
The Common European Asylum System: Dynamics of Dublin Regulation

Prof. Ashutosh Panchbhai¹ Dr. Vivek V. Nemane^{2*}, Prof. Sunishtha Moghe³

¹*Assistant Professor, Symbiosis Law School (SLS)*

^{2*}*Assistant Professor, Symbiosis Law School (SLS)*

³*Assistant Professor, Symbiosis Law School (SLS)
Symbiosis International (Deemed University) (SIU),
Vimannagar, Pune, Maharashtra, India*

^{2*}*Email: vivek.nemane@symlaw.ac.in*

Abstract

The Dublin regulation is an important procedural co-operative measure adopted by the European Union. The essay analyses institutional dynamics of implementing the Dublin Regulation specifically considering the role of European Commission, European Council and the EU member states. With further reflection on moral and non-ideal motivational aspects regarding modern state, the essay attempts to analyse the role of political will in affecting the dynamics of Common European Asylum Policy. The essay also touches upon configuring the role of technology, particularly the EURODAC regulations in facilitating the policy implementation.

Keywords: Dublin Regulation, Asylum, Member States, European Union, EURODAC

Introduction

Europe has experienced the refugees for varied and complex reasons so far. The socio-economic disruption, violence, socio-political revolutions and creation of new nation states are few of the reasons. International efforts for refugees paved their way since 1921, when the first High Commissioner for Refugees was appointed under the auspices of League of Nations. Later 1951 onwards, United Nations High Commissioner for Refugees along with other international agencies and national governments have developed responsive strategy towards asylum protection (Gil, 1993). This essay after the basic introduction on International and European Refugee policy, delves into the Dublin regulation. The Dublin regulation is an important procedural co-operative measure adopted by European Union and has pros and cons. The introduction of Dublin regulation itself was a controversy and institutions played an important role in conceiving this regulation. The essay analyses these institutional dynamics with the rationalist perspective considering the role of European Commission, European Council and the member states. With further reflection on moral and non-ideal motivational aspects regarding modern state, the essay optimistically concludes that the value addition and political will can lead to a further change in the dynamics of Common European Asylum Policy. The essay also touches upon facilitating such value addition and implementing the political will through technology: the EURODAC regulations.

The European Union Justice and Home Affairs division deals with the various complex legal issues related to asylum. The aims of national law integration with European Union law, the harmonisation of European Union and the International humanitarian and human rights obligations have made various intricacies in the implementation of a uniform system. First of all the external relations of European Commission and the European Union i.e. the European Union foreign policy comes into picture and thus the Community Development policy deals with the refugee issues through the agreements of EU with different member states and third country nationals. It also depends on the funding programmes (Peers, 2006). The Treaty of Amsterdam through Article 63(1) and (2) conferred powers on the European Community to take initiatives regarding asylum protection. The power of European Community is to set the 'minimum standards. The 'Higher standards of protection' are left to be determined by the concerned member states. European Commission has asylum powers with respect to third country nationals. Thus, the European Union citizens are excluded. European Commission also has powers regarding temporary and subsidiary protection (Peers, 2006)

Dublin II Regulations

The Dublin II Regulation can be called as the successor of an earlier Dublin Convention. The methodical change brought about by Dublin II is the possibility of filing a claim in only one European Union State (ECRE, 2007). The basic premise of Dublin system is to confer responsibility on one state. Considering the discrepancy in providing minimum and fair treatment to asylum seekers, all the states cannot guarantee rights of transferred people which

ultimately results in being risk of sending them back in their country of origin. Under the European Union Reception Directive, the member states have to provide common standards of support but there are huge disparities in the reception conditions provided by member states considering the accommodation, material benefits and health care. Generally, when an asylum seeker moves to another country, the state closes the file and refuses to look into it again if the person is transferred back (ECRE, 2007).

The objectives of Dublin regulation are to ensure fair examination of asylum seekers claim, to keep off repeated applications and to have an efficient system. Even after its 10 years of operation, there are few lacunas in the system like the problem of multiple claims and irregular movement along with critical bureaucratic process. The major goal of Dublin regulation is to promote inter-state solidarity, but it actually shifts the responsibilities toward the new member states especially to southern and eastern regions. The larger impact of inconsistent application of Dublin regulation leads to imbalanced public finances and disrupted human lives. The serious concerns are raised over the reception conditions by European Parliament, NGOs and various governments as to inadequate treatment of asylum seekers. "The Dublin regulation has less consideration to the interests of families and children of the asylum seekers. The present definition of family is only limited to spouses, minor children and their parents or guardians." The European Commission (2007) states that Low transfer rates is one of the basic problems in the Dublin system. The multiple asylum applications are still a problem. After the introduction of EURODAC system, the asylum applications have increased (ECRC, 2008). EURODAC is an electronic tool which actually stores the fingerprints of asylum seekers in Europe. It thus compares the fingerprints to avoid multiple claims by asylum seekers. After the application, EURODAC decides which state will be responsible to decide the application. Generally, the first country through which an asylum seeker comes to European Union is considered as the country to consider his/her claim. The asylum seeker may arrive in such a country with a regular visa or irregularly (ECRE, 2007). Various criticisms have been aroused against Dublin II regulation as to its inability in providing fair treatment to asylum seekers and also causing tremendous suffering to dependents of the asylum seekers. European Union member states are aiming towards a common asylum policy but the methods and mechanisms of granting refugee status are different in the member states and hence within these conditions it's difficult for asylum seekers if they are prohibited from choosing their host country (ECRE, 2007)

Issues For Consideration

There is a tendency on behalf of the asylum seekers to submit reapplications in the same member state after the applications are not cleared. To determine that the responsibility won't result in any gross violations of human rights, there is a need of hearing with evidence support along with the co-ordination amongst member states. Too much money is being used on operationalising Dublin system. The south-eastern regions of European Union are the favourite destinations of asylum seekers due to their location facility. Thus, it is one of the objections that the first country of entry criteria put down by the Dublin system shifts the responsibility towards external borders of the European Union in the disproportionate way. During the proceedings, sometimes the asylum seekers claims are not heard for long periods and in few cases, they are never heard. The example of Greece is worth to be mentioned here. Over many years, Greek government has closed the proceedings of asylum seekers leaves the place of residence. This is the case of returned Dublin claimants. In 2008, an infringement proceeding against Greece was started at European Court of Justice. The claim was a failure to correctly apply Dublin regulation. There are differences in handling the asylum applications by different member states which leads to an 'Asylum lottery'. According to this concept, the asylum seekers from a country have to face different treatments in dealing with their applications and recognition. The reception conditions can also be different according to the status of a refugee considering if he is under Dublin procedure or in asylum process (ECRC, 2008).

According to ECRC (2008), the applicants who left before receiving final decisions on their respective claims should be considered again and re admitted. The right to fair hearing must be provided to them. The need to provide proper and adequate reception services is another necessity. Dublin regulation talks about the unification of asylum seekers and family members but the way 'family member' is defined in the Dublin system; it does not consider the marriage only except the cases in which they are valid under the law of respective member states. The asylum seeker needs support of the family being already suffered and this will in turn support the reception conditions. The need to provide better dispute settlement measures, considering the issues of debate between member states, between claimants and bureaucratic state authorities. The responsibility should be distributed according to the relation between asylum seekers and member states. The need is to inculcate a type of family and cultural ties with the asylum seekers as it will be a long-term solution to include these asylum seekers in the community environment and to see them as a future EU citizen. The host states should view as a policy of integration where the responsibilities are shared and not denied

by the societies. The basic objective of the European Union Common asylum system is to provide free movement. But it is being questionable with the disparity of conditions available now (ECRC, 2008).

The ECJ reflects upon the provision of minimum standards. According to the Court, if the domestic law of a member state is more favourable than the qualification directive as regards the provision of minimum standards, then the preliminary question debate does not come into picture at all (Carlier, 2007). Various criteria are stated in Dublin II to determine the member state which is responsible to examine the application of the third country asylum seeker. It includes, the question of whether one of the family members; especially in the cases of minors, is present in another member state and also the question of illegal entry or visa and residence permit issuance. The quicker processing of applications is the main objective but the administrative processes take more time than anticipated. Finally, in The Hague Program of November, 2004 the agenda to set up Common European Asylum System was set forth. The member states perceived this policy in a different way. Few member states took it as an effort towards centralisation of the system to deal with the asylum claims where as other member states took it as a way to evolve common standards and norms which should be uniformly applied at the domestic levels by national laws. But the result of this strategy so far is totally different. There is no political will to develop and control national asylum systems, and the mechanism of Dublin II allows member states to pass the responsibility of individual claims to other member states. In the wake of such provision, asylum seekers are being denied any opportunity to determine their claims within the EU (Garlick, 2006).

To effectively deal with this problem, EU has also come up with the so-called external dimension by which EU tries to establish cooperative relationships with non-EU member states on the various subjects related to refugee seekers. After the Tampere Summit of 1999, it was affirmed by the European Council that asylum harmonization is an important agenda of the European Union which requires a strong political commitment. Thus, the partnership agreements with the individual countries of origin and the transit countries is regarded as a comprehensive approach which includes wide range of issues like human rights and development. This external dimension agenda has a basic concern of European Union as many people including the asylum seekers try to enter in EU. Hence European Union wants third countries to cooperate on the issues of readmission of the third state's own nationals along with the nationals of other countries who have transited through the respective third state to Europe. The 'safe third country' provisions in the Asylum directive are broad and could be applied in various ways which may lead to the breach of international law. The restriction of availability as to whether a country is safe in the particular circumstances to individual applicants is one of the violations of international human rights law. The European safe third country procedure has determined few undemanding criteria's of entering in EU via a designated country and if an applicant comes in EU by this way, then there is a provision of no examination of asylum claim also. This suggests that there is a scope of sending the asylum seeker back to his or her country without even prior examination of protection needs (Garlick, 2006).

Theoretical Underpinnings of Dublin II Regulation

The member states can negotiate and reach the joint decisions on the European Community policies through the institution called as the Council of Ministers. The rational institutionalist perspective might reflect on this issue. The Council of ministers has a great impact on the behavior of member states. National governments have their own reservations and opinions about certain issues and they might not shift to the firm opinions delivered by the Council but the council's opinion does impact on the votes of individual member states. The community law-making and the decision-making results are thus influenced by the council. The legislative proposal as regards to Dublin II was put forward by the European Commission and the possibilities of doing the draft regulation was to be done from the council. The European Commission proposed that member states surrounded by European borders should bear the responsibility of processing the claims. The principle of first contact talks about the country where or through which an individual first enters in the EU territory. The absence of common European asylum rules has so far affected in unequal distribution of claims in the member states and the aim was to harmonize this system. During the process of agreement, the governments like Italy and Greece had their own reservations. Their position was mainly to avoid situations of overburdening of asylum systems as their geographical location exposes them towards more asylum applications. The Justice and Home Affairs counsellors suggested that council should be committed towards solidarity with the member states like Greece and Italy; but this phenomenon was not taken into consideration in financial terms except another agenda towards mitigating the illegal migration was put forth. But for the bordering member states it was not a rational game since each member at the time of resolution was agreed to spend around 3 billion euros per annum. Thus, the reservations of these countries were valid. Finally, the Dublin II was formally adopted as an informal political agreement. The Common European Asylum System was adopted on the basis of few useful measures against

illegal immigration i.e. the management of external borders of the EU. The member states bargained on various aspects with their self-reservations in a complex game of providing asylum seekers a plausible way towards entry in the European Union. But the outcome of the whole process was not a written decision but a silent and strategic non-compliance on behalf of member states. The few member states who were opposing the whole agenda did accept the compromise proposal and finally it was not a willingly adopted resolution but the European Council's strategy to play the institutional game. This theoretical link may reflect the disparity of the Common Asylum System in the current situation (Jonathan, 2006).

"The Dublin III Regulation is a European Union (EU) legislation establishing the mechanisms and criteria for determining which Member State will be responsible for examining an application for international protection lodged in any of the member states by a third-country national or a stateless person." (Regulation (EU) No. 604 of 2013) In other words, it is a legal framework requiring each Member State to fulfil their obligations of processing an asylum claim and ensure speedy access to asylum on merits and fair examination. (Dublin III Regulation, 2022)

The Member State ensures determination of asylum application based on hierarchy of criteria i.e. family unity, possession of visas or residential documentation, regular versus irregular entry or stay, and visa-waived entry. (Wilkins & McDonald, 2019) While it is stated that family unity and the best interests of children are primary considerations, in practice it has been noted by the European Parliament (Radjenovic, 2019) irregular entry is the most famously applied criterion. This means that the State via which the asylum-seeker initially entered the EU is responsible for investigating their claim for refuge. (Wilkins & McDonald, 2019)

The fingerprints of asylum applicants are entered in an EU database designed to determine which other EU countries a person is registered in, and thus whether they would be eligible for transfer. (Wilkins & McDonald, 2019) Subject to strict time limitations, Dublin Member States may issue formal requests to another Dublin State to take responsibility for the consideration of an asylum claim: 'to take charge' or 'to take back'. (Dublin III Regulation, 2022) "It is also established that applicants only have one chance to apply for asylum, a negative decision wherein is inevitably recognized by all Member States. Applicants may be transferred from one State to another once the responsibility is clear." (Gonzalo, 2019)

The system established by the Dublin III Regulation assumes that asylum laws and practices in EU are based on common principles however, it is not necessarily true, as asylum practices continue to vary widely, causing asylum-seekers to receive different treatment across European countries. This has proved it difficult to prevent asylum applications in a country other than the one assigned, and there is a continuing trend of 'asylum shopping' and 'orbiting asylum', i.e., the inclination of applicants choosing the country most attractive to them (often, migrating towards richer countries), or applying in any State they choose. (Gonzalo, 2019)

The Dublin III is riddled with inadequacies in defining the responsibility for dealing with an asylum application. The migration and refugee crisis has revealed significant structural weaknesses in the implementation and design of the Common European Asylum System (CEAS) and of the Dublin regime. (Radjenovic, 2019) It fails not only to avoid asylum applications in any country other than the one assigned, but also in the compliance with transfer requests among Member States. There is an unfair, disproportionate burden on the border countries such as Italy and Greece, since most processes are initiated in the country of arrival. Aside from the unequal distribution of responsibility, there is also demonstrated a lack of commitment to the fundamental principle of solidarity between the EU States. (Gonzalo, 2019) At the same time, it must be noted that the regulation was not initially 'designed to equalize or share the asylum burden', but only to formulate "a mechanism that swiftly assigns responsibility for processing an individual asylum application to a single member state".

There remains the problem of states allowing secondary movements, which is the movement of asylum seekers from the country in which they first arrived, to seek protection or permanent resettlement elsewhere. This is generally undesirable as it contributes to the inefficiency of the system, and involves more work for the Member States as it is difficult for them to monitor and process such movements. However, it is a measure generally resorted to by countries along the border which are overwhelmed by the number of applications and simply 'wave' asylum seekers through to the neighboring countries of Germany, Austria or Sweden. (Zaun, 2019) The concentration of arrivals has thus exposed the weakness of the Dublin system, in holding the member state responsible for examining the asylum applications.

There has been a sort of defensive behavior within the EU, with each Member State competing to reduce their burden of asylum applications to the minimum. Therefore, a majority of the EU countries are reluctant to engage in any policy reform that may require them to take on additional responsibilities, which is why the status quo has been maintained for so long (Achilli, 2018) on the Dublin III Regulation, despite it being inefficient, dysfunctional and economically unsustainable.

The mass uncontrolled arrival of seekers to the EU has put pressure not only on many Member States' asylum systems, but also on the Common European Asylum System as a whole. In light of the various failures of the Dublin III

Regulation, there is a proposal to amend the core element of the CEAS with the Dublin IV Regulation. Proposal aims at revising and replacing the present system of asylum for better management of migration flow and protection of the needy.

A draft of the Dublin IV Regulation was first put forth in May 2016 by the European Commission, “intending to make the Dublin system more transparent, and to enhance its effectiveness by providing a mechanism to resolve any situations of disproportionate pressure on Member States' asylum systems.” Besides various technical reforms, it seeks to address two of the major challenges witnessed by the Dublin III Regulations, particularly with the massive influx of migrants and asylum seekers in 2015. These are: (i) the uncontrolled secondary movements of persons; and (ii) the unsustainable pressure placed on border states. (Tubakovic, 2017) While including new elements to solve these problems, it maintains the existing determining criteria for which EU country will be responsible for examining an asylum application. (Gonzalo, 2019) The European Commission intends to respond to the two above-mentioned problems with the help of three measures.

First, applicants are sanctioned for secondary movements processing their claims speedily. A new obligation will be imposed to ensure that applicants as first irregular entry or as a member state in legal stay. In the event of non-compliance, the application will be examined by the Member State using accelerated procedures. (Tubakovic, 2017) The second measure is to stabilize the allocation of responsibility. The rule is that the member state who has first examined the application will continue for future applications as well. This serves to strengthen the provision of the criteria of responsibility being applied only once. This measure disincentivizes applicants from absconding in order to forestall transfers. (Tubakovic, 2017)

The third measure offered by the EC is the creation of a fairness mechanism ensuring corrective allocation to support the countries facing excessive pressure from suddenly high influxes of people seeking refuge. This is to be based on the principle of solidarity, while particularly taking into consideration the efforts made by a Member State to directly resettle those from a third country in need of international protection. The system would function similarly to the relocation schemes, wherein an applicant will be transferred from a state overburdened with disproportionate applications to another member state facing a lesser burden. This mechanism would take into reference the wealth and size of each country and would automatically get triggered when any Member State receives asylum applications in excess of 150% of its fair share, (Tubakovic, 2017) at which point all further new applicants would be relocated regardless of their nationality. This proposal thus gives acknowledgement to the efforts to implement safe and legal pathways into Europe.

Although the issues of secondary movement and the lack of solidarity among Member States have been addressed by the proposed Dublin IV Regulation, it still remains inadequate and has been subjected to various points of criticism. The provision permitting states to sanction asylum seekers is telling of a more coercive trend in the asylum policy, and does not really address the reasons why asylum seekers choose to move. It also brings in a compulsory inadmissibility check for whether applicants can be removed to a third country meaning that mostly the states along the external border will be responsible for checking for admissibility checks and transfers. This is likely to undermine the individual right of asylum, as human rights violations of refugees are probable if the existing criteria for ‘first country of asylum’ or ‘safe third country’ are practically disregarded. (Anon, 2016)

Moreover, the mechanism has conceived with the focus on instances of high inflows. However, it has myopically been presumed that such high influxes are temporary, and that the mechanism can be suspended when numbers return below the 150% threshold. It fails to consider the changes in the structure to check migration, in which regional conflicts may continue to produce high numbers of refugees.

The conception of a ‘fairness mechanism’ depends for its effectiveness on an environment of solidarity and mutual trust. The European Commission’s proposal for corrective allocation is certainly a step in the right direction, but it does not necessarily provide appropriate solutions to the actual challenges faced by border states. Additionally, the proposal of Dublin IV does not seem to solve the issue of asylum seekers’ fair allocation among Member States. (Trylinska) It must be noted that negotiations to implement the new proposal have not adequately progressed, owing to political disagreements prevailing among Member States. (Zaun, 2019) The feasibility of a foundational reform must be closely considered in light of a political climate where there is little political will for further integration.

Normative Perspectives on Asylum Policy

The problem of asylum is largely shaped by a complex dynamic of national interests, international norms and morality. The International Humanitarian norms and the self-interested calculations are bound to play a major role in this debate. Thus, the moral obligation under the international Human rights instruments is always weighed against certain strategic economic and political aspects (Niklaus Steiner, 2000).

The policies regarding asylum and refugees must possess an ethical aspect and must be sensitive towards the individual agent to which they are directed. But there are various challenges in moving from ideal ethical conception towards the practical implementation of the policy. This debate starts from analysing the duties of states towards the outer persons and unto what extent states should be responsible for it. One of the views is that states are morally entitled to award membership or admission according to their own criteria where as another view argues that states must consider the interests of the human community (Gibney, 2004), which comes up with the notion of right to free movement. Here comes the debate between the ideal and non-ideal theory as explained by Gibney, 2004. According to the ideal theory the emphasize is on the morally desired notion and this theory ignores the role of agency. The non-ideal theory whereas focuses on the capabilities and practical considerations of an agency. States vary in their reception situations, their immigration policies, their structures of entitlement and states are self-motivated actors wherein they have little consideration towards the needs of outsiders. This aspect is totally ignored by the ideal theory which actually assumes state in service of the global population. Modern state operates in three domains i.e. national agent, democratic agent and an economic agent. The modern state although considers the needs of outsiders, it considers the needs only as responses to extremity. Thus, the acceptance of refugees is not a state priority but it a compromised obligation in extremity. States thus does not follow the rule of equality but rule of extremity and if this situation needs to be reversed then there is a need of having world government. But the current conflicts and situations does not seem to cooperate this notion of world governance as the self-interests is the motivational factor. Gibney, 2004 aptly calls such a state as a particularistic moral agent (Gibney, 2004).

Dublin System: Eurodac Regulation

The primary objective of EURODAC is to facilitate and implement ‘Dublin Regulation III’. (Regulation (EU) No. 604/2013) The ‘Eurodac Regulations’ along with Dublin regulations is typically called Dublin System.

“The Dublin system has an important role in implementation of Common European Asylum System. For implementing a system of providing common asylum, it is very crucial to identify a distinction between an applicant for international protection and person(s) apprehended in connection with the unlawful crossing of the external borders”. Another importantly desired goal is to examine and identify whether a third-country citizen or stateless person has been illegally staying on its territory and has applied for international protection in another Member State. In short essentially, EURODAC compares the fingerprints of applicants of asylum and illegal immigrants Foreign nationals having already lodged an application for international protection in another member states of EU were yet another category to be identified under EURODAC.

This is in furtherance of the objective to effectively implement the regulation.

- European Dactyloscopy or EURODAC is a fingerprint database system and its role is to examine the applications of asylum seekers and cross-borderers within the EU zone. The examination is by the usage and comparison of datasets of fingerprints. This is to support, a legitimate travel, attempt to implement a preventive measure against serious crime and terrorism and illegal border-crossing over Schengen and the EU.
- The fingerprint data of applicant is communicated through a system for electronic data transmission between member states and the central database, immediately, every time he/she applies for asylum anywhere where in the EU.

Issues And Role of Eurodac

Study (Beirens, 2018) on Common European Asylum System has reported some technological issues like enforcing fingerprinting – including obligation of maintaining the confidentiality, physical integrity and human dignity, capacity of the system to register applicants – including sufficiency of human resources as well as technological equipment, however these issues are very much resolvable in a phased manner if not at one go. It is more important to note that the technology is has a complimentary role in implementation, value addition of asylum procedures and its short comings which obviously will affect the political will as well.

The technologically advanced equipments coupled with the EURODAC technology will at least minimize the problems faced in implementing Dublin regulations if not eliminating in toto.

Conclusion

We can easily point out that the goals of the Common European Asylum Policy are conflicting with the duties stated or planned to be achieved through the conventions and resolutions. This difference can be also analysed from theoretical differences between moral motives and self-interested motives (Boswell, 2005). It is very difficult to construe an approach which will change the whole dynamics of European Union Member states’ vision towards the asylum seekers. But if we regard this conflict between moral duty and self-interested actions as a normal debate

occurred because of diversity in values, then each member state will try to come up with a fair administrative and political strategy to deal with the problem. Of course, the common standards have to be maintained but the approach of the member states will have a greater impact in changing the dynamics of Dublin II and consequentially The Common European Asylum Policy.

A Point worth noting however is that the common standards are quite practically achievable through the implementation of technology under EURODAC regulations.

References

- [1] Radjenovic, A. (2019) Reform of the Dublin system, EPRS,
- [2] Trylinska, A. Corrective Allocation Mechanism in the Dublin IV Regulation Proposal – Fair Distribution of Responsibility?, ECPR,
- [3] (2020) Dublin III Regulation, Citizens Information
- [4] (2016) Refugee Policy In Europe – No To This Dublin Iv Regulation!, Pro Asyl
- [5] Carlier, J.Y. (2007) The Role of the European Court of Justice, in Zwaan, Karin(ed.) : The Qualification Directive: Central Themes, Problem Issues and Implementation in Selected Member States, Wolf Legal Publishers, Nijmegen
- [6] Christina, (2005), ‘The Ethics of Refugee Policy’, Ashgate Publishing Company: England
- [7] Dublin III Regulation, HOME OFFICE, Apr. 30, 2020 at 34-36.
- [8] Gonzalo, E.F (2019) The Dublin Asylum System: An Old Challenge for the New European Executive, Eurac Research.
- [9] EUROPA website: Free Movement of Persons, asylum and Immigration, ‘Eurodac’ system
- [10] European Commission webpage, Justice and Home Affairs , The European Union Policy towards Common European Asylum System.
- [11] European Council on Refugee and Exiles (2007), ‘The Dublin Regulation: Twenty Voices –Twenty Reasons for Change’
- [12] European Council on Refugee and Exiles (2008), ‘Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered’
- [13] Garlick, M. (2006) The EU Discussions on Extraterritorial Processing: Solution or Conundrum? *International Journal of Refugee Law* vol.18
- [14] Wilkins, H. & Macdonald, M. (2019) What is the Dublin III Regulation? Will it be affected by Brexit, House Of Commons Library
- [15] Beirens, H. Cracked Foundation Uncertain Future Structural Weaknesses In The Common European Asylum System, Migration Policy Institute.
- [16] Hemme, B. ‘European Asylum Law and International Law’, Martinus Nijhoff Publishers: The Netherlands
- [17] John, S. (1956), ‘The Refugee and the World Community’, The University of Minnesota Press: Minneapolis.
- [18] Jonathan,A. (2006), ‘*Logics of Decision- making on Community Asylum Policy, A case study of the Evolvement of the Dublin Asylum Policy*’, Center for European Studies Working Paper 3, University of Oslo.
- [19] Loescher, G. (1993) ‘Beyond Charity: International Co-operation and the Global Refugee Crisis, OUP: Chapter 2: The Origins of the International Refugee Regime
- [20] Achilli, L. Why are we not reforming the Dublin Regulation yet?, Euractiv
- [21] Matthew, G. (2004), ‘The Ethics and Politics of Asylum’, Cambridge University Press: Cambridge
- [22] Migration and Home Affairs, Country responsible for asylum application (Dublin), European Commission,
- [23] Zaun, N. (2019) Why is the EU unable to adopt a binding solidarity mechanism for the distribution of asylum seekers?, LSE.
- [24] Niklaus, S. (2000), ‘Arguing about Asylum, the complexity of Refugee Debates in Europe’, St Martin’s Press: New York
- [25] Peers, S. (2006), ‘*EU Justice and Home Affairs Law*’, Oxford University Press.
- [26] Regulation (EU) No. 604 of 2013 of the European Parliament.
- [27] Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, UNHCR.
- [28] Tubakovic,A. (2017) Dublin IV recast: A new and improved system? 46, European Policy Brief