	-0.01	-0.02	-0.03	-0.13	
Sweden	-0.08	-0.10	-0.04	-0.04	-0.06	-0.07	-0.04	-0.08	-0.12	-0.08	-0.05	-0.06	-0.04	-0.04	-0.13	-0.31
Switzerland	-0.05	-0.02	0.01	-0.00	0.01	0.01	0.03	0.02	-0.02	-0.02	*-0.13*	*-0.16*	0.01	-0.01	-0.02	-0.19
United Kingdom	0.01	-0.03	-0.01	-0.01	-0.02	-0.00	0.01	0.04	0.02	-0.01	-0.00	0.06	0.10	0.12	0.10	-0.01

Table 7: The value of the discrepancy variable for refugee recognition rates in all countries. Emphasised observations are left out of the analyses presented in this thesis due to few or (in the case of the Czech Republic and Switzerland) extreme observations.

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Austria	-0.10	-0.05	-0.11	-0.06	-0.01	-0.01	-0.02	-0.01	0.00	-0.01	0.00	0.01	-0.02	-0.07		-0.07
Belgium	0.05	-0.11	-0.06	-0.05	-0.05	-0.08	-0.10	-0.06	-0.06	-0.04	-0.03	-0.02	-0.03	-0.03	-0.05	-0.01
Bulgaria	0.08	0.30	0.02	0.11	0.18	-0.07	-0.03	0.13	0.18	0.17	0.03	0.04	-0.05	0.07	-0.20	-0.11
Croatia	*-0.05*	*-0.11*	-0.08	*-0.05*	-0.03	-0.05	*-0.07*	-0.09	-0.08	-0.08	-0.18	-0.23	-0.25	-0.28	-0.13	-0.06
Cyprus			-0.03	-0.02	-0.05	-0.02	-0.02	-0.04	-0.04	0.12	0.09	-0.07	-0.07	-0.13	0.32	0.45
Czech Rep.	-0.07	-0.04	-0.03	-0.03	-0.04	-0.03	-0.06	-0.01	-0.00	-0.03	0.04	0.58	0.12	0.11	0.17	0.12
Denmark	0.19	0.14	0.00	0.00	-0.03	-0.00	-0.07	0.03	0.16	0.08	0.01	-0.05	-0.08	-0.10	-0.10	0.10
Estonia	*-0.09*	*0.35*	*-0.03*	*-0.02*	*-0.02*	*-0.14*	*0.03*	*0.07*	*-0.07*	*-0.01*	*-0.03*	*-0.06*	*-0.00*	*-0.10*	*-0.14*	0.12
Finland	0.20	0.30	0.13	0.11	0.32	0.20	0.14	0.20	0.15	0.04	0.08	0.13	0.06	0.11	0.08	-0.02
France	-0.03	-0.04	-0.03	-0.03	-0.03	-0.04	-0.05	-0.07	-0.03	-0.04	-0.03	-0.03	-0.04	-0.06	-0.04	-0.03
Germany	-0.05	-0.07	-0.05	-0.04	-0.03	-0.06	-0.08	-0.13	-0.11	-0.06	-0.06	-0.07	-0.02	-0.04	-0.11	-0.07
Greece	-0.05	-0.05	-0.18	-0.12	-0.06	-0.08	-0.11	-0.12	-0.08	-0.09	-0.06	-0.05	-0.06	-0.09	-0.12	-0.09
Hungary	-0.03	-0.20	-0.02	0.16	0.07	0.01	-0.01	-0.05	-0.04	-0.07	-0.09	-0.10	-0.06	-0.10	-0.17	-0.13
Iceland	*0.03*	*-0.06*	*-0.03*	*0.05*	*-0.05*	*-0.06*	*0.02*	*-0.01*	*-0.03*	*0.08*	*-0.01*	*0.02*	*-0.10*	-0.06	*-0.11*	0.00
Ireland	-0.04	-0.03	-0.02	-0.02	-0.03	-0.07	-0.09	-0.10	-0.09	-0.10	-0.05	-0.06	-0.03	-0.10	-0.11	
Italy	-0.09	-0.07	-0.08	0.10	0.16	0.14	0.14	0.26	0.17	0.14	0.05	0.02	0.12	0.26	0.28	0.17
Latvia	*-0.07*	*-0.06*	*0.14*	*0.46*	*-0.02*	*-0.13*	*0.35*	*0.02*	*-0.04*	*0.07*	*0.16*	0.05	0.01	0.02	-0.01	-0.06
Liechtenstein		*0.04*	0.11	0.05	*-0.03*	*-0.05*	*0.38*	*-0.05*	*-0.06*	-0.36	-0.05	*0.01*	*-0.14*	*-0.03*	*-0.07*	-0.05
Lithuania	-0.08	-0.07	0.43	0.06	0.27	*0.48*	0.56	0.24	0.30	0.07	-0.01	-0.02	0.01	0.02	0.10	0.07
Luxembourg	-0.04	0.14		0.05	0.05	0.26	0.23	0.20	0.34	-0.07	-0.05	-0.06	-0.06	-0.07	-0.08	-0.04
Malta	*-0.09*	*0.14*	0.16	0.41	0.48	0.18	0.17	0.28	0.18	0.19	0.24	0.24	-0.31	-0.35	0.33	0.57
Netherlands	0.01	-0.00	-0.01	0.11	0.17	0.24	0.10	0.09	0.22	0.14	0.13	0.17	0.17	0.22	0.27	-0.08
Norway	0.13	0.18	0.10	0.12	0.24	0.10	0.10	0.06	0.01	-0.05	-0.08	-0.11	-0.13	-0.20	-0.11	-0.05
Poland	-0.04	-0.07	-0.06	-0.04	0.09	0.16	0.21	0.37	0.19	0.11	-0.00	-0.01	-0.02	-0.01	-0.04	-0.07
Portugal	0.06	0.04	-0.01	*0.06*	*0.07*	*0.08*	-0.02	0.21	0.40	0.37	0.26	0.23	0.20	-0.05	0.18	
Romania	-0.06	-0.21	-0.10	-0.05	0.02	-0.06	-0.12	-0.16	-0.07	-0.05	-0.07	-0.04	-0.06	-0.09	-0.04	0.06
Slovakia	-0.12	-0.26	-0.14	-0.05	-0.03	-0.04	-0.05	-0.03	0.00	0.04	-0.00	0.06	-0.07	-0.20	0.07	-0.01
Slovenia	-0.04	-0.06	-0.07	-0.04	-0.02	-0.03	-0.06	-0.07	-0.06	-0.06	-0.09	-0.09	-0.13	-0.18	-0.18	-0.07
Spain	-0.00	-0.03	-0.03	-0.01	-0.01	-0.03	-0.04	-0.13	-0.06	-0.06	0.02	0.02	0.03	0.00	0.11	
Sweden	0.29	0.17	0.10	0.05	-0.01	0.01	0.19	0.15	0.03	0.05	0.08	0.09	0.05	0.07	0.12	0.25
Switzerland	0.25	0.20	0.08	0.06	-0.06	0.16	0.19	0.06	0.12	0.03	*0.90*	*0.83*	-0.04	-0.04	0.12	0.15
United Kingdom	0.03	0.04	0.13	0.03	0.01	-0.03	-0.05	-0.08	-0.06	-0.05	-0.05	-0.05	-0.07	-0.12	-0.10	-0.05

Table 8: The value of the discrepancy variable for subsidiary protection recognition rates in all countries. Emphasised observations are left out of the analyses presented in this thesis due to few or (in the case of the Czech Republic and Switzerland) extreme observations.

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Austria	-0.14	-0.05	-0.12	-0.02	0.08	0.12	0.13	0.15	0.07	0.04	0.05	0.08	0.04	0.01		-0.07
Belgium	0.14	0.03	0.06	0.06	0.05	0.02	-0.02	-0.02	-0.01	0.04	0.02	0.03	0.01	0.00	0.06	0.13
Bulgaria	0.10	0.28	-0.02	0.06	0.15	-0.14	-0.09	0.05	0.03	0.03	-0.15	-0.20	-0.29	-0.12	-0.15	-0.42
Croatia	*0.09*	*-0.22*	-0.15	*-0.09*	-0.09	-0.10	*-0.13*	-0.15	-0.18	-0.13	-0.32	-0.38	-0.39	-0.46	-0.26	-0.09
Cyprus			-0.10	-0.09	-0.09	-0.06	-0.07	-0.12	-0.14	0.01	-0.03	-0.19	-0.17	-0.29	0.02	-0.04
Czech Rep.	-0.12	-0.07	-0.04	-0.09	-0.16	-0.03	-0.03	-0.01	-0.04	-0.03	0.06	*0.74*	0.08	0.11	0.15	-0.00
Denmark	0.23	0.18	0.05	0.08	-0.05	-0.02	-0.05	0.06	0.17	0.15	0.06	-0.05	0.02	0.01	0.05	0.04
Estonia	*0.41*	*0.21*	*-0.07*	*-0.11*	*-0.07*	*-0.27*	*-0.10*	*0.03*	*0.09*	*-0.08*	*0.09*	*-0.05*	*0.04*	*-0.11*	*-0.11*	0.06
Finland	0.15	0.21	0.09	0.05	0.26	0.13	0.08	0.11	0.03	-0.08	-0.03	0.01	0.03	0.05	0.02	-0.25
France	0.06	0.01	0.02	0.00	-0.00	-0.03	-0.06	-0.07	0.04	-0.03	-0.03	-0.05	-0.06	-0.06	-0.03	-0.04
Germany	-0.01	0.03	-0.04	-0.05	-0.07	-0.11	-0.10	-0.07	0.10	0.08	-0.01	-0.04	0.01	-0.03	-0.03	0.02
Greece	-0.10	-0.14	-0.25	-0.17	-0.11	-0.12	-0.15	-0.17	-0.16	-0.17	-0.13	-0.12	-0.14	-0.19	-0.24	-0.17
Hungary	-0.10	-0.36	-0.07	0.15	0.12	0.03	-0.01	-0.02	-0.06	-0.11	-0.18	-0.20	-0.17	-0.17	-0.36	-0.49
Iceland	*0.01*	*-0.14*	-0.06	*0.02*	*-0.10*	*-0.12*	*-0.08*	*-0.10*	*-0.10*	*0.05*	*-0.05*	*-0.05*	*-0.19*	-0.10	*-0.12*	-0.02
Ireland	-0.05	-0.03	0.01	-0.00	-0.00	-0.04	-0.06	-0.08	-0.12	-0.16	-0.10	-0.14	-0.12	-0.23	-0.12	
Italy	-0.12	-0.08	-0.09	0.10	0.19	0.13	0.13	0.24	0.13	0.15	0.12	0.04	0.13	0.25	0.26	0.13
Latvia	*0.03*	*-0.08*	*0.11*	*0.32*	*-0.06*	*-0.22*	*0.26*	*0.13*	*-0.06*	*0.09*	*0.16*	0.02	-0.05	0.02	-0.09	-0.19
Liechtenstein		*-0.01*	0.08	0.01	*-0.16*	*-0.16*	*0.30*	*-0.14*	*-0.20*	-0.56	-0.15	*-0.06*	*-0.03*	*-0.09*	*-0.10*	
Lithuania	-0.16	-0.17	0.35	-0.10	0.15	*0.38*	0.41	0.10	0.16	-0.03	-0.06	-0.05	-0.04	-0.04	0.09	-0.03
Luxembourg	-0.07	0.16		0.10	0.05	0.29	0.23	0.25	0.29	0.00	-0.06	-0.09	-0.08	-0.08	-0.07	-0.05
Malta	*0.15*	*0.42*	0.11	0.38	0.46	0.08	0.05	0.09	0.03	0.09	0.18	0.12	0.27	0.11	0.18	0.45
Netherlands	-0.08	-0.12	-0.07	0.07	0.14	0.21	0.04	0.01	0.09	0.02	0.02	0.03	0.00	0.07	0.03	-0.01
Norway	-0.01	0.11	0.05	0.08	0.18	0.07	0.09	0.06	-0.07	-0.13	-0.09	-0.04	0.02	-0.07	-0.04	-0.08
Poland	-0.07	-0.08	-0.08	-0.19	-0.14	-0.13	-0.05	0.06	-0.08	-0.03	-0.13	-0.11	-0.12	-0.09	-0.11	-0.19
Portugal	0.04	0.01	0.01	*0.02*	*0.06*	*0.13*	0.11	0.15	0.34	0.28	0.18	0.33	0.11	-0.20	0.10	
Romania	-0.13	-0.39	-0.13	-0.05	0.15	-0.01	-0.10	-0.03	-0.04	-0.07	-0.10	-0.08	-0.11	-0.07	-0.13	-0.26
Slovakia	-0.20	-0.46	-0.19	-0.11	-0.12	-0.15	-0.13	-0.10	-0.07	-0.02	-0.06	-0.03	-0.16	-0.35	-0.09	-0.23
Slovenia	-0.11	-0.18	-0.13	-0.08	-0.07	-0.10	-0.10	-0.12	-0.17	-0.04	-0.11	-0.14	-0.20	-0.25	-0.30	-0.16
Spain	-0.00	-0.05	-0.04	-0.02	-0.03	-0.05	-0.05	-0.16	-0.11	-0.09	0.03	0.01	0.01	-0.03	-0.02	
Sweden	0.21	0.08	0.06	0.00	-0.07	-0.06	0.15	0.07	-0.09	-0.03	0.03	0.04	0.01	0.02	-0.01	-0.06
Switzerland	0.20	0.17	0.09	0.06	-0.04	0.16	0.22	0.08	0.10	0.00	*0.77*	*0.67*	-0.03	-0.04	0.11	-0.04
United Kingdom	0.03	0.01	0.12	0.02	-0.01	-0.03	-0.04	-0.04	-0.05	-0.06	-0.05	0.01	0.03	0.00	-0.00	-0.06

Table 9: The value of the discrepancy variable for positive outcomes in all countries. Emphasised observations are left out of the analyses presented in this thesis due to few or (in the case of the Czech Republic and Switzerland) extreme observations.