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Why and how there should be more Europe in asylum policies

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ZEW policy brief

by Melissa Berger (ZEW) and Friedrich Heinemann (ZEW)

Why and How There Should Be More Europe in Asylum Policies

Essential Issues

The experiences of the ongoing refugee crisis in Europe highlight the failures of the current model of having the EU and its members states share responsibility for asylum policies. Based on standard criteria of fiscal federalism, this paper analyses the shortcomings of the status quo. We show that European asylum policies stand in sharp contradiction to the optimal assignment of tasks within a federal system. For example, the current system creates substantial incentives for free-riding and foregoes the potential benefits of European economies of scale. Given this diagnosis, we explore the pros and cons of different options for a more European approach. In particular, we analyze and provide estimates of the quantitative implications for the options of: (A) quotas that would distribute refugees across countries according to a pre-determined calculation of reception capacity; (B) EU financing of national service provision; and (C) EU service provision in asylum policies.

Options Considered

First, we show that a pure quota system (Option A) would lead to the relocation of more than 900,000 asylum seekers in 2015, which would probably give rise to prohibitive political and budgetary costs. Second, we calculate that having the EU fully finance the asylum process while its member states retain responsibility for service provision (Option B) would mean that the EU budget would need to be augmented by roughly €30 billion each year or by some 20 percent, based on current numbers of asylum seekers. Lastly, we look at the possibility of having the EU assume responsibility for both financing and administering asylum processes in its member states (Option C). Having a European service provision by a European Asylum Agency would offer potential economies of scale and advantages in terms of speed and expertise that would significantly reduce the costs of asylum procedures (est. €5–12 billion annually). Moreover, under option C a level playing field of hosting conditions, asylum procedures, recognition rates and regionally balanced EU reception facilities would eliminate the current incentives for refugees to concentrate on a few countries. For these reasons, we recommend a system that would combine EU financing with EU service provision.

Key Messages and Recommendations

Common European Asylum System

Developing Options for an Efficient European Asylum Policy

Introduction

In the summer of 2015, the European Union experienced nothing less than the de facto collapse of its Common European Asylum System (CEAS). When the Treaty of Amsterdam came into force in 1999, it had opened the way for EU legislation in the field of asylum policies. The EU has set ambitious goals for its new common policy: The fundamental right of asylum to people fleeing persecution or serious harm was to be applied across participating EU states using uniform standards.¹ The policy was intended to guarantee that refugees would be treated in a dignified and fair manner, and to set clear rules stipulating which member state was responsible for an applicant. Lastly, including elements of cooperation and solidarity was meant to help ensure fair burden-sharing.

The last months have shown just how far these objectives remain out of reach. But the recent dramatic escalation is not the first time that serious flaws in the system have become apparent. For example, in recent years, standards for receiving asylum seekers have continued to vary widely, as have the durations and results of application procedures. The so-called Dublin rules stipulate that the member state in which a refugee first enters the EU is responsible for hosting the refugee and handling all procedures related to his or her asylum application. The most recent version (Dublin III), which came into force in July 2013, aims to boost efficiency and guarantee higher standards among all member states.² However, this division of responsibilities between member states has led to such striking imbalances that highly burdened entry countries have refrained from applying these rules to their full extent. What's more, with the introduction of temporary border controls along several internal EU borders, the failure of the current version of CEAS has even started to damage the Schengen system. The Schengen Agreement of 1985, which abolished passport and customs controls in the 26-country Schengen Area, is one of the projects that makes the benefits of European integration particularly salient. For this reason, any damage to it comes at a high cost – in both economic and political terms.

Against this dramatic backdrop, we reconsider on the following pages the appropriate allocation of asylum responsibilities in a federal context while applying the criteria of fiscal federalism: cross-border externalities and free-riding, economies of scale and preference heterogeneity. In doing so, we develop possible options for what might be a fairer and more efficient European approach to allotting responsibilities while also calculating their quantitative implications. We likewise argue that having the current reform debate focus solely on quotas for the distribution of refugees is too narrow. In our view, alternative options are comprehensive European financing schemes or having EU service provision play a much larger role in asylum procedures up to refugee reception. We contend that only a more comprehensive European strategy including EU service provision is a viable and effective strategy for achieving a more even distribution of refugees across Europe.

Based on our very conservative estimates of the number of asylum applicants for 2015, we show that a full quota system would imply the relocation of more than 900,000 asylum applicants in 2015 alone. We regard this scale of ex post relocations – many of which will be involuntary – as unrealistic. We proceed by quantifying the budgetary implications for a full EU financing of the asylum procedure (from the entry of an asylum seeker into EU territory up to the final decision on his or her application). We estimate an annual budget of roughly €30 billion for a truly sufficient Asylum, Migration and Integration Fund³ (AMIF) as realistic. This is about 70 times as large as the current AMIF

¹ The abstaining member states are Denmark, Ireland and the United Kingdom.

² For a detailed description, see Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013.

³ For more information, see http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm.

budget, which has €3.1 billion in funding spread out over seven years. In the logic of the EU's own resource system, such additional financing needs would have to come from the buffer in the EU revenue system which is the GNI own resource, the most important source of funding for the EU budget under the current financing scheme. This resource is financed by contributions from member states in proportion to their share of total EU gross national income (GNI). We calculate that an additional contribution amounting to 0.21 percent of national GNI is sufficient to finance the enlarged AMIF. This does not impose a huge burden on the member states. Lastly, we explore the quantitative implications of having the EU assume responsibility for both financing and administering asylum processes in its member states. Having a European service provision by a European Asylum Agency would offer potential economies of scale and advantages in terms of speed and expertise that would significantly reduce the costs of asylum procedures (est. €5–12 billion annually). Before embarking on the analysis, it is crucial that we make one important caveat: The challenges of immigration in general and asylum policies in particular are highly complex and interconnected. Thus, instead of being limited to good management of asylum processes, a comprehensive policy must also address the root causes of flight and migration, which in turn requires broad reflections on new EU approaches in foreign, security and development policies. Nevertheless, we restrict our analysis to the narrow but crucial need of having functional and efficient asylum processes with an equitable and efficient division of labor between the European and national (i.e., member-state) levels. We also largely ignore the complex and pressing medium- and long-term issue of integrating refugees with a residency permit into EU societies. Hence, our focus lies on the limited, but important and cost-intensive period between when a refugee first enters EU territory and when a final decision is made on whether to grant a residency permit to or repatriate the asylum seeker.

We proceed as follows: After a short exposition of the current division of labor between the EU and member state levels, we apply fiscal-federalism criteria to judge the rationale of the status quo. Subsequently, we develop possible options for having more European involvement – or what we call “more Europe” – in asylum policies before going on to assess their particular strengths and weaknesses as well as quantify some of their implications. We conclude by pointing out what we believe to be the most desirable future direction for EU asylum policy.

**New EU Approaches
to Address the Root of
Flight and Migration**

Mixed Competences Under the Status Quo

A state's duty to provide refugees with shelter originates from agreed fundamental rights and international obligations. According to the 1951 Refugee Convention of the United Nations, a person must be recognized as a refugee if they have a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”

The current CEAS, which contributes to fulfilling this obligation on an EU-wide scale, is characterized by mixed competences between EU and member states. The latter continue to be responsible for the reception and accommodation of refugees as well as for processing their asylum applications. In addition to providing these services, the states are also responsible for financing them. The EU role, on the other hand, is largely one of defining common minimum standards. In terms of actual service provision and financing, however, the EU only plays a supporting role of minor importance. The EU is active along the following three dimensions:

1. The EU as a standard-setter in asylum policies

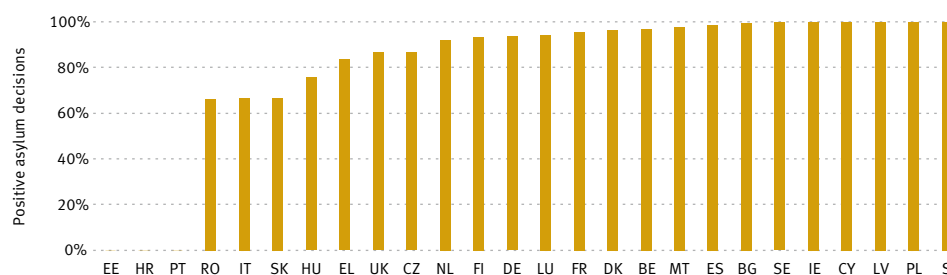
At the moment, setting standards for and fostering cooperation among member states are based on the following directives and regulations:

Huge Differences in Reception Conditions

- ▶ the Asylum Procedures Directive,⁴ which harmonizes asylum procedures with a particular focus on asylum seekers with special needs (e.g., unaccompanied minors);
- ▶ the Reception Conditions Directive,⁵ which defines standards for material reception conditions (e.g., housing) and the role of detention;
- ▶ the Qualification Directive,⁶ which clarifies the grounds for granting international protection;
- ▶ the Dublin Regulation,⁷ which contains the rules designating the state responsible for examining asylum applications while also aiming to serve as an early-warning mechanism for refugee crises; and
- ▶ the Eurodac Regulation,⁸ which establishes the Eurodac system in order to allow the collection and comparison of fingerprints, thereby assisting in applying the Dublin Regulation.

These legal documents set standards of only a minimum nature, and the leeway they provide for nations to adopt and pursue their own approaches is still very substantial. For example, since member states have considerable scope for determining the humanitarian grounds on which an asylum seeker will be granted a residency permit, there are different acceptance rates even if EU rules are uniformly applied. In fact, recognition rates for asylum seekers differ massively between EU countries even for refugees from the same country of origin. The recognition rate for refugees from Syria between January 2014 and June 2015, for example, ranged from 66.5 percent in Romania to 100 percent in several other countries, including Cyprus, Ireland, Latvia, Poland and Slovenia (see Figure 1). A few countries (Croatia, Estonia and Portugal), which together received fewer than 30 Syrian applicants in total, rejected all asylum claims by Syrian refugees, giving them recognition rates of zero percent. Furthermore, member states also differ considerably in terms of other benefits they offer, such as financial assistance, accommodation and access to healthcare, education and labor markets. These differences lead to a very high variance in the costs of receiving asylum seekers even between countries with similar income levels (Urth et al. 2013).

Figure 1: Recognition rates for asylum seekers from Syria (January 2014 – June 2015)



Source: Eurostat, own calculations. Missing countries had no asylum claims from Syrian refugees.

2. The EU as a provider of asylum-related services

The cost-intensive task of receiving asylum seekers is currently the responsibility of EU member states. Thus, the essential asylum-related services are provided at the national level, including:

4 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 (<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032>)

5 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0033>)

6 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0095>)

7 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0604>)

8 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 (<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R0603>)

registration; application for asylum; decision and appeal procedures; return; providing accommodation, food and social, psychological and medical assistance; and possible detention.

Compared to the national role in service provision, the EU's role is extremely limited. In fact, it is basically confined to: pursuing measures to foster better cooperation among member states; providing some IT infrastructure, assistance at the Schengen borders and support in crisis conditions; and – as is highly topical given current circumstances – organizing schemes aimed at mitigating highly unequal burden-sharing. These subsidiary tasks, which are supervised by the Directorate-General for Migration and Home Affairs (DG Home), are the responsibilities of the following EU-sponsored agencies, which have a combined staff of fewer than 300 permanent employees:⁹

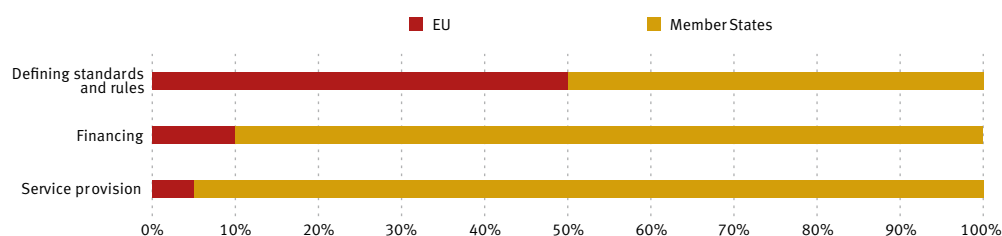
- FRONTEX, based in Warsaw with a permanent staff of 151, helps member states manage their borders by providing training and safeguarding common standards. It also organizes technical and operational assistance under special crisis conditions, such as naval rescue operations.
- The European Asylum Support Office (EASO), based in Valetta (Malta) with a permanent staff of 55, assists member states in training asylum officials, fostering cooperation among member states and relocating refugees. It coordinates teams of experts to help member states handle asylum applications and set up reception facilities. These teams consist of experts deployed by other member states.
- Finally, the EU Agency for large-scale IT systems (eu-LISA), with locations in Tallinn and Strasbourg and a permanent staff of 120, provides the technical infrastructure for EURODAC, the database for asylum seekers' fingerprints that is the essential cornerstone of the Dublin system.

3. The EU as a source of funding for asylum-related services

As part of the Multiannual Financial Framework (MFF) 2014–2020, the Asylum, Migration and Integration Fund (AMIF) is to provide a total of €3.137 billion in funds from the EU budget over a seven-year period.¹⁰ The lion's share (€2.752 billion) is allocated to the co-financing of national activities, while the remaining €385 million (or merely €55 million per year) is earmarked for genuine EU actions. The allocation of resources to member states correlates with the number of refugees each country received during the period of the previous MFF. The national allocations are largely predetermined, although some variable components are given for receiving resettled refugees from third countries. The predetermined (2014–2020) allocation for Germany, for example, adds up to €208 million, which puts the annual financial support at less than €30 million.

**Migration Fund
Dwarfed by Refugee
Numbers**

Figure 2: Asylum policies: Mixed responsibilities between the EU and its member states under the status quo



Source: own illustration.

⁹ Staff numbers are taken from figures cited in the EU budget for 2015. In reaction to the surge in refugee numbers in the summer of 2015, the Commission pushed to have the funding of these agencies increased, resulting in 60 additional employees for FRONTEX and 30 for EASO.

¹⁰ Set up through Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014. In addition, the Internal Security Fund (ISF) provides resources for police cooperation as well as border- and visa-related activities.

In summary, the current division of labor between the EU and its member states is clearly one that assigns primarily responsibility for providing asylum-related services and financing to the member states, while the EU is mainly responsible for promoting the harmonization of standards. Figure 2, which attempts to provide a rough visualization of the current division of labor, underlines how the EU plays a limited role while the member states play a significant one.

Five Fiscal-Federalism Arguments on Why the Status Quo is a Failure

The current system of shared responsibilities is far from striking the right balance between EU and national responsibilities. This failure is made visible by chaotic ongoing developments not only on Europe's external borders, but also – and much more worryingly so – on its internal borders. In what follows, we present an analysis of standard criteria for an optimum federal division of tasks that brings into relief the flaws of the status quo.

1. The status quo's incentives to free ride are massive

The reception of refugees until the end of the asylum process is costly for the receiving state – but there might also be benefits. Over the medium and long term, the immigrants can enrich the culture of the receiving state and contribute to value creation, growth and perhaps even an easing of demographic ageing. However, the extent of these benefits is hard to predict since it depends on whether the immigrants are successfully integrated into society and the economy as well as on whether the national labor market is functioning and flexible.

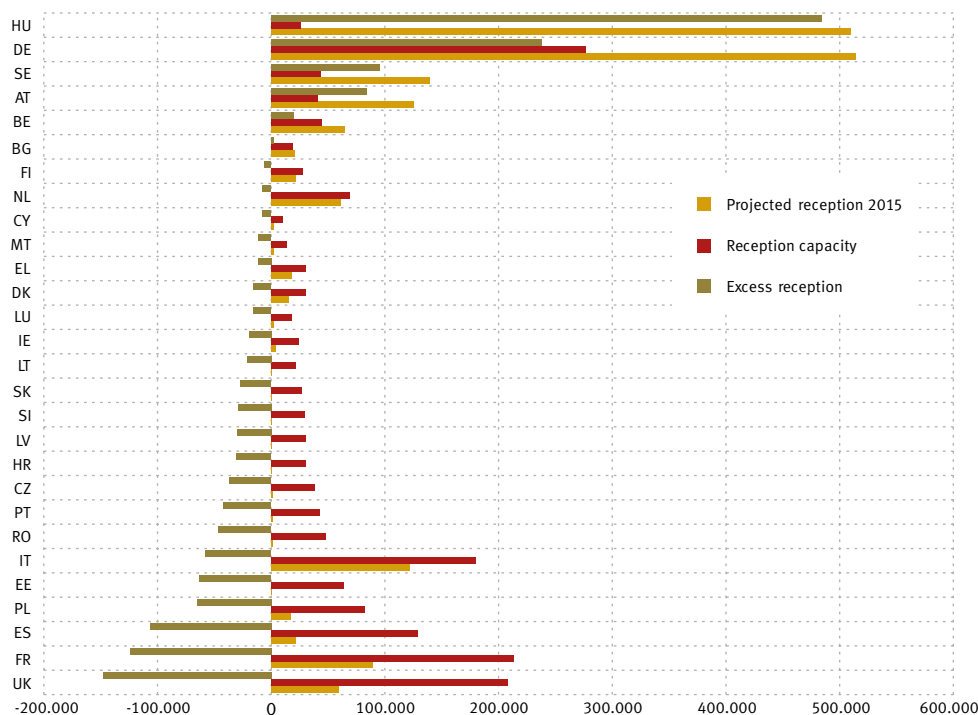
Furthermore, as a result of the Single Market of the EU and freedom of movement within it, it is not at all obvious that the long-run benefits of a successful and costly integration policy would actually be confined to the receiving state. In fact, key immediate benefits are clearly not limited to the receiving country. For example, receiving and integrating asylum seekers allows all EU member states to fulfill their joint obligation to safeguard a fundamental right enshrined in both European and international law. What's more, doing so boosts security and stability in crisis regions by alleviating pressure in both crisis countries and their neighbors (Suhrke 1998). In both of these cases (and others), the receiving state provides and finances a European public good that benefits all EU member countries. However, this also results in a strong asymmetry between this shared benefit and the financial burden a state bears alone for receiving refugees – an asymmetry that creates incentives for free-riding. Indeed, the current data show a very uneven horizontal distribution of the burden if one accounts for differences in national reception capacities (Figure 3). For our calculation, reception capacity is determined by using a variation of the quota formula suggested by the European Commission in the spring of 2015 (European Commission 2015a).¹¹ According to this formula, a country's ability to absorb additional refugees is assumed to increase with its economic power, as measured in terms of absolute GDP, as well as with its population size. On the other hand, a country's unemployment rate and the number of refugees it is already hosting are assumed to decrease its capacity. All factors are weighted differently according to their relative importance.¹² Variants to the formula would obviously change the results, but not the overall qualitative message – namely, that the actual distribution of asylum seekers is strongly out of proportion to member states' reception capacity.

11 The quota differs as we use the number of refugees hosted from 2010 to mid-2015, while the European Commission uses the number of refugees hosted between 2010 and 2014 per 1 million inhabitants.

12 The quota is computed as follows:

$$Capacity_i = 0.4 \cdot \frac{GDP_i}{GDP_{EU28}} + 0.4 \cdot \frac{Population_i}{Population_{EU28}} + 0.1 \cdot \frac{Asylum\ Seekers_i}{\sum_{i=1}^{28} \left(\frac{1}{Asylum\ Seekers_i} \right)} + 0.1 \cdot \frac{Unemployment\ Rate_i}{\sum_{i=1}^{28} \left(\frac{1}{Unemployment\ Rate_i} \right)}$$

Figure 3: Refugee reception: actual numbers vs. capacity



Sources: Eurostat, World Bank, own calculations. Per-country figures for asylum seekers are projected from actual data from January to August 2015. Projection assumes that country-specific monthly growth rates in applicant numbers until the end of 2015 are equal to the actual average monthly growth rate from January to August.

We base our projections of the number of asylum seekers in Europe for 2015 on figures provided by Eurostat. The data displays all registered asylum seekers who made a claim for asylum in the respective country and month. The number of asylum claims is reported until June 2015 for all EU-28 countries, while the numbers for the following two months are not completely available yet. For this reason, we have supplied missing values for August and September by using the average growth rate of asylum claims between January and June. We extrapolate the remaining months of the year by applying the average growth rates between January and September, and project the total number of asylum applicants per country for the year 2015. Our projections certainly show a lower bound of the number of asylum claims, as we have only taken into account the official number of asylum applications. Since there is a time lag between the date when a refugee enters a country and the date when he or she submits an official claim for asylum (this can currently take over 3 months in some countries), we note that we have not fully tracked the massive inflow of refugees during August and September, who will be registered in the following months. In order to avoid any largely speculative guesses, we base our calculations on the projection as described. The massive increase in the number of asylum seekers in Hungary is mainly due to the fact that we base our projections on a period when Hungary's borders were open and the government was registering all incoming persons. The closing of Hungary's borders in the beginning of September 2015 reduced the pressure on the country and passed it on, so to speak, to other European countries, such as Austria or Germany. Thus, it is likely that our numbers are either underestimates, as in the case of Germany, or overestimates, as with Hungary. Nevertheless, the qualitative conclusions on unequal burden-sharing can have a firm foundation even on this highly uncertain statistical basis.

When comparing a country's actual burden-sharing (as determined by actual migration flows) with its capacity to share in this burden, a huge imbalance appears. According to these calculations, 22 EU states tend to free ride on the major reception efforts of only six countries (Hungary, Germany, Sweden, Austria, Belgium and Bulgaria). The breakdown of the Dublin rules becomes visible from the fact that, based on figures for asylum applications in 2015, two main entry countries (Italy and Greece) no longer have numbers that exceed their reception capacities. Furthermore, the relative divergence between actual reception and capacity is huge: At one extreme, you have Hungary, which hosts 2,000 percent more refugees than it should considering its reception capacity. A similar conclusion can be drawn for Sweden, Austria and Germany, which receive between 190 and 300 percent more refugees than they have a capacity to. At the other extreme, there are Croatia, the Czech Republic, Portugal, Romania, Slovakia, Slovenia and the three Baltic states, where applicant number are below five percent of capacity.

One should add that the free-riding problem is not merely an internal European problem. Receiving refugees provides more of a global public good than one merely limited to Europe. All signa-

**Massive Imbalance
Between Capacities
and Actual Reception**

Refugee Flows Hard to Predict

tory states to the UN's 1951 Refugee Convention share the same principle obligation to provide shelter to refugees, and countries like the United States definitely do not bear less responsibility than EU countries for the current situations in Iraq and Syria. Thus, it is fair to say that the United States (and other wealthy countries) are currently free-riding on Europe, just as some EU countries are free-riding on fellow EU countries. Although the US government recently decided to boost the number of Syrian refugees the country would accept to 70,000, this figure is obviously far below its reception capacities (Harris 2015).

However, this is no argument against having the EU play a larger role – or, as we say, having “more Europe” – in asylum policies. Instead, we believe that the issue of global free-riding can be addressed better by having a unified EU player. Unlike individual EU member states, which have their own varying objectives, a unified EU player could have greater influence on international negotiations.

2. Potential advantages of a European insurance are foregone

Refugee flows are hard to predict in terms of both size and target countries. Although some regular patterns (related to various structural push-and-pull factors) can be detected, unpredictable events, such as wars, lead to migration shocks. While Greece, Italy and Malta received very large numbers of refugees in recent years, in 2015, there was an abrupt rise in the number of refugees headed to Northern Europe, as it also became a main target. What's more, Eastern Europe could also become a main target in the future if, for example, there were further destabilization in Ukraine. Introducing a more centralized approach to asylum issues could benefit all EU member states by offering insurance against idiosyncratic immigration shocks.

3. Member states have remarkably similar preferences on immigration

The presence of highly diverse preferences on asylum policies would constitute an obstacle to introducing a more EU-centered approach to asylum policies. Current disputes within the EU (such as those between Eastern and Western European governments on the role of quotas) might lead one to conclude that there is a huge degree of preference heterogeneity. But these disputes are misleading. In reality, such disputes are a natural consequence of the free-riding problem. No matter what their populations prefer in the long-run and under a “veil of ignorance”, it is rational for voters and their governments to reject quotas if they know that this will be to the own disadvantage in a specific situation.

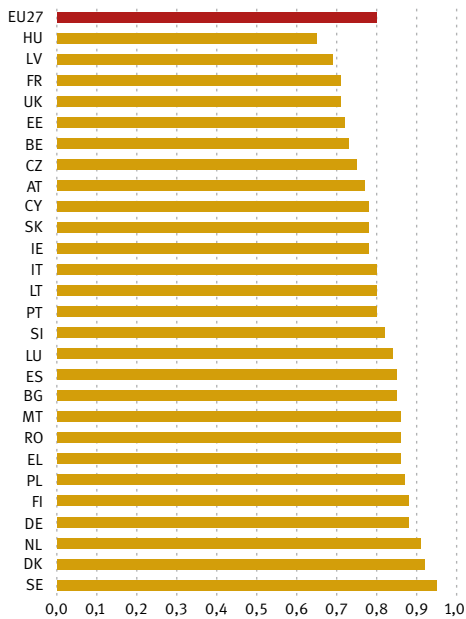
To obtain more reliable insight on fundamental asylum preferences (independent of short-term self-interests in the current refugee crisis), it is helpful to have data from the period preceding today's massive increase in refugee numbers. Fortunately, Eurobarometer conducted a special survey on home affairs in the field at the end of 2011 (European Commission 2012). Since these data come from a period when the clear winner-loser pattern of the recent refugee crisis was not yet predictable, they provide more information on the underlying preferences than current polls do (Figure 4).

This survey shows: First, there is an overwhelming amount of popular support for providing protection to people in need (average support rate: 80 percent; lowest support rate: 65 percent). Equal rates of support exist for harmonizing asylum regulations as well as introducing a more equitable distribution of the numbers of asylum seekers and sharing of related costs among member states. In fact, these general statements on equitable burden-sharing and uniformity of rules are supported by an absolute majority of citizens in every single member state, including those that might have already been benefitting from free-riding at the time of the survey.

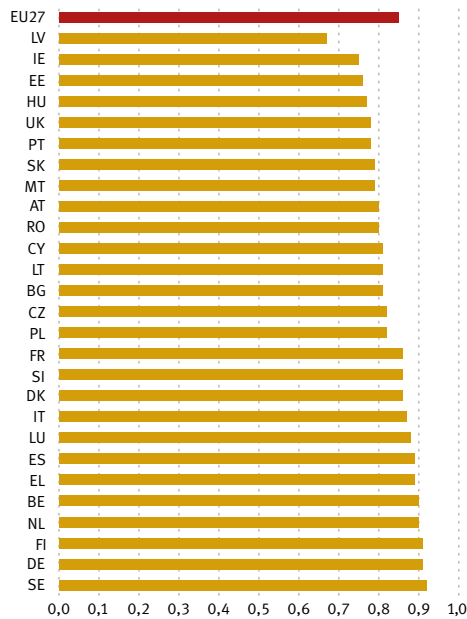
Overall, these survey results can be taken as evidence that European preferences on asylum protection do not vary widely, and that a more European approach would be in line with the preferences of citizens across Europe.

Figure 4: Views on EU asylum policy

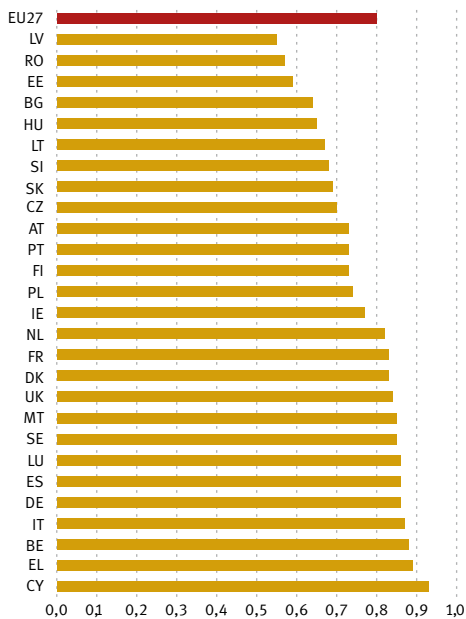
Agreement with “EU member countries should offer protection and asylum to people in need”



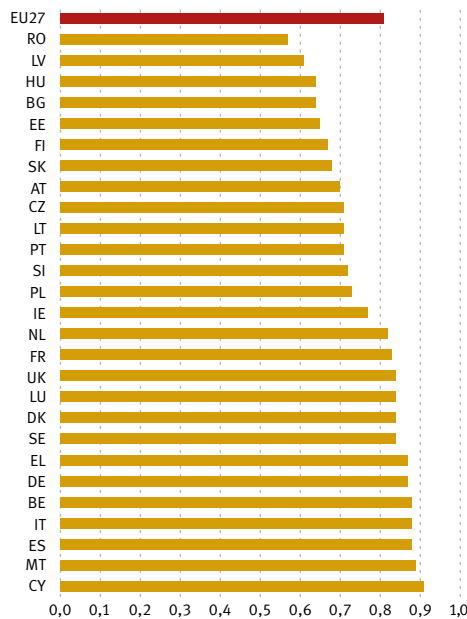
Agreement with “Across the EU the rules for admitting asylum seekers should be the same”



Agreement with “The number of asylum seekers should be more equally shared among all EU member countries”



Agreement with “The costs of providing asylum seekers should be shared among all EU member countries”



Preferences of Populations Remarkably Similar

Source: European Commission (2012). Numbers on the X-axis show the agreement with the respective question on country level (orange bars) and the EU27-average (red bars) in percent.

4. National competition in asylum policies is inefficient

A strong argument against European centralization in other policy contexts is that national competition can actually be beneficial, for example, by spurring innovation and initiating learning processes for national policymakers and administrations. In the context of asylum policies, however, this argument has clearly been invalidated. Given the free-riding incentives in asylum policies, national competition can be expected to lead to a “race to the bottom” in terms of reception

standards (Thielemann, Williams and Boswell 2010: 161). Indeed, much of the actual experience over recent years has only confirmed this expectation.

5. The current setup only hurts the Single Market

With its basic freedoms (i.e., the free flow of persons, goods, services and capital), the Single Market is the cornerstone of the integration process and indispensable for the continuing economic success of Europe. Hence, if having national responsibility for asylum issues creates significant obstacles to the proper functioning of the Single Market, there is a strong case for introducing centralization. One such “significant obstacle” has undeniably been the reintroduction of controls at several borders within the Schengen Area since the summer of 2015. This underlines, that the current division of responsibilities in asylum policies runs counter to the need to keep internal borders open.

Options for Having More Europe in European Asylum Policy

From the fiscal-federalism arguments made above, there is a solid case for having more Europe in asylum policies. But how exactly? In principle, there are four options for how to proceed with the current division of competences (each of them, again, with a multitude of variants):¹³

- Maintaining current EU-national division of labor, but with full implementation of the Dublin system
- Maintaining the current EU-national division of labor, but replacing the Dublin system with quotas
- Continuing national service provision, but having the EU finance national asylum policies
- Having the EU assume responsibility for providing and financing asylum services.

1. Status quo with full implementation

One straightforward option would be to simply implement what has already been agreed to: the Dublin system for the distribution of refugees, accompanied by an actual harmonization of procedures and the implementation of standards for refugee reception. This approach is the strategy of the European Commission, which adopted a package of 40 infringement decisions in September 2015 against 19 member states for failing to fully implement CEAS legislation.

We doubt that this option is desirable. In fact, we don’t even think it is viable. It is undesirable because the Dublin rules create a system of burden-sharing that is randomly determined by geography and the contingencies of refugees’ main entry points or intra-EU migration flows. The massive inequities resulting from these factors undermine the democratic acceptance and legitimacy of CEAS. As a consequence, the expectation that the current CEAS can be fully implemented simply by applying more EU pressure is unrealistic. Indeed, a system that stands in sharp contrast to basic considerations of fairness in the eyes of voters, politicians and administrators will suffer from the outright and latent resistance of all these groups – and will therefore not be successful.

2. Quotas replacing Dublin

Under the current CEAS system, quotas are of marginal importance and only used as a minor buffer against excessive differences in refugee distribution across EU member states. For example, in September 2015, the European Commission decided to relocate 120,000 refugees from Italy, Greece and Hungary by using quotas. However, the quotas applied so far have done nothing to seriously correct the inequities of the Dublin system.

[Return to
Dublin System No
Desirable Option](#)

¹³ Thielemann, Williams and Boswell (2010) presents a similar range of future policy options for CEAS.

A seemingly obvious option is to entirely replace the Dublin principle, with its random outcomes, with full-scale quotas. In a pure quota system, countries' capacities to receive refugees (regardless of how they are calculated) would fully determine the distribution of asylum seekers no matter where they entered the EU.

This option has an obvious appeal: It tries to distribute the costs for the provision of a European public good – namely, refugee reception – based on an ability-to-pay principle, where this ability is defined on the basis of reception capability. Thus, it addresses the free-rider problem while also providing an effective insurance to member countries: Large, sudden inflows of refugees to a few countries are translated into much smaller reception numbers for all EU member countries. The major downside of quota models is that far-reaching quotas imply the relocation of a huge number of refugees among EU countries. Currently, very moderate numbers of relocations can still account for preferences as well as any ties of refugees to a specific country (e.g., one in which they have relatives), so it is largely based on voluntary relocations. However, given today's sheer numbers of asylum seekers, comprehensive quotas could no longer pay much heed to the country preferences of refugees.

This fact has all sorts of negative humanitarian effects and is likely to darken the prospects of successful integration. On top of that, it substantially raises the cost of asylum policies (Boswell 2003; Thielemann, Williams and Boswell 2010). Indeed, forced relocations are expensive (since they involve measures like detention), and they simply might not work if refugees prefer to go into hiding and stay in their preferred country illegally. Forced relocations also may re-raise the issue of border controls within the Schengen Area in order to prevent illegal movements of asylum seekers between countries.

Figure 3 (above) indicates the relocations that would be needed if they followed the suggested capacity index. Based on the projected number of new asylum applicants in 2015 (1.82 million), this would imply the relocation of some 923,000 people to another member state. In other words, every second asylum seeker entering the EU would have to be moved between member states. For example, under a quota-driven relocations scheme, countries like France, Spain and the UK would have to accept more than 100,000 asylum applicants each.¹⁴

It is clear that the financial and political costs of such a massive (and, in many cases, forced) relocation of people are likely to be prohibitive. Quotas may – and should – play a larger role in the future, but they need to be part of a more comprehensive approach that also addresses the underlying causes of the massive imbalances we are currently witnessing.

3. EU financing of national service provision

If a more equitable system of burden-sharing cannot realistically be achieved by simply redistributing refugees, financial compensation could do the trick. Paying countries to host refugees rather than shifting them around would obviate all costs and humanitarian issues related to forced relocations. With this kind of financial compensation, the inequality of the burden borne by a receiving state would be corrected. In other words, though the state would still have to provide the service, it would no longer be left to pay the entire check.

One precondition for establishing a far-reaching system of EU compensation for national service provision is having a high degree of uniformity in terms of the minimum standards applied. Thus, EU financial support can be regarded as conditional: It must only be paid out to those countries that fully respect the standards set by the CEAS directives. Of course, a country would still be free to offer more generous conditions to refugees, but its national budget would be fully responsible

**Quotas Imply
Massive Involuntary
Relocations**

¹⁴ In our calculations related to quotas and EU financing, we assume that all 28 EU member states would participate in these comprehensive schemes (i.e., we also include those who have currently opted out of the CEAS system).

for anything going above and beyond what the directives stipulate. Moreover, any system of EU financing would have to avoid creating any incentives for anything but a swift execution of asylum procedures. Thus, it must be based on a flat-rate payment per asylum case rather than being designed to offer full compensation for actual costs.

Our study's estimates are based on the radical case of having full EU financing of national asylum services. We assume that the Asylum, Migration and Integration Fund (AMIF) would fully reimburse member states for any asylum services they provide up until a final decision has been made on an application. We also assume that this much larger AMIF would continue to be funded by the EU budget, as having the European budget finance European public goods seems like an obvious solution. Lastly, we assume that the current national contribution shares to the EU budget remain constant. Obtaining data for the budgetary costs of providing asylum-related services is a tricky task. There are two studies that have tried to obtain such data from EU countries themselves (Thielemann, Williams and Boswell 2010; Urth et al. 2014; see Appendix).¹⁵ The differences in per-case amounts between countries are huge and cannot be explained by different costs of living alone, since differences are also substantial between countries of similar income levels. Instead, these disparities point to severe data limitations and/or a high degree of variance in terms of actual service provision. Higher costs in the UK, for example, can be ascribed to the more widespread use of detention.

To cope with this problem, we base our quantification on an anchor provided by Thielemann, Williams and Boswell (2010: 88): a standardized average measure of unit costs across EU countries for the year 2007 per asylum application.¹⁶ We then inflate this amount in proportion to the growth in nominal GDP between 2007 and 2015 (resulting in an EU average of €16,570 per asylum application).¹⁷ In the following, we assume that this amount also indicates the (GDP-adjusted) costs of asylum services at a truly unified EU standard (assuming a convergence to the mean of current EU standards). On that basis, we are able to provide country-specific unit costs that, by design, only mirror differences in GDP (see Appendix). The assumption is that country costs vary with average income (which approximates differences in the costs of living, including health-related service provision, accommodation and transfer needs).

Table 1 summarizes the emerging costs per EU country and in total, which are based on estimates of the uniform service unit costs that would arise in 2015 – given our projection of refugees for the year 2015 described above (Figure 3). The resulting total budgetary estimate is €30.3 billion, or 21.5 percent of the current 2015 EU budget (€141.2 billion). According to our projections, this amount would suffice to finance the processes of all asylum seekers who apply in 2015. If we assume that the flow of new asylum seekers will remain at that constant level, this amount can be viewed as the necessary annual budget for handling asylum seekers.

According to the logic of the EU budget, any expenditure increase would have to be financed by the revenue buffer in the EU own resource system which is the GNI own resource, the most important source of funding for the EU budget under the current financing scheme. This resource is financed by contributions from member states in proportion to their share of total EU gross national income (GNI). In the 2016 draft budget, the GNI own resource amounts to 0.71 percent of GNI (“rate of call”), which raises revenues of €104.5 billion (European Commission 2015b: L699/8). A full financing of asylum policies would increase the GNI rate of call by 0.21 percentage points, to a new total of 0.92 percent. In other words, a full EU financing of the European asy-

30 billion EUR as Appropriate Budget

¹⁵ All these data collections relate to direct budgetary costs for asylum reception. Additional types of costs – whether indirect (related to integration efforts) or intangible (resulting societal changes that may be perceived as positive or negative) – are not taken into account.

¹⁶ National unit costs are adjusted in proportion to a country's per capita GDP to the EU average (population weighted); see Thielemann, Williams and Boswell 2010, Appendix 4.

¹⁷ In Germany, the federal government has recently committed itself to reimbursing the 16 federal states for each applicant with €670 per month, which amounts to annual unit costs of €8,040 (assuming the procedure lasts 12 months). No information was given on whether this refund is meant to be a partial or full compensation for all costs incurred. Furthermore, this refund is meant to help the states perform reception services, whereas it is still the central government's responsibility to execute and fund the asylum procedure.

Table 1: Cost estimates for EU financing of 2015 asylum applications

	Asylum applications	Annual costs per case (in €)	EU financing (in billions of €) EU 100 percent	EU financing (in billions of €) EU 50 percent
Germany	514,240	21,163	10.8828	5.4414
Sweden	139,249	25,814	3.5946	1.7973
Hungary	509,677	6,628	3.3781	1.6890
Austria	124,984	22,674	2.8339	1.4170
Italy	121,644	15,581	1.8954	0.9477
France	88,979	19,128	1.7020	0.8510
Netherlands	61,468	22,791	1.4009	0.7004
Belgium	64,248	21,337	1.3709	0.6854
United Kingdom	59,670	22,907	1.3669	0.6834
Finland	21,278	21,977	0.4676	0.2338
Denmark	14,956	27,151	0.4061	0.2030
Spain	21,872	13,663	0.2988	0.1494
Greece	18,193	9,419	0.1714	0.0857
Luxembourg	2,357	49,767	0.1173	0.0587
Poland	17,061	6,686	0.1141	0.0570
Ireland	4,382	24,535	0.1075	0.0538
Bulgaria	20,919	3,430	0.0718	0.0359
Cyprus	2,306	11,744	0.0271	0.0135
Malta	2,373	11,337	0.0269	0.0135
Czech Republic	1,726	8,953	0.0155	0.0077
Portugal	1,196	10,000	0.0120	0.0060
Romania	1,656	4,593	0.0076	0.0038
Estonia	417	9,012	0.0038	0.0019
Latvia	489	7,326	0.0036	0.0018
Lithuania	464	7,558	0.0035	0.0018
Slovenia	288	10,756	0.0031	0.0015
Slovakia	236	8,314	0.0020	0.0010
Croatia	194	5,988	0.0012	0.0006
Total	1,816,522		30.2859	15.1430

Source: Own calculations (as explained in text) based on cost data from Thielemann, Williams and Boswell (2010); for the calculation of the number of asylum applicants, see footnote 13.

lum procedures could be financed by having each member state contribute an additional 0.21 percent of its national GNI to the EU budget. Seeing that this would significantly mitigate a major conflict threatening the integration process, it hardly seems like an excessive burden.

This magnitude of a full EU financing of asylum-related services would, of course, fluctuate depending on the actual number of asylum seekers. Moreover, such EU financing would not imply an increase in actual costs, but rather a mere shifting of expenses from the national to the European level. The redistributive effects (which would benefit member states with large numbers of

**National EU
Contribution + 0.21 %
of GNI**

asylum applicants) are intentional and necessary as a hedge against free-riding. There are obvious options for limiting the burden on the EU budget, such as national co-financing (for example, having national co-financing of 50 percent would reduce the EU funding need to €15.1 billion). Interestingly, quotas would not have a cost-dampening effect by relocating applicants to member states with lower costs of living locations. In fact, a cost calculation based on quota-allocated applicants (instead of on actual current distribution) would even slightly increase the financing required from the EU budget (from €30.3 billion to €30.7 billion). The effects of moving applicants to cheaper locations in Eastern Europe would be overcompensated from the increase of applicants in expensive locations, such as France or the United Kingdom.

Although the financing solution has its merits, there are obvious downsides. For one, the financing approach would only alleviate the burden that receiving states bear during the asylum process, but it would not offer any compensation for the medium- and long-term financial and societal-integration costs, which would follow a positive asylum decision and may be very significant. Thus, free-riding incentives may still be substantial, and the strong imbalances in refugee distribution would simply continue. Yet another problem is that making financial assistance contingent on meeting minimum standards simply might not work. Under the status quo, member states already do not respect the minimum standards set by EU directives. For this reason, it is doubtful whether a new system based on EU financing but continuing national responsibility for service provision would result in full compliance.

4. Full EU provision of asylum services

An even more encompassing move toward granting the EU full responsibility for the asylum process would shift service provision from the national to the European level. In the most far-reaching variant, all asylum cases would be processed in a fully harmonized EU system in which an EU agency would provide all asylum-related services within the member states themselves. With this option, instead of merely supporting national asylum administration, the European Asylum Support Office (EASO) would replace it. To do so, the EASO would need to be transformed into (what we will call) the European Asylum Agency (EAA), which would have comprehensive responsibility for organizing and administering the asylum process in all EU member states using funds from the EU budget.¹⁸ As a result, the nature of the funds calculated in the preceding section would change: Instead of being used to reimburse member states for any asylum services they have provided, this money would fund the European agency taking over responsibility for service provision on the territory of member states.

The EU financing arrangement discussed above would already deal with the problem of free-riding to a certain extent while also providing member states with some effective insurance against the financial burden of unexpected idiosyncratic immigration waves. But there could be even more benefits from going one conceptual step further: If the EAA were to take over all responsibility for asylum procedures from national administrations, the full and credible unification of standards would be achieved. As a result, an individual member state could no longer impose externalities on its fellow member states by diverging from uniform EU standards.

Another possible benefit of having the EU assume responsibility for asylum processes is the potential cost savings. Granted, it is impossible to infer the extent of economies of scale in service provision from a cross-country comparison of asylum costs in the status quo. As explained above, the huge variance in asylum costs (see Appendix) reflects both data problems and vast qualita-

¹⁸ In their in-depth study, Urth et al. (2013) analyze several options for joint processing. In addition to the far-reaching option of full EU service provision, they elaborate more limited variants, including one that would extend EU crisis support. They do not regard the far-reaching option as politically feasible (p. 27), but this assessment may now have been changed as a result of the dramatic failure of the institutional status quo.

tive differences in service provision and asylum approaches. Nevertheless, there are a number of quantitative hints and compelling arguments indicating potential savings along several dimensions:¹⁹

- In countries with a homogenous group of asylum seekers, caseworkers would be able to process more cases per year than their counterparts in countries with heterogeneous groups (Urth et al. 2013: 89–90). This indicates specialization advantages over all phases of the asylum process, including preparation, decision-making (through economies in information provision on country of origin) and appeal procedures. If properly organized, the EAA could reap these benefits.
- Some of the countries with very high per-case costs are ones with both a very low number of asylum seekers and a GDP level far below the EU average (Thielemann, Williams and Boswell 2010: 87). This is a clear indication of high fixed costs and economies of scale.²⁰
- Having the EU provide all services (and financing) would render the Dublin system redundant. No mechanism would be needed to determine the member state bearing these responsibilities since the EU would have taken them over. As a consequence, all particular Dublin-related tasks and expenses, including the administration and enforcement of Dublin transfers, could be eliminated.
- A European solution may be better at coping with volatility in the regional distribution of immigration flows. As things now stand, national administrations suffer from capacity constraints that lead to costly delays in asylum decisions. A European administration, however, could more easily shift its resources to the critical entry points and speed up final decisions.²¹

No reliable quantifications for potential economies of scale exist or could be derived given the available data. However, we can indicate potential magnitudes using assumption-based scenarios. For that purpose, we distinguish between the different categories in asylum-related costs. A European service provision, for example, is likely to have a larger cost-saving potential when it comes to assessing applications than providing healthcare services to applicants. Whereas economies of specialization could be larger for the former, they would be smaller for the latter.²²

Table 2 provides an estimate of the cost structure of asylum expenses derived from a country survey (Thielemann, Williams and Boswell 2010: 90). On that basis, we calculate a “moderate” and an “optimistic” scenario with respect to the cost savings from European processing. For example, we assume that an EAA could provide housing to refugees at a cost advantage of 5 percent for the moderate scenario (and 30 percent for the optimistic scenario) compared to national provision. An advocate of the optimistic scenario for housing would point to the shorter duration of the asylum process, which would consequentially reduce the need to finance accommodation over the course of the asylum procedure. In line with the above reasoning, we assume that economies of scale have a larger potential for the asylum process as such than for the costs of reception (e.g., for providing housing, healthcare and material reception items, such as clothing and food). We assume that the largest savings from European service provision would come in the areas of custody and travel expenses, which are strongly influenced by the Dublin rules under the status quo.

19 Here applies one caveat that is standard in any reflections on a transfer of competences to the EU level: Economies of scale are only realistic if the service continues to be applied at average wage scales of national administrations. If average national pay were replaced by EU salaries, the most likely impact would be a cost push rather than a balancing of any economies in European service provision (for an example of this based on European defense, see Bassford et al. 2013).

20 The example given is Estonia, which had a very low number of applicants in the reference year. No evidence exists on whether economies of scale are still important at the much larger numbers characterizing the current situation. Calculations by the authors do not indicate economies of scale for Germany's 16 federal states, with their different sizes and numbers of asylum cases.

21 Under the status quo, the EASO already has the function of organizing assistance for particularly needy member states in order to speed up decision-making processes. An EAA might be able to act even more quickly and shift a much larger amount of resources.

22 For a similar approach to the potential cost savings resulting from EU service provision, see Heinemann et al. 2013.

Economies of Scale are Significant

Table 2: Scenarios on economies of scale from EU service provision in asylum policies

	Share of cost item, in percent	Assumed cost advantage of EAA (costs EAA/current costs, in percent)		Resulting costs, as a percentage of current total costs	
		Cautious	Optimistic	Cautious	Optimistic
	(1)	(2)	(3)	(4) = (1) x (2)	(5) = (1) x (3)
Housing	42.7	95	70	40.5	29.9
Healthcare	4.6	95	70	4.4	3.2
Material reception conditions	11.5	95	70	10.9	8.0
Translation	1.0	80	60	0.8	0.6
Application assessment	13.8	80	60	11.0	8.3
Legal aid	3.9	80	60	3.1	2.3
Legal appeals	1.2	85	65	1.0	0.8
Taking and storing fingerprints	0.2	100	95	0.2	0.2
Custody	15.6	50	20	7.8	3.1
Travel	2.2	50	20	1.1	0.4
Other costs	3.5	100	100	3.5	3.5
	100.0			84.3	60.3

Sources: Column (1): Thielemann, Williams and Boswell 2010: 90; columns (2) and (3): scenario assumptions; columns (4) and (5): own calculations.

Savings of up to 40%

The scenario-based calculus indicates cost savings ranging between 16 and 40 percent as a consequence of European service provision. In absolute terms, based on the calculations for total costs for 2015 presented above, this would amount to savings of between €4.8 billion and €12 billion. A further crucial advantage of EU service provision over a mere EU financing approach is that it addresses some of the important causes of the huge imbalances currently seen in refugee distribution. First, the effective full harmonization of hosting conditions, asylum procedures and recognition rates would significantly lower the incentives of asylum seekers to concentrate on a few EU member countries. Second, member states would no longer be able to apply “deterrence strategies” by having miserable reception conditions or very low application-approval rates. Third, the EAA would be able to organize and provide the infrastructure necessary for a well-balanced spatial distribution of reception facilities across all EU member states. Thus, this system would achieve the goal of introducing a quota system while simultaneously providing the infrastructure and incentives needed to make this system work.

Conclusion

It is common knowledge that, by revealing the shortcomings of the status quo, deep crises offer opportunities for institutional change. This fully applies to the current division of labor in European asylum policies. The massive surge in refugee numbers since the spring and summer of 2015 has triggered a chaotic situation in which even the internal open borders of Europe – one

of the biggest and most salient achievements of the European integration process – are at risk. Fiscal-federalism arguments can help us understand how the current division creates poor incentives and is probably much more expensive than it needs to be. In this study, we have explored the options for reform and assessed some of their quantitative implications. When evaluating the basic alternatives to the status quo (quotas, EU financing and EU service provision), we tend to discard the potential of quotas for refugee relocation which are introduced in isolation. Although quotas by themselves could have a limited function, they could hardly cope with the drastically uneven flow of refugees since their enforcement would imply up to 1 million (mostly involuntary) relocations for one year only, based on a conservative estimate of asylum-applicant numbers for 2015.

Compared to the political and humanitarian challenges of such massive relocations, the financial remedy against free-riding would have much less dramatic consequences. According to our calculations, a very moderate increase (0.21 GNI percentage points) in each member state's annual GNI-based contribution to the EU budget would already suffice to fully fund the asylum procedure. However, a pure financing approach could not eliminate all free-riding incentives and does not address the uneven distribution of refugees. Instead, having the EU assuming all responsibilities for financing and administering the asylum process appears to be the superior approach. First, there are strong indications that substantial costs savings could be expected from such a comprehensive EU responsibility. Second, a European Asylum Agency would benefit from information-related advantages, a superior ability to cope with an uneven concentration of entry points and cost savings resulting from speedier processing times. Third, a level playing field of hosting conditions, asylum procedures and recognition rates would eliminate the current incentives for refugees to concentrate on a few countries. For these reasons, we recommend a system that would combine EU financing with EU service provision.

Without a doubt, the political obstacles to introducing a more European approach are huge. The dramatic events in 2015 have clearly identified who the winners and losers of the status quo are, and the status quo appears to be comfortable for the winners. On top of that, there are many more free-riding winners than heavily burdened losers (see Figure 3). In reality, the only way past these obstacles might be expanding the definition of who the “losers” are in such crises. Indeed, if we look at the situation in broader political and economic terms, allowing national egoism to prevail in asylum policies actually means that all EU member states will ultimately suffer from unpredictable losses and integration risks. In this sense, there should be incentives for all EU member states to advance toward truly European asylum policies.

Creating a Level Playing Field of Reception Conditions

Appendix

Table 3: Data on annual costs per asylum application (in Euro)

	Source					
	TBW, 2007	Own calculation, 2015, Inflated with nominal GDP growth 2007–2015, own calculation	Own Calculation, 2015, Standardized costs of uniform provision, account- ing for GDP per capita differences, own calculation		U, 2011: Whole procedure, including return and reception	U, 2011: Reception only
Belgium	24,875	28,090	21,337	“Country B”		6,743
Bulgaria	375	527	3,430	“Country C”	26,874	
Czech Republic	375	431	8,953	“Country E”	1,477	
Denmark	26,250	28,642	27,151	“Country F”	30,755	23,000
Germany	53,125	63,194	21,163	“Country G”	24,066	18,381
Estonia	20,625	26,420	9,012			
Ireland	78,125	73,591	24,535			
Greece	-	-	9,419			
Spain	5,000	4,916	13,663			
France	9,750	10,552	19,128			
Italy	1,250	1,223	15,581			
Cyprus	2,500	2,225	11,744			
Latvia	2,375	2,905	7,326			
Lithuania	-	-	7,558			
Luxembourg	39,750	44,478	49,767			
Hungary	125	141	6,628			
Malta	10,000	13,732	11,337			
Netherlands	70,000	73,369	22,791			
Austria	14,375	16,489	22,674			
Poland	1,250	1,753	6,686			
Portugal	1,500	1,554	10,000			
Romania	1,500	1,975	4,593			
Slovenia	1,875	1,994	10,756			
Slovakia	1,875	2,578	8,314			
Finland	25,000	26,771	21,977			
Sweden	11,250	12,808	25,814			
United Kingdom	33,750	37,670	22,907			
Average	17,475	19,304				
Standardized	15,000	16,570				

Sources: TBW: Thielemann, Williams and Boswell 2010: 85 (Fig. 22). Note that there was a degree of imprecision with the data because it was presented in a bar chart. A request to the authors for more precise data was unsuccessful. U: Urth et al. 2013: 92. Urth only provides anonymized country information.

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