



Universiteit Leiden

# The Dublin Regulation

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An analysis of the Dublin Regulation and its effects on the degree of solidarity between EU Member States during the refugee crisis

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## **Abstract**

Today, Europe is faced with the worst refugee crisis since World War II. Member States of the European Union (EU) continuously argue over the solutions that have to be provided. While the focus recently seems to have shifted towards solutions outside the EU, i.e. towards solutions aimed at protecting the borders and preventing refugees from coming to Europe, Member States are required to ensure that Europe's internal response to the refugee crisis matches its legal obligations and values incorporated in them. There is an increasing discrepancy between the Regulations and Directives of the Common European Asylum System (CEAS) which are not designed as a responsibility sharing mechanism and the reality of the refugee crisis. The high numbers of refugees coming to Europe have intensified the unequal distribution of the responsibility to provide protection to refugees among Member States. This thesis will focus on the Dublin Regulation, which determines the Member State responsible for examining an asylum application. The Dublin Regulation has been criticized for causing Member States at the external borders of the EU to become responsible for a disproportionately high number of asylum applications. The lack of an effective mechanism for sharing the responsibility to provide protection to refugees among Member States in a fair and equitable manner has urged political leaders to redefine European solidarity, one of the norms upon which the EU was founded.

This thesis will analyse the Dublin Regulation and its effects on the degree of solidarity invoked or rejected by different Member States. The explaining factors that are included in the analysis are the relative size of Member States and their proximity to the southern and eastern borders of the EU which are most affected by the refugee crisis. Use will be made of public goods theory and the problem of 'free-riding'. It is hypothesized that for the production of the valued European public good of providing protection to refugees, smaller border-Member States will be more likely to free-ride on the efforts of larger non-border Member States and are therefore less willing to share the costs of the refugee crisis. Hence, they will appeal less to solidarity compared to larger Member States. In a comparative case study of Germany and Hungary, quantitative and qualitative data from both Member States will be analysed. The results seem to be applicable to the hypotheses, indicating that the solidarity gap between Member States will only increase if no accurate mechanism will replace the Dublin Regulation.

## **Introduction**

Migration into the European Union (EU) has intensified enormously over the past years, reaching a peak in 2015. The vast majority arrives in Italy or Greece by sea. According to the International Organization for Migration, the estimated number of sea arrivals in the EU in 2015 is a staggering 832.193 (IOM, 2015). The migration route through the Mediterranean Sea has become the domain of human traffickers exploiting the desperation of many refugees. Often stuck in a hopeless situation, they pay thousands of dollars to smugglers only to find themselves crammed on small boats with the risk of drowning before they reach the shores of Lampedusa, Kos or Lesbos. The migration route through the Western Balkans is used increasingly in 2015, with an estimated 502.018 illegal border crossings until October 2015 (Frontex, 2015). The migration route runs from Turkey to Greece, which is used as a transit country after which refugees travel over the Balkans and try to reach other Member States. The EU, its neighbouring countries and refugees' countries of origin: all are affected by the increased migration and the problems that accompany migration on such large scale. The refugee crisis is indeed a global problem which requires collectivity and solidarity in its solutions. The EU Migration and Home Affairs Commissioner Dimitris Avramopoulos has stated the following about the current situation:

*'Today the world finds itself facing the worst refugee crisis since the Second World War. And Europe finds itself struggling to deal with the high influxes of people seeking refuge within our borders'* (Avramopoulos, 2015).

Possible solutions to deal with the increased migration are the topic of debate within and between national governments and the EU. Different Member States are pursuing different interests, yielding a divided European political landscape. This thesis focuses on an EU Regulation that seems to be one of the explaining factors for the widely differing attitudes of Member States towards the refugee crisis: the Dublin Regulation. The reason for carrying out research on the Dublin Regulation is that it is politically debated, ignored in several situations and will be scrutinized in the near future. The objective of the Dublin Regulation is to determine which Member State is responsible for handling the asylum applications of refugees coming to the EU. The most applied provision of the Dublin Regulation states that the Member State where refugees first entered the EU is responsible for examining the asylum application. This provision currently puts an excessive burden on asylum systems in Member

States located at the southern and eastern borders of the EU. It has even led other Member States to refrain from sending refugees back to Greece if they first entered the EU there due to the insufficient reception conditions. The provision is also problematic for states that are not located at the southern and eastern borders of the EU. Sending refugees back to Member States where the asylum system is incapable of providing them with the welfare they need is not the most optimal solution. Therefore, refugees are often allowed to stay even though they entered the EU first in another Member State. Chapter two provides an overview of the historical, legal and political context of the Dublin Regulation.

Northern and western Member States such as Germany and Sweden have been relatively open to the arrival of refugees. Germany is expected to receive more than a million refugees this year, a number that is larger than all other Member States combined received in 2014 (Copley & Severin, 2015). German chancellor Angela Merkel recently met with French president Francois Hollande and declared that the Member States must share the burden of dealing with the refugee crisis and expressed the need to act together in order to deal with the chaotic situation at the Union's borders (Traynor & Harding, 2015). This call for collective action is met with resistance by several Member States in practice because they do not feel the need to participate in a European solution to this problem. The non-cooperative attitude of multiple Member States especially came to light in June 2015. The negotiations between heads of state on a quota system designed to redistribute refugees from Italy and Greece to other Member States resulted in a harsh debate after which minimal results were achieved (Traynor & Watt, 2015). The Member States agreed to relocate 32.256 refugees, 20% lower than the originally agreed goal of 40.000 (Nardelli, 2015). Several governments reluctantly accepted the quota system but committed to taking in fewer refugees than they were requested to do. Other governments took a leading position in the redistribution of refugees. Considering the estimated number of arrivals through the Mediterranean migration route in 2015 has risen to 832.193 until October 2015, the redistribution scheme that was agreed upon with so much hassle during the summer months of 2015 cannot be considered as a durable solution to the growing migration problem.

The vast majority of refugees enters the EU in Member States that are located at the southern and eastern borders. The refugee reception facilities in these Member States are severely overcrowded and the processing of asylum applications is heavily burdened. National governments of these Member States repeatedly ask for help from other Member States and appeal to the notion of solidarity (Renzi, 2015; Kambas & Nebehay, 2015). With the need to act together being so urgent and several Member States preferring to put their

national interests above finding European solutions, the current refugee crisis is sometimes referred to as a ‘crisis of solidarity’ (BBC, 2015). The concept of solidarity or ‘burden-sharing’ in the European refugee regime is a well-established theoretical concept which is explored in chapter three. Two different theoretical approaches to burden-sharing are distinguished and consequently integrated in order to be able to explain the political behaviour of Member States during the refugee crisis.

The comparative case study in chapter four tests the theory based on the most recent data gathered from Germany and Hungary. These two Member States are both under increased migratory pressure in terms of asylum applications, but their responses to the refugee crisis are extremely different. Furthermore, an important difference between these two Member States is the fact that Germany is a non-border Member State whereas Hungary is a border Member State. Choosing these two Member States allows to test whether the Dublin Regulation (and associated increased burden for border Member States) results in an increased appeal to solidarity by non-border Member States and a decreased appeal to solidarity, or even ‘burden-shifting’, by border-Member States. In this way, the research in this thesis aims to contribute to the scientific understanding of the degree of solidarity demonstrated by different Member States.

The underlying principle of the Dublin Regulation that causes a skewed allocation of the responsibility to examine asylum applications for Member States located at the southern and eastern borders of the EU constitutes the independent variable in this research. The effects of this underlying principle on the political behaviour of Member States -in terms of the degree to which they invoke or reject the norm of solidarity- are measured. The degree of solidarity demonstrated by Member States during the current refugee crisis therefore constitutes the dependent variable. This has resulted in the following research question:

*To what extent does the Dublin Regulation foster a solidarity gap between EU Member States?*

The following sub-questions are guiding the structure of this thesis:

- *What is the Dublin Regulation and why is it criticized?*
- *What does solidarity in the European refugee regime mean?*
- *To what extent are Germany and Hungary invoking or rejecting solidarity among EU Member States during the current refugee crisis?*

The next two chapters explain the two main concepts of this research: the Dublin Regulation and the notion of solidarity, or burden-sharing, in the European refugee regime. Chapter two describes the Dublin Regulation: its historical development, which underlying principles are relevant for this research and the most common criticism of the Dublin Regulation. Chapter three explores different theoretical perspectives on the notions of solidarity and burden-sharing in the context of the European refugee regime and puts forward an integrated approach to burden-sharing. The analysis in chapter four consists of two parts. The first part focuses on the political actions of Germany and Hungary during the refugee crisis. The analysis examines the number of positive decisions taken on asylum applications and compares it with several national indicators. The second part consists of a qualitative content analysis. The data that is being used are statements and speeches from the heads of state of Germany and Hungary in order to verify to what extent they appeal to the notion of solidarity during the refugee crisis. Taken together, these analyses provide insights into the relationship between the Dublin Regulation and the degree of solidarity demonstrated and appealed to by these Member States during the European refugee crisis.

## **Chapter 2: The Dublin Regulation**

This chapter provides an overview of the historical, legal and political context of the Dublin Regulation. The Dublin Regulation refers to the framework of EU law determining the EU Member State responsible for examining an asylum application from refugees seeking protection under the 1951 Refugee Convention (United Nations High Commissioner for Refugees (UNHCR), 2010). The Dublin Regulation is based on an underlying principle that allocates a relatively high responsibility to examine asylum applications towards Member States located at the southern and eastern borders of the EU. This underlying principle is the independent variable in this research. Therefore, it is important to understand why the Dublin Regulation exists, how it has developed and why it is criticized for causing this skewed allocation of responsibility. This allows for an analysis of the effects of this underlying principle on the degree of solidarity demonstrated by Member States. The agreement between Member States to implement a system that allocates the responsibility to examine asylum applications to one Member State, based on certain criteria, has sown the seeds of many of the contemporary problems in the European refugee regime. One example of the problematic direct effects of the Dublin Regulation during the current refugee crisis was the distressing situation on the train station in Budapest in September 2015 (Nolan & Connolly, 2015). Hungary had announced it would no longer process asylum applications from refugees who entered the EU in Hungary. Thereby it would ignore the Dublin Regulation (The Economist, 2015). Germany had announced it would no longer require Syrian refugees to get registered in the Member State where they first entered the EU, also ignoring the Dublin Regulation (Holehouse, Huggler & Vogt, 2015). This situation caused a massive increase in the number of refugees wanting to travel to Germany by train. This resulted in chaos at the train station, which was then closed completely for refugees. These problems with the Dublin Regulation, especially during the current refugee crisis, constitute the societal relevance for carrying out this research.

The direct and indirect effects of the Dublin Regulation during the current refugee crisis can only be understood based on a historical awareness of the Regulation. An overview of the historical development of the Dublin Regulation is also valuable in understanding its resistance to amendments. The criticized Dublin Regulation has been revised several times but the underlying principles have remained unchanged and are still in place today. Furthermore, this chapter explains the contradictory character of the Dublin Regulation. While its aim is to allocate responsibility rapidly and to guarantee effective access to the



asylum procedure (EUR-Lex, 2013), asylum seekers subject to the Dublin Regulation ‘are often left in a prolonged state of anxiety and uncertainty with their lives effectively ‘*on hold*’ (Ngalikpima & Hennesy, 2013, p. 5).

This chapter first looks at the origins of the Dublin Regulation. The underlying principles of the Dublin Regulation were first agreed on when the Dublin Convention was signed in 1990. The following paragraph explains why harmonization of asylum policies in Europe was needed after the Schengen Agreement was signed in 1985. Furthermore, this chapter provides an analysis of the historical development of the Dublin Regulation in a chronological order. This analysis explains the position of the Dublin Regulation within the Common European Asylum System (CEAS). After that, this chapter provides an overview of the most common criticism of the Dublin Regulation. The final paragraph of this chapter explains that the relatively high responsibility to examine asylum applications for Member States located at the southern and eastern borders of the EU is the most relevant aspect of the Dublin Regulation for this research.

## **2.1 Dublin I**

The Dublin Convention was signed on June 15, 1990 and was officially titled the ‘Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities’ (EUR-Lex 1997). It was signed by the twelve Member States that made up the EU at that time.<sup>1</sup> The most important reason for the Member States to sign the Dublin Convention was the Schengen Agreement which was signed in 1985. Although the Agreement was not implemented until 1995, it did provide the start for a European Union in which internal borders were lifted and free movement of persons was made possible. Therefore a common European policy on asylum became necessary. The Dublin Convention was intended to prevent asylum seekers from ‘asylum shopping’, or lodging asylum applications in multiple Member States (ECRE website). The Convention was also intended to prevent Member States from sending asylum seekers from one Member State to another, without taking the responsibility to examine their application for asylum. This phenomenon is usually referred to as ‘refugees in orbit’ (ECRE, 1997, p. 5). The Dublin Convention aimed to make an end to these practices by establishing principles that assigned the responsibility to examine asylum applications to one Member State.

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<sup>1</sup> In 1990, the EU consisted of these twelve Member States: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom.

The principles establishing the Member State responsible for examining an asylum application were laid down for the first time in the Dublin Convention (later referred to as ‘Dublin I’). The Dublin Convention formed the basis for the Dublin II and Dublin III Regulations. Therefore it is useful to elaborate on these principles here. The principles of the Dublin Convention which establish the Member State responsible for examining an asylum application run in hierarchical order. If the first principle does not apply, the examination of the asylum application will consider the second, etc. These are the principles in a summarized version:

- Family considerations: if a Member State has granted refugee status to a direct family member of the asylum applicant, that Member State is responsible;
- Previous possession of a residence permit or visa for one of the Member States: the Member State of which this is the case is responsible for handling the asylum application;
- Whether the applicant for asylum has entered the EU regularly or irregularly: in the case of irregular entry, the Member State through which the asylum applicant has entered is responsible;
- When the previous criteria do not apply, the Member State where the first asylum application is lodged is responsible (EUR-Lex 1997).

Appendix A provides a Table with a more elaborated version of Articles 4-8 of the Dublin Convention. It is important to note here that due to the legal status of the Dublin Convention (it was formally not a part of EU law and therefore Member States did not have to implement it immediately) it took a while before the Convention entered into force in all signatory Member States on September 1, 1997. These signatory Member States included Austria, Sweden (Convention entered into force on October 1, 1997) and Finland (Convention entered into force on January 1, 1998) who had accessed the EU in the meantime (Council of the European Union website). After the Dublin Convention was implemented in all Member States, it would not take long before its legal status would change and become part of the EU acquis.

## **2.2 Dublin II**

When the Amsterdam Treaty was signed in 1997 by all fifteen Member States, greater emphasis was put on the EU as an area of freedom, security and justice. The Treaty made it possible for the EU to legislate on immigration and asylum issues. This was an important topic of debate at a special meeting of the European Council in Tampere, Finland on October

15 and 16, 1999 (EU: Council of the EU, 1999). At this meeting, it was emphasized that after creating a single market, economy, and monetary union in the EU it was now time to ensure an area of freedom of movement for persons. Not only for citizens of the EU, but also for those who seek access to the EU (Ibid., p. 1-3). A common approach towards immigration and asylum policies was needed in order to reach this objective. As part of this approach, the need for a Common European Asylum System (CEAS) was stressed. The European Council stated the following about the CEAS:

‘This System should include, in the short term, a clear and workable determination of the State responsible for the examination of an asylum application, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of the refugee status’ (Ibid., p. 4).

After the meeting of the European Council, negotiations started on the content of the CEAS. The most important objectives of the CEAS are to create fair and equal access to asylum procedures, quicker and better decisions during the asylum application process, to ensure that refugees are not returned to dangerous situations and provide decent conditions for those who are granted asylum in the EU (European Commission, 2014, p. 1). Several Directives and Regulations were adopted during the establishment of the CEAS in order to harmonise national asylum policies and create common minimum standards for asylum procedures. The following Directives and Regulations form the pillars of the CEAS (for an extended summary, see appendix B):

- the Asylum Procedures Directive,
- the Reception Conditions Directive,
- the Qualification Directive,
- the Dublin Regulation,
- the Eurodac Regulation (European Commission, 2014, p. 3).

The revised Dublin Regulation was adopted in 2003. Because it was the second time Member States came to an agreement on the criteria and mechanisms for determining which Member State was responsible for examining an asylum application, the Regulation became known as ‘Dublin II’. Together with the Eurodac Regulation it is referred to as the ‘Dublin System’. Because the Dublin Regulation had become part of EU law, the principles of the Regulation were now binding in all Member States and should be applied directly. Non-EU Member

States Iceland, Norway, Switzerland and Liechtenstein had also come to agreements with the EU to apply the principles of the Dublin Regulation (EUR-Lex, 2011). Denmark had chosen to opt-out of the Regulation (EUR-Lex, 2003). The principles of the Dublin Convention formed the core upon which the Dublin Regulation was based (Ibid.). However, the transformation from Convention to Regulation also meant that the criteria for establishing the Member State responsible for examining an asylum application became more specific. This is reflected in the increased number of Articles in the Dublin Regulation in which these criteria are set forth: Articles 5-15 of Dublin II contain the hierarchy of criteria that determine the responsible Member State (Ibid.). Possibilities for family reunification were extended and some technical changes with regards to timeframes were made. However, the most important conclusion that can be drawn from the adoption of Dublin II is that the core principles remained unchanged.

### **2.3 Dublin III and the notion of solidarity**

The first phase of the establishment of the CEAS was completed in 2005 when the Directives and Regulations mentioned in the previous paragraph were adopted by the EU and transposed into national legislation by the Member States. However, this did not mean that the objectives of the CEAS were realized in practice. Common minimum standards for asylum procedures in all Member States were far from being a reality and national differences in asylum policies created difficulties for asylum seekers to find protection in Europe. During this time seeking asylum in Europe was often referred to as an ‘asylum lottery’: too often refugees were recognized as in need of protection in one Member State and denied protection in another (ECRE, 2007, p. 2). Therefore it was time to think about the future of the CEAS.

The second phase of the establishment of the CEAS started with a reflection on the effectiveness of the legal instruments that had been adopted. The European Commission issued a Green Paper on the future of the CEAS which initiated a public debate about a broad range of issues involving the Commission and all the relevant stakeholders (UNHCR, NGO’s, national governments). The Green Paper stated that the objective of the second phase was to ‘achieve both a higher common standard of protection and greater equality in protection across the EU and to ensure a higher degree of solidarity between Member States’ (European Commission, 2007, p. 3). The latter objective is especially relevant for this research in which the influence of the Dublin Regulation on the degree of solidarity demonstrated by Member States has a central role. With regards to solidarity and burden-sharing between Member States, the European Commission stated in the 2007 Green Paper that ‘the Dublin System may

*de facto* result in additional burdens on Member States that have limited reception and absorption capacities and that find themselves under particular migratory pressures because of their geographical location' (Ibid., p. 10). In other words, the Commission acknowledged when the first phase of the CEAS was completed that the Dublin Regulation might put an excessive burden on Member States that are located at the external borders of the EU.

The relationship between the Dublin Regulation and the notion of solidarity and burden-sharing was a topic that received much attention in the responses to the Green Paper. The critical response of various stakeholders, together with an Evaluation Report of the Dublin System issued by the European Commission, led to the decision to revise the Dublin Regulation. The most important deficiencies in the Dublin Regulation that were observed during the public consultation process and by the Evaluation Report were related to the efficiency of the Dublin System and the level of protection afforded to applicants of international protection subject to the Dublin procedure (European Commission, 2008, p. 2). The proposal to revise the Dublin Regulation states the following with regards to the objectives of the proposed changes:

'The main aim of the proposal is to increase the system's efficiency and to ensure higher standards of protection for persons falling under the "Dublin procedure". At the same time, the proposal aims to contribute to better addressing situations of particular pressure on Member States' reception facilities and asylum systems.

The proposal retains the same underlying principles as in the existing Dublin Regulation, namely that responsibility for examining an application for international protection lies primarily with the Member State which played the greatest part in the applicant's entry into residence on the territories of the Member States, subject to exceptions designed to protect family unity' (European Commission, 2008, p. 5-6).

These objectives contradict with earlier statements of the European Commission and seem contradictory in itself. On the one hand, the Commission stated in the 2007 Green Paper that the Dublin Regulation might put a heavier burden on border Member States, where migratory pressure already has more influence than in other Member States. On the other hand, when the Commission had the possibility to reform the Dublin System it stated in the reform proposal that the underlying principles of the existing Dublin Regulation -which cause the increased burden for border Member States- are included in the revised Dublin Regulation. The

majority of Member States agreed with maintaining the underlying principles of the Dublin Regulation, but this remarkable move was criticized by the European Council on Refugees and Exiles (ECRE) and the UNHCR (ECRE, 2009; UNHCR, 2009). Their criticism on the Dublin Regulation is elaborated in the next paragraph.

The revised Dublin Regulation ('Dublin III') was adopted on June 26, 2013 (EUR-Lex, 2013). The new Regulation aims primarily to increase the asylum system's efficiency and to enhance the protection of asylum applicants while keeping the existing principles for allocating responsibility to examine an asylum application intact. As a consequence, the so-called 'Dublin transfers' -by which asylum applicants could be transferred back to the Member State where they first entered the EU- remain in place. However, the revised Dublin Regulation contains the obligation to guarantee the right to appeal against a Dublin transfer decision. Another change to the Dublin System is the installment of a mechanism for early warning, preparedness and crisis management. The purpose of this mechanism is to address difficulties with the application of the Dublin Regulation due to 'a particular pressure on, and/or deficiencies in, the asylum systems of one or more Member States' (EUR-Lex, 2013). This mechanism -designed to relieve pressure from Member States located at the borders of the EU- has proven to be a solution that merely exists on paper. This has become clear from the rapid deterioration of asylum systems in Member States such as Greece, Italy and Bulgaria. Appendix C provides an overview of the key achievements of the adoption of Dublin III according to the EU.

So far, this chapter has focused on the changes that have characterized the development of the Dublin Regulation. It is now time to provide an overview of the most common criticism of the Dublin Regulation.

## **2.4 Criticism of the underlying principles and effects of the Dublin Regulation**

Several organizations have repeatedly expressed criticism on the Dublin Regulation and its effects on providing protection to refugees in Europe. The most notable voices of critique come from the UNHCR and the European Council on Refugees and Exiles (ECRE), an alliance of 90 NGO's together aiming to protect and advance the rights of refugees, asylum seekers and displaced persons (ECRE website (1)). In ECRE's response to the Green Paper issued by the European Commission in 2007 on the future of the CEAS, three main points of critique on the Dublin Regulation are outlined that still characterize the ongoing debate about the Dublin Regulation (ECRE, 2009).

The first criticism is focused on the harmful effects of the Dublin Regulation on the human rights of refugees. The overburdened reception facilities in several Member States have led to determination procedures on asylum applications that exceed the time limits as they are laid down in the Dublin Regulation (AIDA, 2015). During the determination procedure, asylum seekers are often not provided with the living conditions that are considered as appropriate (Mouzourakis, Taylor, Dorber, Sbarai & Pollet, 2015, p. 89). Asylum seekers are often detained during the determination procedure under the Dublin Regulation, waiting in ‘limbo’ before a decision is made on the Member State deemed responsible for their asylum application. In some cases, their claims are never heard (UNHCR website). The Dublin System has also led to painful cases in which asylum seekers were denied a fair hearing, insufficient safeguards for unaccompanied children were provided and families were separated by the system of Dublin transfers (ECRE, 2007a). Another effect of the Dublin Regulation that is harmful for the equal treatment of refugees are the national differences in the application of the Regulation. The criteria set out in the Regulation are interpreted in various ways in various Member States. This results in different recognition rates of the same nationalities across different Member States. For example, in 2014 20% of the Afghan asylum applicants were granted the refugee status in Romania, against 95% in Italy (Mouzourakis, Taylor, Dorber, Sbarai & Pollet, 2015, p. 23). Despite the fact that decisions on the refugee status of asylum seekers have to be considered on an individual basis, these significant differences in recognition rates could indicate discrimination of refugees based on their country of origin. This is forbidden under Article 3 of the 1951 Refugee Convention (UNHCR, 2010, p. 17). Based on these factors, it matters significantly in which Member State an asylum seeker applies for asylum. Asylum seekers have a high chance to be granted the refugee status in one Member State, while they are either rejected or subjected to a Dublin transfer in another Member State. Therefore the Dublin System has a profound impact on the future of asylum seekers, as the Dublin Regulation determines which Member State should be given the responsibility to examine the asylum application. The critique on the Dublin Regulation for having a harmful impact on the human rights of refugees can be explained with the concept of solidarity. Mitsilegas (2014, p. 186) argues that the Dublin Regulation is based on a state-centered, securitised and exclusionary concept of solidarity. The system of allocating responsibility to examine asylum applications privileges the interests of the state above the interests of the asylum seekers. Instead of focusing on solidarity between Member States, the Dublin Regulation should be focused on solidarity towards the asylum seekers and respect their fundamental human rights.

The second criticism of the Dublin Regulation is focused on the underlying assumption of the Regulation that all Member States have similar reception and protection standards for refugees. The Dublin Regulation therefore implies that transferring asylum seekers from one Member State to another does not have any significant consequences for their living conditions and the decisions in their asylum procedure. Court rulings have proved that this assumption is inaccurate. The European Court of Human Rights decided in a ruling in 2011 that all Dublin transfers to Greece should be suspended (ECtHR, 2011). The reason for the suspension of transfers is that Greece is unable to provide asylum seekers with proper reception and living conditions. In a case that was of similar importance for the functioning of the Dublin Regulation, the European Court of Justice ruled that asylum seekers cannot be transferred to a Member State responsible for their asylum application if there are systemic flaws in the asylum procedure and reception conditions resulting in a real risk of suffering inhuman or degrading treatment for the asylum seeker (EUR-Lex, 2011a). Based on these rulings, it became possible for the first time to stop the application of the Dublin Regulation on a legal basis. The rulings in these cases, together with several other cases on the interpretation of the Dublin Regulation, have undermined the foundations of the Dublin System (Garlick & Fratzke, 2015). The fact that there are important court rulings on the application of the Dublin Regulation indicates that the courts have increasingly been required to intervene to protect the fundamental rights of those subject to the Dublin Regulation (Ngalikpima & Hennesy, 2013, p. 16). These court rulings also prove that the Dublin System cannot work based on the assumption that all Member States have harmonized policies for reception and protection standards during the asylum procedure.

The final criticism of the Dublin Regulation is that the hierarchy of criteria causes Member States located at the southern and eastern borders of the EU to become responsible for a disproportionately high number of asylum applications. The Dublin Regulation encourages this in two ways. First, Member States located at the southern and eastern borders are often the first point of entry for refugees coming to the EU. Except when the criteria of family considerations and previous possession of visa or residence permit of another Member State can be applied, the Dublin Regulation states that the Member State where refugees first entered the EU is responsible for their asylum application. Second, the system of Dublin transfers increases the responsibility for asylum applications for border Member States. Refugees might have travelled through Europe without entering the asylum procedure in the Member State where they first entered. Once this is discovered during the asylum procedure in another Member State, they can be transferred back to the Member State where they first



entered. The Dublin Regulation shifts the responsibility for asylum applications both from inside the EU (with the Dublin transfers) and from outside the EU (with refugees' point of first entry) to Member States that are located at the southern and eastern borders of the EU. The European Commission already acknowledged this skewed allocation of responsibility in 2007 (see paragraph 2.3), but the underlying principle which causes it has nevertheless been included in the revised Dublin Regulation in 2013. Therefore the skewed allocation of responsibility has been criticized by ECRE and partner organizations. In 2013, they published a comprehensive report in which the main findings of national reports on the application of the Dublin Regulation are synthesized. The report states that: 'The very foundation of the Dublin Regulation counteracts true solidarity in Europe as it shifts responsibility for the examination of asylum claims to those Member States at the borders of Europe' (Ngalikpima & Hennesy, 2013, p. 15). This criticism is the most important reason for carrying out this research.

## **2.5 Relevant aspects of the Dublin Regulation: geographical location**

To conclude this chapter, it is necessary to specify what aspects of the Dublin Regulation are relevant for this research. This research is not focused on the system of Dublin transfers. The requests between Member States to take charge of asylum applications, the actual decisions on these Dublin requests and the transferring of asylum applicants between Member States do not play a role in this research. Court rulings have demonstrated that this system is not working properly. The current refugee crisis has also caused an increased pressure on the system of Dublin transfers. The part of the Dublin Regulation that makes Dublin transfers possible is based on the assumptions that the fundamental rights of asylum applicants will be observed in every Member State during the asylum application process and that they will be provided with similar reception and protection standards in every Member State. The previous paragraph explained why these two underlying assumptions of the Dublin Regulation are criticized. This research is based on the other point of critique mentioned in the previous paragraph.

The geographical location of a Member State is of vital importance to the application of the Dublin Regulation. Member States at the southern and eastern borders of the EU are obliged to take disproportionately more responsibility in examining asylum applications compared to other Member States. The majority of refugees enters the EU through these borders and the Member State where they first entered is in most cases responsible under the Dublin Regulation. This underlying principle of the Dublin Regulation that allocates

disproportionately more responsibility to examine asylum applications to Member States at the southern and eastern borders of the EU is relevant for this research. The analysis in chapter four examines the effects of the allocation of responsibility towards a border Member State (Hungary) on its appeal to solidarity during the refugee crisis and the effects of being a non-border Member State (Germany) on its appeal to solidarity during the refugee crisis.

But before it is possible to perform this analysis, it is necessary to elaborate on the dependent variable in this research. The next chapter specifies what is meant by solidarity in the context of the European refugee regime. It explores several theoretical perspectives. Solidarity or ‘burden-sharing’ in the European refugee regime can be explained based on two different approaches. In order to be able to give a full explanation of solidarity or burden-sharing in the European refugee regime, these two approaches are integrated. The theoretical findings, together with the relevant aspects of the Dublin Regulation elaborated in this chapter, form the assumptions based on which the hypotheses at the end of chapter three are formulated.

### **Chapter 3: Solidarity and burden-sharing in the European refugee regime**

The notion of solidarity and its more negative counterpart ‘burden-sharing’ (which implies that refugees are a burden) are often mentioned in the current debate about the refugee crisis. Several EU Member States have appealed to the notion of solidarity and thereby urged other Member States to take in more refugees, or have demonstrated an increased willingness to show solidarity themselves (Carrel & Rinke, 2015; Willsher, 2015). Other Member States have been criticized for showing a lack of solidarity in the measures they have taken when trying to control the movement of refugees (Rettman, 2015). But what do political leaders mean when they refer to solidarity or burden-sharing in the context of the current refugee crisis? And how can patterns of burden-sharing between Member States be explained? This chapter provides a theoretical framework based on these questions. It must be noted here that the empirical articles used in this theoretical framework mainly date from the starting phase of the CEAS (1999-2004). Although several Regulations and Directives have been revised since this period of time, the basic principles of the CEAS have remained unchanged and therefore the insights gained from the empirical and theoretical research in these articles are still relevant.

The notion of solidarity is one of the basic norms upon which the European Union is founded. It is repeatedly mentioned in the Treaty on the Functioning of the European Union (TFEU), most recently signed as part of the Treaty of Lisbon. Especially in the Articles of the Chapter related to policies on border checks, asylum and immigration the Treaty stresses that: ‘The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States’ (EUR-Lex, 2012). If the Dublin Regulation is examined more closely it is remarkable that ‘solidarity’ was mentioned increasingly in the different versions of this Regulation that have been adopted over the years. The original Dublin Convention did not refer to solidarity at all (EUR-Lex, 1997); Dublin II refers to the ‘spirit of solidarity’ (EUR-Lex, 2003) once; in Dublin III, the term ‘solidarity’ is mentioned nine times (!) and it is even referred to as being a ‘pivotal element in the CEAS’ (EUR-Lex, 2013). This development illustrates that the issues where the Dublin Regulation deals with increasingly demanded solidarity from Member States. As demonstrated in the previous chapter, the Dublin Regulation has been criticized for being based on underlying principles which counteract true solidarity in Europe.

In order to be able to understand the criticism of the Dublin Regulation from an academical perspective, this chapter explores several theories on solidarity and burden-sharing in Europe related to the protection of refugees. Two approaches to explain burden-sharing in the European refugee regime are distinguished: one grounded in rational choice theory and based on calculations of costs and benefits, the other grounded in constructivism and based on theory on conformance to norms in international politics. As this chapter demonstrates, using one of both approaches exclusively to explain patterns of burden-sharing in the European refugee regime is not sufficient. Political behaviour of Member States can be explained based on both calculations of costs and benefits and conformance to norms. Therefore, a synthesis between these two approaches is made. The analysis in the next chapter takes into account both approaches. At the end of this chapter, hypotheses are formulated which are tested in the next chapter.

### **3.1 Theoretical perspectives: rational choice and constructivism**

The research in this thesis is focused on the political behaviour of two Member States during the refugee crisis. Therefore it draws on the body of knowledge of International Relations (IR) theory. The two main concepts that are being analysed are the provisions of a legal instrument entrenched in the EU acquis -the Dublin Regulation- and its effects on a norm that is recorded in the Treaty on the Functioning of the European Union: solidarity. The former concept is the independent variable in this research, while the latter concept is the dependent variable. The aim of this research is to explain the effects of the Dublin Regulation on the political behaviour of two Member States. Political behaviour in the European refugee regime is primarily driven by cost-benefit calculations and national interests (Thielemann, 2003, p. 259) and therefore theory that fits within the rational choice approach will be used. The hypotheses at the end of this chapter are based on elements from public goods theory and the associated problem of free-riding. Making use of this theory is appropriate to explain the political behaviour of Member States because it allows to explain the unequal distribution of costs and benefits between larger and smaller participants in the refugee regime.

The analysis in the next chapter is focused on the conformance of Member States to the norm of solidarity. The rational choice approach is not sufficient to account for the role of norms and the extent to which political actors conform to them. Within IR theory, constructivism focuses on the importance of ideas and beliefs that inform the actors on the international scene (Jackson & Sørensen, 2013, p. 217). Constructivism in IR sees the international system as ‘a set of ideas, a body of thought, a system of norms’ that exists as an

intersubjective awareness among people (Ibid., p. 209). Constructivism does not assume that states' identities and interests are fixed but rather that they emerge through social interaction. The importance of social interaction introduces a key role for norms and ideas in international politics (Betts, 2009). The next chapter analyses how language and rhetoric are used to construct (or deconstruct) the norm of solidarity in the European refugee regime. Using qualitative data in the form of speeches and statements from heads of state of both Member States is the logical means by which this goal can be achieved. Applying qualitative content analysis to this type of data allows to measure the extent to which the heads of state appeal to solidarity.

Because the political behaviour of Member States in the European refugee regime can traditionally be explained based on the cost-benefit or rational choice approach, the hypotheses at the end of this chapter will be formulated based on theory that fits within this approach. However, the analysis in the next chapter takes into account both the cost-benefit approach and the norm-based approach. In this way, the analysis provides a complete picture of the extent to which the political decisions of two Member States demonstrate they actually do conform to solidarity and the extent to which their heads of state appeal to solidarity. Before the analysis can be performed, it is first necessary to define solidarity in the European refugee regime in such a way that it takes into account both approaches.

### **3.1.1 The definition of solidarity in the European refugee regime**

When doing research on a norm in international politics, it is inevitable to make use of the work of Finnemore and Sikkink (1998), two prominent constructivist scholars in International Relations who have done extensive research on this topic. Finnemore and Sikkink (1998, p. 891) define a norm as a 'standard of appropriate behaviour for actors with a given identity'. This definition of a norm has a high level of 'oughtness': it prescribes which behaviour is appropriate and which behaviour is not. Therefore, norms are subjective rules of behaviour: supporters of a certain norm will consider the behaviour it prescribes as appropriate, while opponents of the same norm will qualify the behaviour it prescribes as inappropriate. This raises the question: if solidarity is considered as a norm, what behaviour is considered as appropriate in the refugee crisis by different Member States? The answer to this question is highly subjective and therefore it might seem difficult to do research on norms. The subjective character of norms makes them 'invisible': it is hard to distinguish which norms motivate political behaviour. Despite this it is not impossible to research them. Because norms guide and steer political action, they encourage justification for action and therefore can be

extracted from the communication of political actors (Finnemore & Sikkink, 1998, p. 892). The qualitative content analysis in the next chapter uses the communication of political actors in the form of speeches and statements of the heads of state of two Member States. Conformance to the norm of solidarity is measured based on this type of data.

The definition of norms in international politics as standards of appropriate behaviour is not yet related to the European refugee regime. To give meaning to this definition for this research, it needs to be specified which behaviour is considered. Thielemann (2003) gives a definition of ‘international burden-sharing’, a more negative term to describe the degree of solidarity between Member States. Thielemann (2003, p. 253) states that international burden-sharing is about the question of ‘how the costs of common initiatives or the provision of international public goods should be shared between states’. Providing protection to refugees and the establishment of a well-functioning European refugee regime are considered as international public goods (this is explained in paragraph 3.1.2). Therefore, solidarity in the European refugee regime is essentially about the way in which the costs of providing protection to refugees and a well-functioning European refugee regime should be shared between Member States. It is important to emphasize here that sharing the costs of the European refugee regime in this definition of solidarity should be understood both in financial terms (each country should contribute in conjunction with its financial capabilities) and in terms of people (each country should grant asylum to refugees in conjunction with its reception capabilities). The definition of solidarity in the European refugee regime stated above takes into account both the distribution of costs and benefits and the ‘oughtness’ that characterizes the definition of norms as standards of appropriate behaviour. Therefore it is useful for the analysis based on the cost-benefit approach and the norm-based approach in chapter four. The next paragraph explains the two different logics of social action that each result in these different approaches to burden-sharing in the European refugee regime: the logic of expected consequences (resulting in the cost-benefit approach) and the logic of appropriateness (resulting in the norm-based approach).

### **3.1.2 Two logics of social action and approaches to burden-sharing**

March and Olsen (1998) developed an institutional approach to international politics. They define an institution as ‘a relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations’ (March & Olsen, 1998, p. 948). This definition has similarities with the previously mentioned definition of norms of Finnemore and Sikkink (1998), as they are both behavioural rules. However, the

difference is aggregation: institutions emphasize the way in which behavioural rules are structured together whereas the definition of norms isolates single standards of behaviour (Finnemore & Sikkink, 1998, p. 891). The level of analysis in this research is the individual and therefore the definition of norms from Finnemore and Sikkink is used to explain the concept of solidarity. However, the institutional approach is ‘broad enough to encompass things as varied as collections of contracts, legal rules, social norms, and moral concepts’ (March & Olsen, 1998, p. 949). Therefore this approach is useful in the analysis of a legal rule (the Dublin Regulation) and a social norm (solidarity). The institutional approach distinguishes two basic logics of social action by which human behaviour is driven. Two different approaches to international burden-sharing in the refugee regime are based on these two logics of social action.

The first logic of social action is the *logic of expected consequences*. According to this logic, human actors choose among alternatives by evaluating expected consequences of their actions for the achievement of their personal or collective objectives, while they expect other actors to do likewise (Ibid.). This logic of rational choice and strategic behaviour, based on calculations of preferences and consequences of actions, puts emphasis on the interests of political actors first and derives the interests of nation-states from them (Ibid., p. 951). When applied to IR, the international system of states is viewed as consisting of interacting, autonomous, self-interested states striving to achieve national objectives. They do so based on the principle of utility maximization (Ibid., p. 952). This logic of action driven by individual expectations of consequences is the most common frame used in interpretations of international politics.

The second logic is the *logic of appropriateness*. Instead of considering action primarily being based on expectations of consequences, this logic sees actions as being based on rules. Human actors follow rules that associate particular identities to particular situations (Ibid., p. 951). These rules, practices and norms are socially constructed and shape the notions of ‘appropriateness’: human actors make their decisions based on what they consider as appropriate. This logic is more associated with identities instead of interests, and notions of appropriateness instead of individual, rational calculations of costs and benefits (Ibid.). When applied to IR, political behaviour by states is in accordance with rules, practices and norms that are socially constructed in the international system of states (Ibid., p. 952).

Thielemann (2003) developed two different approaches to burden-sharing based on these two logics of social action. The following quote explains these two approaches:

‘[...] two possible explanations for co-operation and burden-sharing emerge. On the one hand, one can point out the irrationality of egoism and what the actors would gain by co-operation: it may be rational to sacrifice opportunities for individual action and co-operate to achieve collective goods instead (cost-benefit approach). On the other hand, a reflection on the conflict between individual and collective action may denounce egoism as undesirable and seek to attain joint goals by appeals to normative notions such as that of solidarity (norm-based approach)’ (Thielemann, 2003, p. 255).

These two approaches each offer different explanations for burden-sharing. Within the cost-benefit approach, patterns of burden-sharing can be explained based on the theory of public goods developed by Olson (1965). His theory says that public goods are characterized by their non-excludability and non-rivalry (Olson, 1965). In the forced migration literature on burden-sharing, the establishment of a well-functioning refugee regime is considered as an international public good (Betts, 2003; Suhrke, 1998; Betts, 2009, p. 81). In the EU context, all Member States benefit from a well-functioning European refugee regime (it is non-excludable) and one Member State’s enjoyment of those benefits does not reduce the benefits available to other Member States (it is non-rival). In other words, once protection is granted to refugees in one Member State this serves to the benefit of all Member States.

Public goods theory states that the distribution of costs and benefits for the production of a public good will be skewed against the larger participants, in this case EU Member States. Their actions will make more difference to the overall result than those of smaller states. Therefore, larger states will make disproportionately larger contributions to the burden-sharing regime than smaller states, who have an incentive to ‘free-ride’ on the efforts of larger states (Thielemann, 2003, p. 256). This results in a ‘systematic tendency for ‘exploitation’ of the great by the small’ (Olson, 1965, p. 29). The principles of free-riding and the exploitation of larger Member States by smaller Member States are used to formulate the hypotheses in this research.

The norm-based approach offers different explanations for burden-sharing. First, burden-sharing bargains can be guided by notions of equity. This means that the distribution of burdens can be based on a key that takes into account the actual capacity of participants of the burden-sharing regime (Thielemann, 2003, p. 258). The European Agenda on Migration - which contained the plan to redistribute refugees across Europe based on several characteristics of Member States (population size, total GDP, history of asylum applications and unemployment rate)- is an example of such a key (European Commission, 2015, p. 19).



Second, explaining patterns of burden-sharing can be based on states' commitments to certain norms that are related to the burden (Thielemann, 2003, p. 258). With regards to the reception of refugees, this means that once states are already committed to certain norms (for example adhering importance to human rights, physical protection of refugees, solidarity or distributive justice) they will be willing to accept relatively more refugees.

The next paragraph illustrates why the two approaches to burden-sharing outlined above, when used separately to explain the behaviour of Member States in the current refugee crisis, are insufficient to explain the developments in the European refugee regime and an integrated approach is needed instead.

### **3.1.3 Towards an integrated approach**

The cost-benefit approach, based on rational choice theory, has traditionally been used to explain the cooperation (and lack thereof) between Member States in the European refugee regime (Betts, 2009, p. 82; Thielemann, 2003, p. 259). Empirical research has revealed that the importance of norm-based approaches as an explanation for political cooperation in the European refugee regime is limited (Thielemann, 2003, p. 268-269; Lavenex, 2001). But are the norm-based approach (grounded in constructivism) and the cost-benefit approach (grounded in rational choice theory) really that distinct? Do Member States conform to solidarity exclusively based on calculations of costs and benefits, or does conforming to solidarity based on a logic of appropriateness also play a role? This paragraph will try to give answers to these questions.

This research assumes that the main logic driving political behaviour in the area of the European refugee regime is based on calculations of costs and benefits. The difficulties which the EU has to provide solutions for the current refugee crisis demonstrate that conformance to the norm of solidarity because it is considered as appropriate is not the dominant logic guiding political behaviour. But does this mean that solidarity will never be internalized? Finnemore and Sikkink (1998, p. 895) argue that the evolution of norms is a three-stage process: they emerge, they become broadly accepted, and they become internalized. The dominant mechanism in the first stage is persuasion by norm entrepreneurs: they try to convince a critical mass of states to embrace new norms. These norm entrepreneurs are critical in the emergence of norms because they call attention to certain issues or events and adhere importance to them, a process called 'framing'. When norm entrepreneurs are successful in constructing frames that resonate with the broader public, these frames change the way people think and talk about the issue at hand: this is the chance for a new norm to emerge. Once

norms reach a certain tipping point on which a critical number of states has adopted the norm, socialization processes between states cause the ‘norm cascade’ – the stage in which the norm becomes broadly accepted and eventually becomes internalized in specific sets of rules (Ibid., p. 901-905).

If the norm of solidarity in the European refugee regime is analysed according to the different stages of the evolution of norms, it becomes clear that it is in the first stage in which the norm emerges. Despite the fact that solidarity has been incorporated in the EU acquis for decades, Member States have not been forced to take measures based on conformance to solidarity as far-reaching as in the current refugee crisis. Political leaders of several Member States are functioning as transnational norm entrepreneurs, trying to convince other Member States to participate in solutions that require solidarity. However, solidarity in the European refugee regime has not been adopted by a critical number of states yet and is far from being internalized and taken for granted. The analysis in paragraph 4.3 measures to what extent heads of state of two Member States are contributing to the construction and internalization of the norm of solidarity in the European refugee regime. As explained above, these political leaders can serve as norm entrepreneurs who make use of the process of framing. Therefore, the extent to which heads of state appeal to the norm of solidarity is measured by analysing the presence of certain frames they use in their speeches and statements related to the European refugee crisis.

It is clear that the norm of solidarity is currently not the most important factor driving political behaviour in the European refugee regime. Therefore explanations for burden-sharing between Member States cannot be based solely on the norm-based approach but have to take into account calculations of interests, costs and benefits as well. This is the first explanation for the European refugee regime to function suboptimal. In the current situation, Member States conform to solidarity primarily based on calculations of costs and benefits. As public goods theory demonstrates, patterns of burden-sharing based on the cost-benefit approach are characterized by the problem of free-riding. This means that there is a systematic tendency for larger Member States to contribute disproportionately more to the establishment of a well-functioning European refugee regime and providing protection to refugees compared to smaller Member States, who have an incentive to free-ride.

A second theoretical explanation for the suboptimal functioning of the European refugee regime is that the norm of solidarity and the concept of burden-sharing have insufficiently been internalized by Member States. As Thielemann (2003, p. 257) argues, political action based on solidarity forbids free-riding, or placing the costs of mutually desired

common initiatives disproportionately on the shoulders of other actors. In other words, political action based on solidarity is regarded as a way to escape the problem of free-riding. Betts (2009, p. 87) also points to these flaws in the European refugee regime. With regards to burden-sharing, the refugee regime ‘provides a very weak normative and legal framework, setting out few clear norms, rules, principles, or decision-making procedures’. This indicates that solidarity in the context of the European refugee regime has insufficiently been defined, both in normative and legal terms.

Hence, the cost-benefit approach and the norm-based approach are separately not able to give a full account of the developments in the European refugee regime when they are used to explain patterns of burden-sharing in this area. In order to overcome this problem, both approaches need to be combined. In this way, the political behaviour of Member States in the European refugee regime can be explained. Finnemore and Sikkink (1998) provide a concept that integrates both approaches. They argue that transnational norm entrepreneurs engage in something they call ‘strategic social construction’: ‘these actors are making detailed means-ends calculations to maximize their utilities, but the utilities they want to maximize involve changing the other players’ utility function in ways that reflect the normative commitments of the norm entrepreneurs’ (Finnemore & Sikkink, 1998, p. 910). The first part fits in rational choice theory and the cost-benefit approach, while the second part fits in constructivism and the norm-based approach. These two approaches are both used in the analysis in the next chapter. The next chapter provides two analyses of the political behaviour of two Member States during the refugee crisis. The first analysis, based on the cost-benefit approach, will consider the calculations of both Member States: to what extent are they willing to accept the costs of incoming refugees, take positive decisions during the asylum procedure and therefore demonstrate solidarity? The average number of positive decisions on asylum applications before and during the refugee crisis in both Member States are analysed. The second analysis is focused on the extent to which heads of state of both Member States construct or deconstruct the norm of solidarity. The results of both analyses, based on both approaches to burden-sharing in the European refugee regime, will show patterns of the extent to which Member States demonstrate and appeal to solidarity.

### **3.2 Hypotheses**

Thielemann (2003, p. 253-254) distinguishes two categories of questions in the EU context with regards to burden-sharing. The first category are questions of motivation: what motivates Member States to call for burden-sharing beyond their own state? The second category are

questions of patterns: how do we explain patterns of burden-sharing in the EU? Why is it that some Member States are prepared to accept higher relative burdens than others? It is the latter category of questions which this research aims to address and one of his hypotheses (H1 stated below) on the patterns of international burden-sharing is used in this theoretical framework to formulate hypotheses.

‘H1: The greater the difference that a state can make to the provision of a valued public good, the (disproportionately) greater will be its contribution to the burden-sharing regime as other states will have an incentive to free-ride (the exploitation of the big by the small/public goods hypothesis)’ (Thielemann, 2003, p. 258).

As Thielemann argues, action in the area of forced migration in the EU context is mainly driven by cost-benefit calculations. Appeals to the notion of solidarity -which would indicate that the behaviour of Member States could be explained based on the norm-based approach- have generally been regarded as ‘window dressing and cheap talk’ (Thielemann, 2003, p. 259). As mentioned earlier in this chapter, the notion of solidarity is not new in the political discourse of the European refugee regime: appeals to solidarity did not emerge together with the refugee crisis. Solidarity is recorded in one of the founding Treaties of the EU, is referred to as a pivotal element in the CEAS and is mentioned increasingly in the Dublin Regulation. But the recent refugee crisis has made clear that there is a difference between solidarity on paper and solidarity in practice. Instead of showing solidarity because it is considered as appropriate under the current circumstances, the majority of European Member States primarily acts based on calculations of costs and benefits of the refugee crisis. For example, this could be observed during the negotiations between political leaders of the Member States about the quota system designed to redistribute refugees from Italy and Greece. National interests played a dominant role during these negotiations when political leaders of several Member States revealed that they did not want to take part in any mandatory redistribution scheme (Croft, 2015). Therefore the cost-benefit approach and public goods theory (which provides the foundation for H1 mentioned above) are used to formulate hypotheses about the patterns of burden-sharing between Member States.

Another reason for using the hypothesis stated above is the fact that it contains a comparison between larger and smaller states in terms of contributions to the burden-sharing regime. The analysis in the next chapter consists of one larger Member State and one smaller Member State. The extent to which these Member States are ‘larger’ and ‘smaller’ is analysed

based on the number of positive decisions on asylum applications taken compared to population size, total GDP, total decisions taken on asylum applications and unemployment rate. Together with an analysis of political speeches and statements from both Member States, this indicates whether these two Member States demonstrate an increased or decreased willingness to share the costs of the refugee crisis and therefore the extent to which they appeal to solidarity.

The insights from chapter two and chapter three are summarized below, after which the hypotheses are formulated.

1. The Dublin Regulation gives Member States located at the southern and eastern borders of the EU a disproportionately high responsibility to examine asylum applications, resulting in a limited capability to contribute to a well-functioning European refugee regime in the case of an increased influx of refugees.
2. If H1 of Thielemann is reversed, this results in the following line of reasoning: the smaller the difference a state can make to the provision of a valued public good (the establishment of a well-functioning European refugee regime), the smaller will be its contribution to the burden-sharing regime and therefore it will have an incentive to free-ride.
3. Solidarity in the European refugee regime is defined as the way in which the costs of providing protection to refugees and a well-functioning European refugee regime should be shared. When smaller Member States are more likely to free-ride on the efforts of larger Member States, these smaller Member States are less willing to share the costs of common initiatives in the European refugee regime and will appeal less to the notion of solidarity compared to larger Member States.

This has resulted in the following hypothesis:

*H1: Member States located at the southern and eastern borders of the EU with limited capability to contribute to a well-functioning European refugee regime will appeal increasingly less to the notion of solidarity during the current refugee crisis.*

The second hypothesis is based on the following assumptions.

1. The Dublin Regulation causes Member States not located at the southern and eastern borders of the EU to be less directly responsible to examine asylum applications compared to Member States located at these borders of the EU, resulting in a higher

capability to contribute to a well-functioning European refugee regime in the case of an increased influx of refugees.

2. Here, H1 of Thielemann is used: ‘The greater the difference that a state can make to the provision of a valued public good, the (disproportionately) greater will be its contribution to the burden-sharing regime’ (Thielemann, 2003, p. 258). Therefore, larger Member States will make a (disproportionately) greater contribution to the burden-sharing regime for refugees in the EU context.
3. Solidarity in the European refugee regime has been defined as the way in which the costs of providing protection to refugees and a well-functioning European refugee regime should be shared. When larger Member States contribute disproportionately more to the burden-sharing regime compared to smaller Member States, these larger Member States will be more inclined to share the costs of common initiatives in the European refugee regime and will therefore appeal more to the notion of solidarity compared to smaller Member States.

This has resulted in the following hypothesis:

*H2: Member States that are not located at the southern and eastern borders of the EU with a high capability to contribute to a well-functioning European refugee regime will appeal increasingly more to the notion of solidarity during the current refugee crisis.*

The hypotheses represent two diverging trends. If the results from the analysis in the next chapter indicate both trends, this would mean two things. On the one hand, the analysed border Member State would appeal increasingly less to the notion of solidarity during the analysed time period. On the other hand, the analysed non-border Member State would increasingly appeal to the notion of solidarity during the analysed time period. These diverging trends would indicate that the so-called ‘solidarity gap’ between these two Member States increases. If the results indicate only one trend, this would mean that the trend described in that hypotheses exists, but not that it fosters the solidarity gap per se. If none of the trends is observed, this would mean that nothing could be concluded about the Dublin Regulation and its effects on the degree of solidarity between Member States. Whether both trends are observed, or partially, or not at all provides an answer to the research question:

*To what extent does the Dublin Regulation foster a solidarity gap between EU Member States?*

This chapter has provided the theoretical framework for this research. Two logics that guide social action and which result in different approaches to burden-sharing in the European refugee regime have been distinguished. Furthermore, different roles for larger and smaller Member States in the establishment of a well-functioning European refugee regime and providing protection to refugees have been observed. The theoretical insights from this chapter, together with the different effects of the Dublin Regulation on border and non-border Member States observed in chapter two, have led to the formulation of two hypotheses. It is important to emphasize the limited generalizability of these hypotheses. Although they are formulated in a way that might suggest that the results of the analysis could be generalized to other Member States, this is not the case. The conclusions that will be drawn at the end of the analysis in the next chapter are based on data from two Member States and can therefore not be generalized to other Member States. The next chapter tests the hypotheses by analysing to what extent two Member States have demonstrated and appealed to solidarity in the context of the European refugee crisis.

## **Chapter 4: Analysis**

The purpose of the analysis in this chapter is to measure the effects of the Dublin Regulation in one border and one non-border Member State of the EU. The EU-wide analysis of asylum applications compared to population size in paragraph 4.1 shows that Germany and Hungary are receiving increased numbers of asylum applications during the current refugee crisis.

Together with the need to fulfil the necessary requirements of the two countries that are compared based on H1 and H2 (one border and one non-border Member State plus one larger and one smaller Member State in terms of their ability to contribute to the European refugee regime), this provides the reason to select Germany and Hungary for a comparative case study. The analysis of statistical data in paragraph 4.2 and the qualitative content analysis in paragraph 4.3 both test the hypotheses stated in the previous chapter.

In the analysis of statistical data in paragraph 4.2, the decisions on asylum applications in both Member States are examined. The total number of positive decisions on asylum applications is compared to several national indicators. This provides insight to the extent to which these Member States are demonstrating an increased or decreased conformance to solidarity. Paragraph 4.3 contains a qualitative content analysis of speeches and statements of the heads of state of Germany and Hungary. This analysis measures whether the political leaders of both Member States have increasingly invoked or rejected the norm of solidarity during the refugee crisis. Analysing the political behaviour of both Member States by looking at decisions on asylum applications and through analysing statements made by heads of state of both Member States provides a complete picture of the extent to which they have demonstrated and appealed to solidarity during the refugee crisis. The conclusions drawn at the end of this chapter indicate whether the trends stated in H1 and H2 are observed.

### **4.1 Asylum applications in the EU after the Arab Spring: Germany and Hungary as cases for further analysis**

In order to put the current refugee crisis in a historical perspective, it is necessary to start the analysis in this chapter by looking at the asylum applications in the EU in recent years. This number has increased significantly. While the total number of asylum applications in all 28 Member States plus the four countries (from now on referred to as the '28 + 4') that are also part of the Dublin System (Norway, Iceland, Liechtenstein and Switzerland) was 342.900 in 2011, this number has risen to 663.270 in 2014. The increased number of asylum applications



in recent years is illustrated in Figure 1, which excludes the four non-EU countries part of the Dublin System.

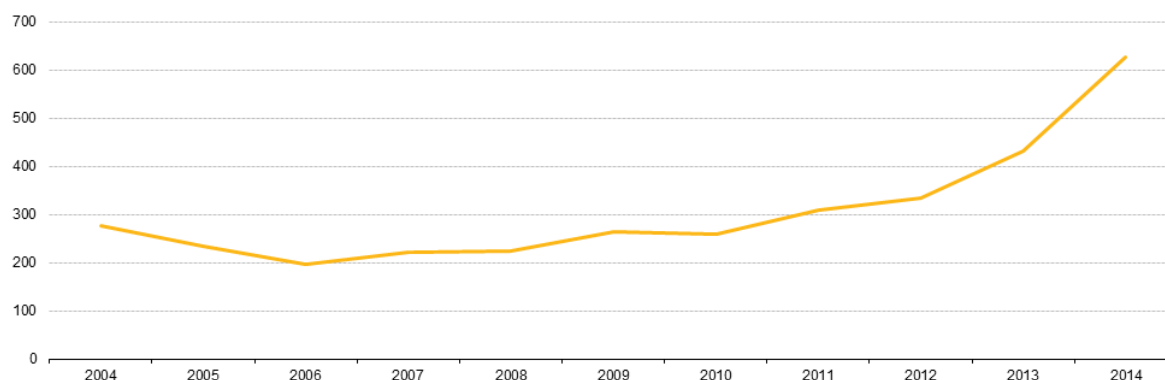


Figure 1. Asylum applications of non-EU nationals in the 28 EU Member States, 2004-2014.<sup>2</sup>

The increased number of refugees fleeing from their home countries and applying for asylum in the EU coincides with the Arab Spring which started in 2011 and the following unrests and civil wars in Syria and Libya. The Syrian Civil War has now caused an estimated 10.9 million people to leave their homes, almost half of the total population, of which 7.1 million people were internally displaced in Syria and 3.8 million people left the country and became refugees (Al Rifai & Haddad, 2015). The majority of these refugees stayed in the countries neighbouring Syria: Turkey, Lebanon, Jordan and Iraq. Since 2011, 429.000 Syrians applied for asylum in Europe (Rummery, 2015). However, the total number of Syrian refugees coming to Europe is much higher as many of the recently arrived refugees have not applied for asylum yet due to the insufficient reception conditions. According to the UNHCR, the most important reasons for Syrian refugees not to stay close to their home country but instead travel to Europe are the loss of hope after four years of civil war and the appalling living conditions in the overcrowded refugee camps in the neighbouring countries of Syria (Ibid.).

The situation in Libya has also caused the number of refugees coming to Europe to increase since 2011. The unrests and violent protests following the Arab Spring and the ousting of dictator Muammar Gaddafi have caused a highly instable situation in the country. Different factions are competing to establish power in Libya, which currently has no effective government and can be described as a failed state. This situation causes many African refugees to use Libya as a transit country from which they travel as fast as possible across the Mediterranean Sea.

<sup>2</sup> Eurostat, online data codes: migr\_asyctz and migr\_asyappctza, note: 2004-2007 EU-27 Member States.

The number of asylum applications in the 28 + 4 countries almost doubled between 2011 and 2014. This general trend does not hold if the data per country are examined. The Table with data on asylum applications in all 28 + 4 countries from 2011 until 2014, including the number of asylum applications as a percentage of population size in 2014, can be found in appendix D. It must be noted that this Table includes the asylum applications submitted by persons who subsequently fall under the Dublin procedure and are transferred back to the Member State where they first entered the EU. Both the first and the second asylum application (in the Member State where they are transferred to) are counted. What becomes clear from the Table is that the increased number of asylum applications has mainly taken place in Member States that are located at the southern and eastern borders of the EU (Bulgaria, Hungary and Italy) plus Germany and Sweden. Greece, also a country located at these borders that received tens of thousands of refugees over the past years, did not have a significant increase in the number of asylum applications. There are two reasons that can explain this. First, most refugees use Greece as a transit country in order to travel to other Member States and do not apply for asylum in Greece (Frontex, 2015). Second, getting access to the asylum procedure in Greece is extremely difficult (Greek Council for Refugees, 2015, p. 23-24). In order to assess the implications of the data on asylum applications, two analyses were conducted.

The first analysis consisted of examining which countries received the most asylum applications in 2014 and 2015 in absolute numbers. The results can be found in Table 1 on page 35. The top ten countries in 2014 together received 587.115 asylum applications on a total of 662.165 in the 28 + 4 countries, or 88.67%. The vast majority of asylum seekers applied for asylum in a minority of countries, resulting in a highly unequal distribution of asylum applications in absolute terms.

The second analysis consisted of calculating the relative weight of the number of asylum applications compared to the total population size of each country in 2014 and 2015. The results of this analysis can also be found in Table 1. The majority of countries receiving the most asylum applications in relative terms have small population sizes compared to other European countries, with the exception of Germany. The distribution of asylum applications is unequally divided across the countries that are part of the Dublin System in relative terms, with the countries that have smaller population sizes taking more responsibility than countries with larger population sizes.

Table 1: *Top ten asylum applications in absolute numbers and per million inhabitants in 2014 and 2015(M6).*<sup>3</sup>

Country	Asylum applications in 2014	Country	Per million inhabitants	Country	Asylum applications in 2015(M6)	Country	Per million inhabitants
Germany	202.645	Sweden	8417	Germany	171.735	Hungary	6761
Sweden	81.180	Hungary	4331	Hungary	66.785	Austria	3328
Italy	64.625	Austria	3296	France	32.155	Sweden	3001
France	64.310	Malta	3174	Italy	30.535	Germany	2126
Hungary	42.775	Switzerland	2894	Sweden	28.940	Malta	1904
United Kingdom	32.785	Denmark	2609	Austria	28.310	Liechtenstein	1481
Austria	28.035	Germany	2506	United Kingdom	14.990	Switzerland	1454
Netherlands	24.495	Norway	2235	Switzerland	11.835	Cyprus	1072
Switzerland	23.555	Luxembourg	2092	Belgium	11.695	Luxembourg	1055
Belgium	22.710	Cyprus	2034	Netherlands	9.735	Belgium	1044
<b>Total</b>	<b>587.115</b>				<b>396.980</b>		

Based on the data in Table 1 and together with other factors, two Member States are selected for further analysis. The selection of cases for the analysis is based on the most different systems design (MDS) case selection method. This method prescribes that two cases who are maximally different on all but one variable are selected (Otner, 2010, p. 571). Germany and Hungary are therefore selected for the analysis for two reasons. First, they share a crucial similarity on one variable. Table 1 demonstrates that both Member States are under increased migratory pressure in absolute and relative terms in 2014 and 2015. Second, the political response to the refugee crisis in both Member States is maximally different. Selecting Germany and Hungary allows to compare the effects of their geographical location (and associated responsibility to examine relatively more or less asylum applications under the Dublin Regulation) on the extent to which they invoke or reject solidarity in their responses to the refugee crisis while they are both under increased migratory pressure.

<sup>3</sup> All data used in this Table has been obtained from Eurostat on 30-11-2015. The data covers the first six months of 2015 because this was the most recent point in time with data from all countries. For the following data, these Eurostat data codes have been consulted: 'Asylum applications in 2014': migr\_asyappctza, 'Asylum applications in 2015': migr\_asyappctzm. Population size: demo\_pjan.

## **4.2 Decisions on asylum applications in Germany and Hungary**

The previous paragraph analysed the total number of asylum applications in absolute and relative terms compared to the population sizes of the 28 + 4 countries of the Dublin System. However, the total number of asylum applications received by Member States is not a sufficient indicator of the extent to which they are willing to share the costs of the refugee crisis. Member States take measures to influence the number of asylum seekers applying for asylum. These measures range from restrictive immigration and asylum policies to building fences at the external borders in order to prevent refugees from entering the EU. One of the limitations of this analysis is that it does not take into account the domestic influence of both Member States on the total number of asylum seekers that are allowed to apply for asylum. These factors are excluded from the analysis of the asylum procedures in Germany and Hungary, because it is focused on asylum seekers that have already entered the asylum procedure. Another limitation of the analysis is that it does not take into account refugees' preferences for their destination country. While Hungary is primarily being used a transit country, Germany serves as a destination country for the majority of refugees. More extensive research that includes these factors is needed for a better understanding of the differences in asylum applications between Member States and their responses.

The results of the analysis in this chapter reflect whether the trends stated in H1 and H2 can be observed. Because this research is focused on the effects of the Dublin Regulation, the analysis has to be focused on the political behaviour of Member States *after* they have been assigned the responsibility to examine the asylum application and the asylum seeker has been allowed to enter the asylum procedure in that Member State. Once this has happened, it depends partially on the Member State whether the asylum seeker is granted the refugee status. The total number of positive decisions on asylum applications therefore reflects the willingness of Member States to take in refugees and to what extent they are willing to share the costs of the refugee crisis. This number is used in the analysis in this paragraph as an indicator for the extent to which Member States have demonstrated solidarity during the refugee crisis. The following research question guides this part of the analysis:

*Does the total number of positive decisions on asylum applications indicate an increased or decreased degree of solidarity demonstrated by Germany and Hungary during the refugee crisis?*

Analysing the total number of positive decisions on asylum applications, for example compared to the total number of decisions on asylum applications, would not be sufficient. This analysis would not take into account the national differences between Member States in their capacity to take in refugees. Therefore, the total number of positive decisions on asylum applications is compared with several national indicators loosely based on the criteria set out in the European Agenda on Migration. These criteria have been used to establish the distribution key for the temporary European relocation scheme. Because these criteria reflect the ‘capacity of Member States to absorb and integrate refugees’ (European Commission, 2015, p. 19), they are used in this analysis as standards where the total number of positive decisions on asylum applications is compared with. These are the four criteria:

- Population size, reflecting an aspect of the capacity to absorb a certain number of refugees (Ibid.);
- Total GDP, reflecting an aspect of the absolute wealth of a Member State and therefore indicative for the capacity of an economy to absorb and integrate refugees (Ibid.);
- The ratio of positive and negative decisions taken on asylum applications, as an indication of attitudes, rules and efforts to take in refugees;
- Unemployment rate, an indicator reflecting the capacity to integrate refugees (Ibid.).

The hypotheses in this research are formulated in a way that requires this analysis to compare two periods of time in order to observe a general trend. The objective is to determine whether there is a difference between the extent to which Member States demonstrated solidarity at the start of the refugee crisis and the extent to which they currently do so. Choosing a moment in time as the starting point of the European refugee crisis is arbitrary, but the problems with refugees came to the attention of the mainstream public by the 2013 Lampedusa shipwreck. Due to the yearly and quarterly nature of the statistical data used in this research, the next period after this tragic event will constitute the start of the refugee crisis. The data from the first quarter of 2014 and onwards is used to make statements about whether the degree to which Member States demonstrate solidarity during the refugee crisis has changed compared with the period preceding the refugee crisis. The second quarter of 2015 has provided the most recent statistical data and is therefore chosen as final point in time for this analysis. The period preceding the refugee crisis also needs a starting point. As the previous paragraph has shown, the increased influx of refugees to Europe started from 2011 and onwards. However, comparing with the period 2011-2013 would provide a biased picture. This period in time is not representative for the general trend of refugees coming to Europe before the refugee crisis.

Because the years 2011-2013 were characterized by an increased arrival of refugees in Europe, it is necessary to also include the years 2008-2011 in this analysis. As a result, three ‘normal’ years and three years during which the influx of refugees increased significantly are included. This provides a more balanced picture of the general trends in the European refugee regime in the years preceding the refugee crisis.

The average total number of positive decisions on asylum applications has been calculated for both Germany and Hungary for the periods 2008-2013 (averages per year) and 2014-2015 (averages per quarter, until the second quarter of 2015). These averages are shown in the middle row of Table 2. Consequently, the averages of the criteria mentioned above have been calculated for both time periods and for both Member States. The huge differences between Germany and Hungary become clear from these numbers. However, in order to draw a valuable comparison between these two Member States it is necessary to look at the relative numbers. Therefore the following ratios have been calculated for the four criteria:

$$\frac{\text{Average number of positive decisions on asylum applications}}{\text{Average of criteria X}} \times 100$$

The results are presented in Table 2 on page 39. The lower side of Table 2 includes the average numbers of the criteria used in the analysis. The upper side of Table 2 includes the ratios that have been calculated. The ratios themselves have no meaning since the concepts that are compared are not the same units of measurement, except for the number of positive decisions as part of the total number of decisions on asylum applications. For example, between 2008 and 2013 Germany took on average a positive decision to grant the refugee status in 28.18% of the total number of decisions on asylum applications during that time period, compared to 42,58% in 2014 and 2015. The most important results of the analysis can be found in the two columns under ‘Change’. Whether the change is positive or negative indicates whether the Member State has increased or decreased taking positive decisions on asylum applications compared with the four national indicators. Table 2 shows that Germany has increased taking positive decisions on asylum applications compared with its average population size, total GDP, total number of decisions on asylum applications and unemployment rate during the current refugee crisis. Hungary has decreased taking positive decisions on asylum applications when compared with the four criteria, except when compared with its average total GDP.

Table 2: Average number of positive decisions on asylum applications compared to four national indicators for Germany and Hungary, time periods 2008-2013 and 2014-2015(Q2).<sup>4</sup>

Indicators/Time period	Germany			Hungary		
	2008-2013	2014-2015	Change	2008-2013	2014-2015	Change
<b>Avg. Population size</b>	0.0153	0.0169	0.0016	0.0032	0.0013	-0.0019
<b>Avg. Total GDP</b>	0.473	1.859	1.386	0.320	0.487	0.167
<b>Avg. Total of asylum decisions</b>	28.18	42.58	14.4	18.66	10.16	-8.5
<b>Avg. Unemployment rate</b>	0.474	0.663	0.189	0.074	0.037	-0.037
<b>Avg. Number of positive decisions</b>	12.505	13.625		320	125	
<b>Avg. Population size</b>	81.939.729	80.767.463		9.986.191	9.877.365	
<b>Avg. Total GDP</b>	2.646.813,33	733.023,33		100.053,8	25.656.53	
<b>Avg. Total of asylum decisions</b>	44.395	32.000		1715	1230	
<b>Avg. Unemployment rate</b>	2623,67	2054		432.17	337	

The results of this analysis largely indicate the trend stated in H1. Hungary, a country with a relatively limited capability to contribute to the European refugee regime due to its relatively large number of received asylum applications (Table 1) and its relatively small population size and total GDP is demonstrating increasingly less solidarity during the refugee crisis. This is reflected by the decreased relative number of positive decisions taken on asylum applications compared with Hungary's population size, total number of decisions on asylum applications and unemployment rate during the refugee crisis (Table 2). Only when compared to its total GDP, Hungary has increased its efforts to take in refugees.

The results of the analysis also indicate the trend stated in H2. Comparing the total number of positive decisions on asylum applications with four national indicators, Germany has increasingly demonstrated solidarity during the refugee crisis. These results also indicate that the 'exploitation of the big by the small' hypothesis from chapter three, based upon which H1 and H2 were formulated, is observed in this comparison between Germany and Hungary. The decreased responsibility taken by Hungary and the increased responsibility taken by

<sup>4</sup> All data used in this Table has been obtained from Eurostat on 20-10-2015. For the following indicators, these Eurostat data codes have been consulted: Average number of positive decisions on asylum applications and average total number of decisions on asylum applications (2008-2013): migr\_asydcfsta, Average number of positive decisions on asylum applications and average total number of decisions on asylum applications (2014-2015 Q2): m\_asydcfstq. Averages have been rounded to the nearest 5 like the data from the database. Average population size: demo\_pjan. Averages for 2008-2013 have been rounded to the nearest whole number. For 2014-2015, the population size in both Member States on 1 January 2014 has been used. Average total GDP (2008-2013): nama\_10\_gdp (in million euros, not seasonally adjusted data). Average total GDP (2014-2015): namq\_10\_gdp (in million euros, not seasonally adjusted data). Average unemployment rate (2008-2013): une\_nb\_a (in 1000 persons, seasonally adjusted data). Average unemployment rate (2014-2015): une\_nb\_q (in 1000 persons, seasonally adjusted data).

Germany indicate that a smaller Member State (Hungary) is shifting the burden of the refugee crisis towards a larger Member State (Germany). The qualitative content analysis in the next paragraph tests whether the speeches and statements of the heads of state of both Member States provide similar or different results with regards to the hypotheses.

## **4.3 Qualitative content analysis**

### **4.3.1 Methodology**

The purpose of the analysis in this paragraph is similar to the purpose of the analysis in the previous paragraph: testing the hypotheses stated in chapter three. This means that this analysis tests whether a trend can be observed in Germany and Hungary in the extent to which these Member States appeal to solidarity during the refugee crisis. The results of this analysis will test whether the trends stated in H1 and H2 can be observed. The analysis in this paragraph uses a quantitative approach to analyse qualitative data. This takes the form of a qualitative content analysis. Philipp Mayring, one of the founding scholars of this research method, explains the essence of qualitative content analysis: ‘The central idea of Qualitative Content Analysis is to start from the methodological basis of Quantitative Content Analysis [...] but to conceptualize the process of assigning categories to text passages as a qualitative-interpretive act, following content-analytical rules [...]’ (Mayring, 2014, p. 10). There are several advantages of using this research method.

The analysis in the previous paragraph made use of quantitative data on positive decisions on asylum applications. The first part of this analysis justified the selection of Germany and Hungary as cases for further quantitative analysis in paragraph 4.2 and qualitative analysis in this paragraph. Therefore the analysis in this research makes use of the advantages of methodological triangulation (Morse, 1991, p. 120). The analysis in paragraph 4.1 applied sequential triangulation: the results of this analysis were essential for planning the next method in paragraph 4.2 and this paragraph. The analyses in paragraphs 4.2 and 4.3 make use of simultaneous triangulation: the use of quantitative and qualitative methods at the same time. The advantage of this methodological triangulation is that it ensures that the most comprehensive approach is taken to solve the research problem. If both analyses lead to the same results, this increases the validity of the outcomes of this research.

There are several other advantages of using qualitative content analysis that deal with the nature of this research. As mentioned before, the purpose of this research is to test whether a general trend can be observed over a period of time. Content analysis is a research method that allows the study of processes occurring over time (Babbie, 2010, p. 344) and is therefore



suitable for this research. Another advantage of content analysis is that it is time-efficient (Ibid.), especially when a deductive approach to content analysis is used. This means that the analysis starts with a predefined framework based on theory and then the extent to which the data reflects the categories in the framework is verified. The advantage of this approach is that it can cope with relatively large data samples in a time-efficient manner. However, a limitation of this approach is that categories not included in the framework can be overlooked. This requires a constant revision of the categorical framework during the coding process. The researcher has to keep asking the questions: does the framework cover all the data, are additional categories needed or are existing categories not covering the data? This research makes use of the deductive approach to content analysis, because this research method can be applied within the timeframe available for the research in this thesis without jeopardising the value of this research. Another advantage of using content analysis is that it is a type of unobtrusive research. This means that the researcher does not interfere with the data (Ibid.) and therefore the bias that results from this interference can be avoided. Using qualitative content analysis as a research method results in a relatively high level of validity (Babbie, 2010, p. 338): using a relatively large sample of qualitative data allows for an in-depth measurement of the variables in this research.

However, there are also limitations of using qualitative content analysis as a research method. These are primarily related to the reliability of qualitative content analysis. As explained above, a deductive approach to qualitative content analysis is used. This means that a predefined coding framework is used during the coding process. Although a procedure is developed that structures the attribution of data segments to certain categories in the framework, the results of this coding process may differ from one researcher to another. Another limitation arises from the distinction between coding the manifest content and coding the latent content of the data. Coding the manifest content means that the most visible content is analysed. The most common approach is measuring the presence of certain words indicating the extent to which certain variables are present (Ibid.). Coding the latent content means that the underlying meaning of the data is assessed and the context of the data is also taken into account (Ibid.). The analysis in this research combines both coding methods: based on the presence of certain words or phrases, and taking into account the context of the data, the underlying meaning of data segments is determined. The final attribution of data segments to certain categories is based on their latent content and therefore comes at a cost to reliability: other researchers may attribute the same data segments to different categories. Combining both coding methods and using a clearly defined procedure aimed to determine to

which category data segments are attributed are measures that are taken to weaken this limitation of using qualitative content analysis.

In the next paragraph, the key variables in this research are operationalized and the framework that is used during the coding process is presented. After that, the coding procedure used to attribute data segments to certain categories in the framework is explained. The next step is to explain and justify the data selection. Furthermore, the period of time from which the data is collected is explained. The final paragraphs of this analysis contain the results and conclusions.

#### **4.3.2 Operational definitions of key variables**

Before the data can be collected and analysed, it is first necessary to operationalize the independent and dependent variable in this research. As demonstrated in chapter two, the Dublin Regulation causes a skewed allocation of responsibility to examine asylum applications in the EU. Member States located at the southern and eastern borders are given a disproportionately high responsibility. This skewed allocation of responsibility to examine asylum applications under the Dublin Regulation towards Member States located at the southern and eastern borders of the EU is the independent variable in this research. Only data reflecting a presence of the independent variable is selected for the analysis. Because the amount of data related to the allocation of responsibility to examine asylum applications under the Dublin Regulation is overwhelming, a careful selection has to be made. Which data is selected and how the data is considered as containing the independent variable is specified in paragraph 4.3.4 on the data selection procedure and the timeframe of this research.

As chapter three has elaborated, the dependent variable in this research is the degree of solidarity demonstrated and appealed to during the refugee crisis by two Member States. Solidarity has been defined as the way in which the costs of providing protection to refugees and a well-functioning European refugee regime should be shared between Member States. The previous paragraph has analysed the extent to which Germany and Hungary have demonstrated solidarity by looking at the average total number of positive decisions on asylum applications compared to four national indicators and measured in the period preceding the refugee crisis and during the refugee crisis. The analysis in this paragraph measures to what extent these Member States have appealed to solidarity by examining speeches and statements from political leaders of both Member States. As explained in chapter three, this is done through measuring to what extent they make use of certain frames. These frames have to be operationalized before they can be measured.

Semetko and Valkenburg (2000) have made use of content analysis to measure the presence of certain frames in the media. They use the definition of frames posed by Neuman, Just and Crigler (as cited in Semetko & Valkenburg, 2000, p. 94): ‘conceptual tools which media and individuals rely on to convey, interpret and evaluate information’. It is important to emphasize here that this analysis focuses on the use of frames by individuals, not by the media. Furthermore, Semetko and Valkenburg (2000) define the process of framing as ‘selecting some aspects of a perceived reality to enhance their salience in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation’ (defined by Entman and as cited in Semetko & Valkenburg, 2000, p. 94). These definitions of frames and the process of framing can be instrumental in expressing or conveying certain norms -such as solidarity in the European refugee regime- by norm entrepreneurs as defined by Finnemore and Sikkink (1998, p. 897) which has been explained in chapter three. Based on an extensive review of the existing literature on frames, Semetko and Valkenburg (2000) have distinguished five different frames that are used by media or individuals to convey information. These five frames are used in this research to measure the dependent variable: the extent to which political leaders have appealed to the norm of solidarity during the European refugee crisis. The following research question guides this part of the analysis:

*Does the use of frames by political leaders indicate an increased or decreased appeal to solidarity by Germany and Hungary during the refugee crisis?*

These are the five frames:

- *Conflict frame*. This frame emphasizes conflict between individuals, groups, or institutions as a means of capturing audience interest.
- *Human interest frame*. This frame brings a human face or an emotional angle to the presentation of an event, issue, or problem.
- *Economic consequences frame*. This frame reports an event, problem, or issue in terms of the consequences it will have economically on an individual, group, institution, region, or country.
- *Morality frame*. This frame puts the event, problem, or issue in the context of religious tenets or moral prescriptions.

- *Responsibility frame*. This frame presents an issue or problem in such a way as to attribute responsibility for its cause or solution to either the government or to an individual or group (Semetko & Valkenburg, 2000, p. 95-96).

The hypotheses that are tested in this analysis require the measurement of an increased or decreased appeal to solidarity. Therefore it is necessary to add subcategories to each frame, indicating either an increased or decreased degree of solidarity as appealed to by the political leaders of Germany and Hungary. In this way, the data can be attributed to one of the five frames and consequently to one of the two subcategories of each frame during the coding process. The procedure that is used to assign data segments to one of the categories from the framework is elaborated in the next paragraph. The Table in Appendix E provides the coding framework containing the five frames and their subcategories, including example quotes from the data per category to illustrate them. The example quotes have been randomly selected and are not indicative for the results of the analysis.

### **4.3.3 Coding**

The following steps are followed during the coding process. First, the data segment is assigned to one of the five frames mentioned in the Table in Appendix E. Second, the data segment is assigned to indicating an increased or decreased appeal to solidarity and is therefore coded as one of the categories from the Table. Because not all data segments fit into one of the ten categories mentioned in the Table, another category is needed. Data segments that cannot be assigned to either an increased or decreased appeal to solidarity are coded as 'not relevant'. It is important to assign a code to every segment of the data in order to be able to assess the relative importance of each category (Babbie, 2010, p. 340). The attribution of data segments to certain codes is guided by a list of questions the researcher uses while reading and coding the data. These questions can be answered with either 'yes' or 'no'. Whether the question is answered with 'yes' or 'no' indicates either an increased or decreased appeal to solidarity by the head of state of the concerned Member State. For example: if a data segment is assigned to contain the conflict frame, one of the questions the researcher asks is: 'Does the individual emphasize disagreement between parties/individuals/groups/countries?' If this question is answered with 'yes', the data segment reflects a decreased appeal to solidarity. The full list of questions (including which answers indicate an increased or decreased appeal to solidarity) can be found in appendix F. For the sake of the clarity of the coding process, the data segments are divided into sentences with each sentence assigned to

one single code unless there are legitimate reasons to assign multiple codes to one sentence. This might occur when questions from multiple categories can be answered for the coded sentence. The qualitative data analysis software that is used during the coding process is MAXQDA. The latest version (MAXQDA 12) is used. The most important advantage of this software for this research is that it allows the researcher to add subcategories to each code.

#### **4.3.4 Data selection and timeframes**

The data for the analysis consists of speeches and statements from the heads of state of Germany and Hungary related to the Dublin Regulation and its effects and delivered during the refugee crisis. Because it would require too much time to study all speeches and statements delivered by Angela Merkel and Viktor Orbán during the refugee crisis, it is necessary to select a sample of the data for this analysis. The period of time from which the sample is selected plays a key role for several reasons. First, the analysis requires the measurement of a general trend over time. Second, the sample selected for this analysis consists of speeches and statements that have been delivered shortly before, during or shortly after EU Summits related to migration and/or the refugee crisis. Selecting speeches and statements from the heads of state of both Member States during these time periods provides the most representative reflection of the position of both Member States towards the refugee crisis and provides an accurate indication of the extent to which they appeal to solidarity for several reasons. First, EU Summits during which migration and/or the refugee crisis are discussed provide the most important EU context for heads of state to express their points of view on these topics. Second, during these EU Summits heads of state are provided with the opportunity to demand action from other Member States. The analysis of speeches and statements of heads of state allows to measure the extent to which these demands reflect an increased or decreased appeal to solidarity. One limitation of using the official speeches and statements of heads of state is that their real points of view might be expressed during the discussions taking place behind closed doors. Despite this limitation, the language used by heads of state in their speeches and statements delivered around EU Summits related to migration and/or the refugee crisis provides a sufficient indicator for the dependent variable in this research. Table 3 shows the EU Summits that have provided the timeframes from which the data sample for this analysis is selected. They have all taken place during the refugee crisis in 2015 and therefore the data from these timeframes allows to measure an increased or decreased appeal to solidarity during the refugee crisis. Two of the EU Summits were

scheduled. The other two were extraordinary EU Summits, held especially to discuss topics related to the refugee crisis.

Table 3: *EU Summits providing the timeframes for this analysis.*

EU Summit #	Date	Type
168	23 April	Extraordinary
169	25-26 June	Scheduled
170	23 September	Extraordinary
171	15-16 October	Scheduled

The data for this analysis is obtained from the English webpages of the heads of state of Germany and Hungary.<sup>5</sup> These webpages include all the important speeches and statements delivered by the heads of state of both Member States. During the data selection process, an initial assessment is made of the content of the speech or statement. Based on this assessment, a judgment is made whether the concerned speech or statement is sufficiently related to the independent variable in this research to include it in the analysis. This initial assessment is based on the presence of at least one reference to the Dublin Regulation and/or its consequences, the allocation of responsibility to examine asylum applications or the increased pressure on Member States located at the southern and eastern borders of the EU during the refugee crisis. In order to provide a balanced comparison between Germany and Hungary, one speech or statement delivered during the timeframe of each EU Summit is used for the analysis. This results in a total of eight speeches or statements that are analysed, four per head of state. For a complete list of references to the speeches and statements that are used for the analysis, see appendix G.

It is important to make a distinction between the units of observation and the units of analysis. The units of observation in this analysis are the coded sentences from the speeches and statements delivered by the heads of state of Germany and Hungary. Taken together they form the sample that is analysed. The analysis of the units of observation is used to make statements about the political behaviour of Germany and Hungary during the refugee crisis. These Member States are the units of analysis.

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<sup>5</sup> For the German head of state: [http://www.bundestkanzlerin.de/Webs/BKin/EN/Homepage/homepage\\_node.html](http://www.bundestkanzlerin.de/Webs/BKin/EN/Homepage/homepage_node.html) (Data obtained on 12-11-2015). For the Hungarian head of state: <http://www.kormany.hu/en/the-prime-minister> (Data obtained on 12-11-2015).

There are several limitations of the data that is used in the analysis. Additional factors could have been included in the analysis to provide a more balanced picture of the political behaviour of Germany and Hungary during the refugee crisis. For example the public perception of the refugee crisis, domestic asylum policies or the role of party politics in both Member States. These factors also influence the political behaviour of both Member States but are not included in the analysis due to the limited scope of this thesis. The next paragraph gives an overview of the results of the analysis.

#### **4.3.5 Results**

A total of 200 codes has been assigned to the eight speeches and statements that have been selected for the analysis. The four speeches from the head of state of Hungary resulted in the assignment of 84 codes. The four speeches from the head of state of Germany resulted in the assignment of 116 codes. As mentioned before, the total number of codes that has been assigned is almost similar to the total number of sentences the eight speeches consisted of. Only in a few cases multiple codes have been assigned to one sentence. A few general characteristics of the data must be explained first before the results can be presented. First, the German data from the latter three EU Summits (25-26 June, 23 September and 15-16 October) also contained information that was not related to migration or the refugee crisis. These paragraphs have not been coded, resulting in a similar data quantity compared to Hungary. Second, the relatively large amount of German data that was coded as ‘not relevant’ can be explained by the fact that the German data made more use of short, explanatory sentences that contained neutral information which did not reflect the German political behaviour during the refugee crisis. Typically, the German Chancellor explained her views after these sentences. For example: ‘In Brussels the EU heads of state and government are consulting on steps to protect refugees. The primary concern must be to save lives, stressed the Chancellor.’<sup>6</sup>

The graphs on page 49 represent the use of the five frames (Conflict, Human interest, Economic consequences, Morality and Responsibility) by the heads of state of Hungary and Germany in their speeches delivered shortly before or after the EU Summits on the dates also displayed in the graphs. What becomes clear from these graphs is that the Conflict and Responsibility frames are the most popular frames used by the heads of state of both Member

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<sup>6</sup> The Federal Chancellor (2015) ‘Saving lives’, *Special European Council Meeting on the Deaths of Refugees*, 23 April 2015, URL: [http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel\\_en.html](http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel_en.html) (URL visited on 12-11-2015).

States. On a total of 200 coded segments, the Conflict frame was used 66 times and the Responsibility frame was used 44 times. This has a logical explanation. The EU Summits provide the most important window of opportunity for heads of state to discuss the measures that have to be taken in order to deal with the realities of the refugee crisis. When the heads of state speak about these measures, they often emphasize the progress that has been made during the negotiations on the EU Summit or they stress the disagreement that still exists between different Member States, indicating either signs of cooperation or conflict. The heads of state also speak about the content of the measures that have been taken or will be taken by their own countries or by the EU. When they propose measures that try to solve problems within the context of their own government or within the EU context, this indicates they are willing to take responsibility. When they propose measures that will have a deterrent effect on refugees or which push problems to other Member States, this indicates they are shirking the responsibility to tackle the issues of the refugee crisis.

With the Conflict and Responsibility frames being used the most, it is necessary to look at the differences in the way these frames are used by both heads of state. The most notable differences can be found in the number of times the Conflict frame has been used. On the one hand, Viktor Orbán emphasized disagreement or reproached other Member States 25 times, where Angela Merkel only did so 2 times. For example when speaking about the intention of the Hungarian delegation on the EU Summit of 25-26 June, Orbán stated: ‘The only objective is to defend Hungary and the Hungarian people,’<sup>7</sup> clearly distinguishing between the interests of Hungary and the interests of the EU as a whole. On the other hand, German Chancellor Angela Merkel emphasized that cooperation between EU Member States

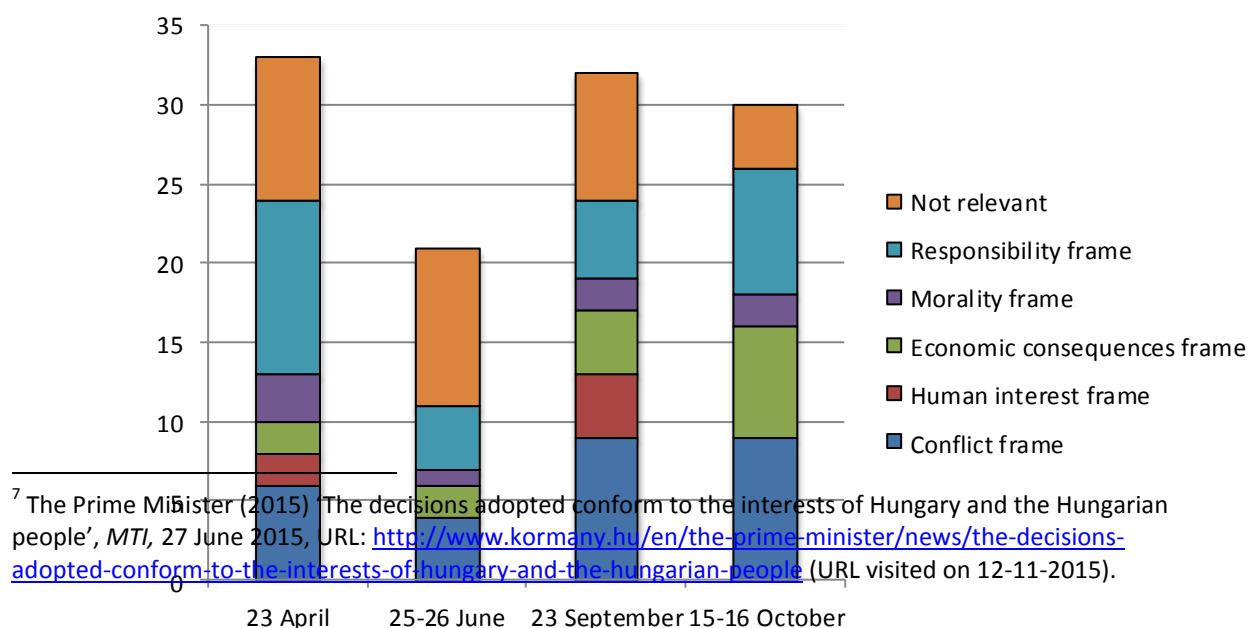




Figure 2. Assignment of codes for Germany.

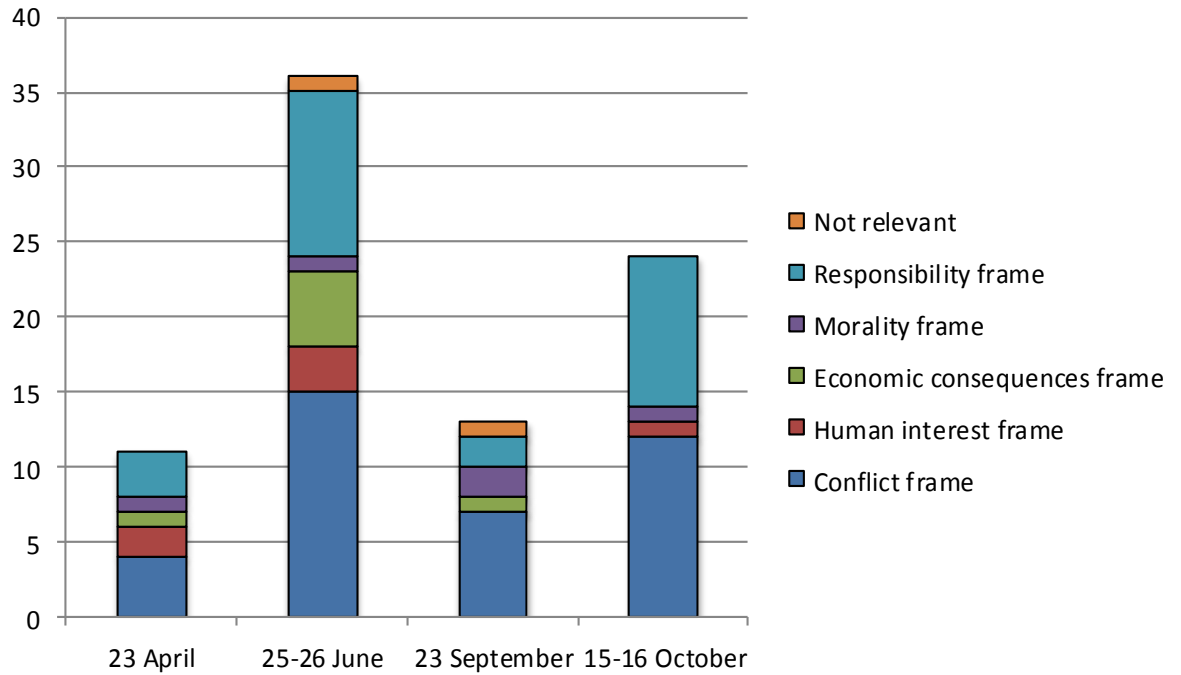


Figure 3. Assignment of codes for Hungary.

is necessary twice as much as Hungarian Prime Minister Viktor Orbán did: 26 against 13 times. Orbán especially stresses the importance of cooperation in the Visegrád Group, an alliance of the Czech Republic, Hungary, Poland and Slovakia, praising the governments and peoples of these countries. However, the cooperation he is referring to is above all related to increasing the protection on the Serbian-Hungarian and Croatian-Hungarian borders. When Orbán speaks about the border protection measures that have to be taken, he uses firm and defensive ‘us’ against ‘them’ language: he speaks of protecting against refugees rather than providing protection for refugees. This is related to an important difference in the assignment of the ‘taking responsibility’ code between Germany and Hungary. This code was frequently

assigned to the data from both heads of state (Merkel 28 times and Orbán 11 times), but Orbán never states that there is a common European responsibility to provide solutions for the refugee crisis. Instead, his focus lies exclusively on the way Hungary and the Visegrád Group deal with the crisis. The measures he refers to that have to be taken lead to the displacement of refugees to other parts of Europe, thereby shirking the responsibility to provide protection to refugees to other Member States. Hence while he does make clear that Hungary is willing to take responsibility, these measures primarily achieve the opposite. The code ‘shirking responsibility’ was assigned 15 times and only to data from the Hungarian Prime Minister. The following statement exemplifies the view of Orbán on the attribution of responsibility:

*‘Furthermore, they have also made progress in that, before the summit, the Visegrád Group issued a communiqué in which they pledged that each V4 partner takes responsibility for and provides assistance in ensuring that Hungary should not be compelled to protect its borders on its own, [...]’*<sup>8</sup>

On the contrary, Angela Merkel takes responsibility for the refugee crisis based on a comprehensive European approach. For example, this becomes clear when her statements about controlling the borders are compared with those of Viktor Orbán. Orbán views this as a Hungarian responsibility and it should have the aim of limiting the influx of refugees. Merkel views controlling the European borders as of elementary importance for the application of the Dublin Regulation: when Member States know exactly who is entering the EU and where, the procedure to determine the Member State responsible for examining the asylum application can be carried out faster. Therefore, she states that border control must ‘become more of a joint European responsibility.’<sup>9</sup> Another difference with Orbán is that Merkel argues for solutions in many different areas where the focus of Orbán is almost exclusively on closing the borders. This is reflected in the following statement:

*‘We will only be able to cope with the challenge if we tackle the factors that cause people to flee their homes, protect external borders, ensure decent conditions in refugee camps, speed*

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<sup>8</sup> The Prime Minister (2015) ‘We have achieved a partial result’, *Prime Minister’s Office/MTI*, 16 October 2015, URL: <http://www.kormany.hu/en/the-prime-minister/news/we-have-achieved-a-partial-result> (URL visited on 12-11-2015).

<sup>9</sup> The Federal Chancellor (2015) ‘Europe must stand together’, *Chancellor delivers Government Statement*, 15 October 2015, URL: <http://www.bundestkanzlerin.de/Content/EN/Regierungserklaerung/2015-10-15-regierungserklaerung-bundestag.html> (URL visited on 12-11-2015).

*up asylum proceedings significantly, return the people who have no prospects of obtaining residency rights and integrate those genuinely in need of protection.*<sup>10</sup>

Both heads of state make less use of the Economic consequences frame and -similar to the Responsibility frame- they do so in a different way. Against the background of the limited financial capabilities of Hungary to deal with the increased influx of refugees, it is not surprising that Orbán refers to measures that have to be taken to share the financial burden of the refugee crisis. Therefore, in economic terms Orbán demonstrates an increased appeal to solidarity. Germany is the economically most powerful Member State and therefore it is clear that Merkel repeatedly mentions the financial support Germany gives to several aid programs and to the reception facilities for refugees. She also expresses her willingness to take part in the relocation of 120.000 refugees from those Member States most directly affected by the refugee crisis. This move has financial implications for Germany and is therefore regarded as a sign that Germany is willing to share the financial burden of the refugee crisis. Both Member States, although with different motivations, demonstrate a willingness to share the economic costs of the refugee crisis. This is also reflected in the assignment of the two codes which together form the Economic consequences frame: 'sharing the costs' was used 20 times and 'shifting the financial burden' only 2 times.

Even less use was made of the Morality frame by the heads of state of Germany and Hungary: in total 13 times. German Chancellor Angela Merkel referred to certain moral prescriptions and the importance of core European values 8 times, where Viktor Orbán did not make any of such references. For example, when speaking about the necessity to prevent any further loss of life at sea Merkel stated that this 'is essential if the European community of values is to retain its credibility.'<sup>11</sup> She did a literal appeal to solidarity 3 times. Viktor Orbán made 5 statements that were clearly intended to antagonize the public. For example, when criticizing the lack of decisiveness of the EU he stated: 'I had the impression that they do not regard this to be as important as we Hungarians do.'<sup>12</sup> He emphasizes two sides in the debate,

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<sup>10</sup> The Federal Chancellor (2015) 'Refugee policy is a global challenge', *Chancellor delivers Government Statement*, 24 September 2015, URL: [http://www.bundestkanzlerin.de/Content/EN/Artikel/2015/09\\_en/2015-09-24-reg-erklaerung-merkel\\_en.html](http://www.bundestkanzlerin.de/Content/EN/Artikel/2015/09_en/2015-09-24-reg-erklaerung-merkel_en.html) (URL visited on 12-11-2015).

<sup>11</sup> The Federal Chancellor (2015) 'Saving lives', *Special European Council Meeting on the Deaths of Refugees*, 23 April 2015, URL: [http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel\\_en.html](http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel_en.html) (URL visited on 12-11-2015).

<sup>12</sup> The Prime Minister (2015) 'We should consider letting migrants through to Austria and Germany', *Prime Minister's Office/MTI*, 24 September 2015, URL: <http://www.kormany.hu/en/the-prime-minister/news/we-should-consider-letting-migrants-through-to-austria-and-germany> (URL visited on 12-11-2015).

takes a distance from the decision-making process in the EU and assumes that the entire Hungarian population shares his point of view.

As explained in chapter three, it is hard to directly measure the presence of norms based on empirical data. However, the communication of political actors entails their justification for certain measures that have to be taken according to them. By analysing their communication certain norms that guide and steer political action can be distinguished. The assignment of the codes ‘solidarity’ and its antonym, ‘antagonism’, has happened relatively little despite the fact that the latent content of the data often reflected one of these codes: only data segments that obviously made reference to moral prescriptions, solidarity or other European values or were intended to antagonize the public were assigned to one of these two codes. Therefore, the extent to which these codes have been assigned to the data is not a sufficient indicator for the degree of solidarity demonstrated by both Member States. The other frames -especially the three frames discussed earlier- do more reflect the justification for certain measures that have to be taken according to the heads of state. In order to assess the presence of solidarity as demonstrated by the heads of state of Germany and Hungary, it is important to take into account these frames as well.

Despite the human tragedies that are unfolding during the refugee crisis, the human interest frame was used only 12 times by the heads of state. Angela Merkel tried to bring a ‘human face’ to the refugee crisis in 6 statements, against 3 by Viktor Orbán. She did so in two ways. First, Merkel tries to make the way in which Germany deals with the refugee crisis a personal story by elaborately thanking all the people involved in the reception of refugees. Second, she refers to the tragic faith of refugees and emphasizes that saving lives must be the ‘primary concern’<sup>13</sup>. Viktor Orbán distanced himself from the problems that accompany the increased influx of refugees in Europe in 3 statements. For example, when he speaks about the financial problems Greece already had to deal with and which have become worse due to the refugee crisis, he says the following: ‘[...] even in this situation we expect them to meet their obligations as in the absence of fulfilling these obligations, they create a difficult situation for Hungary.’<sup>14</sup> Instead of proposing measures to share the financial burden of the refugee crisis,

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<sup>13</sup> The Federal Chancellor (2015) ‘Saving lives’, *Special European Council Meeting on the Deaths of Refugees*, 23 April 2015, URL: [http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel\\_en.html](http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel_en.html) (URL visited on 12-11-2015).

<sup>14</sup> The Prime Minister (2015) ‘The decisions adopted conform to the interests of Hungary and the Hungarian people’, *MTI*, 27 June 2015, URL: <http://www.kormany.hu/en/the-prime-minister/news/the-decisions-adopted-conform-to-the-interests-of-hungary-and-the-hungarian-people> (URL visited on 12-11-2015).

Orbán stresses that his primary concern is that Greece will keep fulfilling its financial obligations.

The final results of the qualitative content analysis for both Germany and Hungary are presented in Table 4 and Table 5. These results include the number of codes indicating either an increased or decreased appeal to solidarity for both Member States. The next paragraph provides the conclusions drawn from the results of the qualitative content analysis.

Table 4: *Results of the qualitative content analysis for Germany.*

Date of EU Summit	Total # of coded segments (N)	Increased solidarity (%)	Decreased solidarity (%)	Not relevant (%)
<b>23 April</b>	11	7 (63.64)	4 (36.36)	0 (0.0)
<b>25-26 June</b>	36	7 (19.44)	28 (77.78)	1 (2.78)
<b>23 September</b>	13	4 (30.77)	8 (61.54)	1 (7.69)
<b>15-16 October</b>	24	14 (58.33)	10 (41.67)	0 (0.0)
<b>Total</b>	<b>84</b>	<b>32 (38.10)</b>	<b>50 (59.52)</b>	<b>2 (2.38)</b>

Table 5: *Results of the qualitative content analysis for Hungary.*

Date of EU Summit	Total # of coded segments (N)	Increased solidarity (%)	Decreased solidarity (%)	Not relevant (%)
<b>23 April</b>	33	24 (72.73)	0 (0.0)	9 (27.27)
<b>25-26 June</b>	21	11 (52.38)	0 (0.0)	10 (47.62)
<b>23 September</b>	32	23 (71.88)	1 (3.13)	8 (25)
<b>15-16 October</b>	30	25 (83.33)	1 (3.33)	4 (13.33)
<b>Total</b>	<b>116</b>	<b>83 (71.55)</b>	<b>2 (1.72)</b>	<b>31 (26.72)</b>

#### 4.3.6 Conclusions of the qualitative content analysis

What has become clear from the qualitative content analysis is that Hungarian Prime Minister Viktor Orbán and German Chancellor Angela Merkel have completely different perceptions of the way in which the refugee crisis should be handled. Orbán focuses on the Hungarian interests and the measures he takes are above all related to protecting and closing the Hungarian borders. In defensive ‘us’ against ‘them’ language, he makes clear that the refugee crisis is a problem for other Member States to be solved. Furthermore, he states that Hungary will take measures that shift the responsibility for the reception of refugees to other Member States. The most visible example of these measures he refers to is the fence that was built along the Serbian-Hungarian border. Another characteristic of the language used by Viktor Orbán is that he emphasizes his disagreement with the heads of state of other Member States during the EU Summits, instead of trying to cooperate with them. Furthermore, he makes clear that the interests of Hungary are different than those of the EU as a whole. In terms of shirking responsibility, antagonizing the public he is speaking to and emphasizing disagreement and/or stressing the differences between 1) Hungary and other Member States, 2) the interests of Hungary and the EU as a whole, and 3) economic migrants and refugees, Hungary has appealed increasingly less to solidarity over the course of the refugee crisis.

Many of the results from the qualitative content analysis of the German data provide an opposite picture. Despite the huge differences in the attitudes of all Member States towards the refugee crisis, Angela Merkel uses unifying language and emphasizes that the refugee crisis is a European problem, requiring European solutions. She hardly speaks about the role of Germany or the German interests, but instead emphasizes that the problems should be tackled at the national, European and global levels. With regards to the measures that are discussed during the EU Summits, Angela Merkel emphasizes what has been achieved during the negotiations and defends the measures have to be taken. There is a range of measures she proposes, covering different areas. These measures range from protecting the external borders of the EU, to improving conditions in refugee camps and asylum centres, to speeding up the asylum procedures.

In terms of solidarity, the assigned codes do not indicate a significant increase or decrease for both Germany and Hungary (see Tables 4 and 5). The numbers rather fluctuate, depending on the topics that were discussed during the EU Summits. The results of the qualitative content analysis indicate that Hungary does appeal less to solidarity during the current refugee crisis compared to Germany. However, it cannot be concluded that Hungary does appeal *increasingly* less. The assumption of H1 that this would happen over the course

of the refugee crisis has not been observed. The same applies to H2: the assumption of a general trend over time has not been observed, but Germany does appeal considerably more to solidarity.

A partial explanation for the results of both analyses in this chapter can be found in the geographical location of Member States and the associated responsibility to examine asylum applications under the Dublin Regulation. Amongst other factors, the skewed allocation of responsibility towards Member States located at the southern and eastern borders of the EU has led to the contrary approaches to deal with the refugee crisis that have been observed in Germany and Hungary. The next chapter draws conclusions about the effects of the Dublin Regulation on the degree of solidarity as demonstrated by Germany and Hungary and as measured in the analysis in this chapter.

## Conclusion

The aim of the research in this thesis is to give an answer to the question:

*'To what extent does the Dublin Regulation foster a solidarity gap between EU Member States?'*

The overview of the historical, political and legal context of the Dublin Regulation has provided insight to the reasons for its existence, explained why the Regulation is politically debated but still exists as a cornerstone of the CEAS. Despite the acknowledgment of the European Commission that the Dublin Regulation results in an increased burden in terms of the number of asylum applications received by Member States located at the southern and eastern borders of the EU, the underlying principle that causes this skewed allocation of responsibility has been included in the revised 'Dublin III' in 2013. The UNHCR and ECRE have repeatedly emphasized that the Dublin Regulation counteracts true solidarity in Europe.

Solidarity in the European refugee regime is defined as the way in which the costs of providing protection to refugees are ought to be shared among Member States. This definition is based on the definition of norms in international politics as standards of appropriate behaviour. The invisible character of norms makes them hard to distinguish, but because they guide political action which requires justification from political actors they can be extracted from their political communication. The notion of solidarity in the European refugee regime has been explored based on two theoretical perspectives, resulting in two approaches to sharing the 'burden' of refugees. The cost-benefit approach assumes that Member States either accept or refuse refugees based on rational calculations of costs and benefits. The norm-based approach assumes that Member States accept or reject refugees based on the extent to which they conform to certain norms. While the political behaviour of Member States in the European refugee regime can traditionally be explained based on the cost-benefit approach, the current refugee crisis seems to invoke an increased call for conformance to the norm of solidarity. The hypotheses in this research have been formulated based on the assumption that Member States make decisions based on rational calculations and therefore they make use of public goods theory and the problem of free-riding which fit within this approach. With providing protection to refugees considered as an international public good, the problem of free-riding in the context of the European refugee regime hypothesizes that smaller Member



States (in terms of their ability to contribute to providing protection to refugees) will profit or ‘free-ride’ on the efforts of larger Member States.

The hypotheses have been tested with data from Germany and Hungary. The similarities between these two Member States in terms of the increased number of asylum applications during the refugee crisis, both in absolute and relative terms, allowed for an analysis of the different effects of the Dublin Regulation on a border and a non-border Member State in terms of the degree to which they invoke or reject the norm of solidarity. The results of the analysis found that the skewed allocation of the responsibility to examine asylum applications towards southern and eastern border Member States was an explaining factor for the politics of shifting the burden of the refugee crisis towards other Member States in the case of Hungary. Both the analysis of the number of positive decisions taken on asylum applications and the qualitative content analysis of speeches and statements from the head of state of Hungary indicated that conformance to the norm of solidarity in the European refugee regime does not play a dominant role in the political behaviour of this Member State. On the contrary, similar analyses applied to data from Germany indicate that this Member State has increased taking positive decisions on asylum applications during the refugee crisis compared to several national indicators and that the German head of state emphasizes the importance of European norms such as solidarity in dealing with the refugee crisis. Despite the different effects that have been measured in these two Member States, an increase or decrease in the degree of solidarity demonstrated by both Member States during the period of time from which the data was selected has not been observed.

This research has taken into account the different degrees of responsibility for Member States to examine asylum applications under the Dublin Regulation due to their geographical location and the differences in their ability to contribute to the European refugee regime (in terms of population size, total GDP, total decisions taken on asylum applications and unemployment rate). However, the list of factors explaining the political behaviour of Member States during the refugee crisis could be far more extended. For example, the role of domestic politics is an important factor. The composition of the government results in different responses to the refugee crisis in different Member States. Furthermore, domestic asylum and integration policies in areas that are not directly regulated by EU law differ from one Member State to the other and characterize the ‘openness’ to the influx of refugees. The preferences for destination countries of refugees themselves could also be taken into account as it influences the degree to which Member States are willing to take in refugees. Finally, the public opinion in the respective Member States with regards to the reception of refugees

influences the way politicians respond to the refugee crisis. Not taking into account these factors reflect the limitations of this research. Because the numbers of refugees and asylum applications in Europe are unprecedented, a scientific understanding of this new phenomenon will at least in the short-term lag behind on the realities of the refugee crisis. However, existing theory about the other explaining factors mentioned above can work as a suitable starting point for further research. This research should be aimed at an improved understanding of the different ways Member States respond to the crisis situation Europe currently has to deal with.

This research has demonstrated that the Dublin Regulation is one of the explaining factors for the solidarity gap between Member States. It should be taken into account that other factors are also playing a role, but the skewed allocation of responsibility to examine asylum applications towards Member States located at the southern and eastern borders of the EU influences the different approaches to deal with the refugee crisis that have been observed in the comparative case study of Germany and Hungary. Because Germany is the largest Member State in terms of its ability to contribute to the reception of refugees and is not located at the southern or eastern borders of the EU, it is able to demonstrate and appeal more to solidarity compared to Hungary, which is faced with an excessively high responsibility due to its geographical location and the associated primary responsibility to examine asylum applications of incoming refugees. The different strategies pursued by the heads of state of Germany and Hungary can also be explained out of enlightened self-interest. Angela Merkel has become a symbol of openness, generosity and solidarity during the refugee crisis: a great difference with her image during the negotiations about the Greek debt crisis. Furthermore the German population is ageing and the German economy could use an influx of a young labour force. On the other hand, the Hungarian economy is not able to absorb and integrate the numbers of refugees trying to cross their borders. Viktor Orbán is able to profile himself as a strong right-wing political leader protecting Hungary from the influx of refugees by building fences at its borders. The lack of an accurate mechanism to distribute refugees across Member States encourages the differences in their responses to the refugee crisis to increase.

The refugee crisis has proven that the Dublin Regulation is an outdated mechanism to allocate the responsibility to examine asylum applications to Member States. This is reflected by the emergency measures proposed by the European Commission such as the temporary relocation mechanism for 160.000 refugees from Italy, Greece and Hungary. Such measures would effectively mean that the Dublin Regulation needs to be suspended or replaced, as is currently already happening in practice in Germany, Hungary and other Member States. The

practical implication of this research is that it demonstrates the urgent need to reform the Dublin Regulation. This has also been acknowledged by the European Commission, which will evaluate the Dublin Regulation in 2016 and has proposed measures to implement a permanent relocation mechanism. Although reforming the Dublin Regulation into a more accurate mechanism that is designed to share the responsibility to examine asylum applications in a fair and equitable manner among Member States is not the only solution to bridge the current solidarity gap in the European refugee regime, it is one of the important steps that have to be taken towards a European Union that is able to cope with the refugee crisis.

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## APPENDIX A.

### Dublin Convention – Articles 4-8 Summary Table

Source: Dublin Convention [1997] OJ C 254, p. 4-5.

Article N° and Summary Title	Citation
<b>Article 4 – Family Considerations</b>	‘Where the applicant for asylum has a member of his family who has been recognized as having refugee status within the meaning of the Geneva Convention, as amended by the New York Protocol, in a Member State and is legally resident there, that State shall be responsible for examining the application, provided that the persons concerned so desire. [...]’
<b>Article 5 – Recent Possession of Residence Permit or Visa</b>	‘1 . Where the applicant for asylum is in possession of a valid residence permit, the Member State which issued the permit shall be responsible for examining the application for asylum. 2. Where the applicant for asylum is in possession of a valid visa, the Member State which issued the visa shall be responsible for examining the application for asylum, [...]’
<b>Article 6 – Irregular entry into the EU</b>	‘When it can be proved that an applicant for asylum has irregularly crossed the border into a Member State by land, sea or air, having come from a non-member State of the European Communities, the Member State this entered shall be responsible for examining the application for asylum. That State shall cease to be responsible, however, if it is proved that the applicant has been living in the Member State where the application for asylum was made at least six months before making his application for asylum. In that case it is the latter Member State which is responsible for examining the application for asylum.’
<b>Article 7 – Regular entry into</b>	‘1 . The responsibility for examining an application for

<p><b>the EU</b></p>	<p>asylum shall be incumbent upon the Member State responsible for controlling the entry of the alien into the territory of the Member States, except where, after legally entering a Member State in which the need for him or her to have a visa is waived, the alien lodges his or her application for asylum in another Member State in which the need for him or her to have a visa for entry into the territory is also waived. In this case, the latter State shall be responsible for examining the application for asylum. [...]</p>
<p><b>Article 8 – If previous criteria do not apply</b></p>	<p>‘Where no Member State responsible for examining the application for asylum can be designated on the basis of the other criteria listed in this Convention, the first Member State with which the application for asylum is lodged shall be responsible for examining it.’</p>

## APPENDIX B.

### A Common European Asylum System

Source: European Commission (2014) 'A Common European Asylum System', Luxembourg: Publications Office of the European Union, p. 3.

#### Directives and Regulations forming the CEAS

- 'The revised Asylum Procedures Directive aims at fairer, quicker and better quality asylum decisions; asylum seekers with special needs will receive the necessary support to explain their claim and in particular there will be greater protection of unaccompanied minors and victims of torture;
- the revised Reception Conditions Directive ensures that there are humane material reception conditions (such as housing) for asylum seekers across the EU and that the fundamental rights of the concerned persons are fully respected; it also ensures that detention is only applied as a measure of last resort;
- the revised Qualification Directive clarifies the grounds for granting international protection and therefore will make asylum decisions more robust; it will also improve the access to rights and integration measures for beneficiaries of international protection;
- the revised Dublin Regulation enhances the protection of asylum seekers during the process of establishing the state responsible for examining the application and clarifies the rules governing the relations between states; it creates a system to detect early problems in national asylum or reception systems and address their root causes before they develop into fully fledged crises;
- the revised Eurodac Regulation will allow law enforcement access to the EU database of the fingerprints of asylum seekers under strictly limited circumstances in order to prevent, detect or investigate the most serious crimes, such as murder and terrorism.'

## APPENDIX C.

### Key Achievements of the revised Dublin Regulation (Council Regulation (EC) No 604/2013 of 26 June 2013)

Source: European Commission (2014) ‘A Common European Asylum System’, Luxembourg: Publications Office of the European Union, p. 7.

#### Key Achievements

- ‘An early warning, preparedness and crisis management mechanism, geared to addressing the root dysfunctional causes of national asylum systems or problems stemming from particular pressures;
- a series of provisions on the protection of applicants, such as compulsory personal interviews, guarantees for minors (including a detailed description of the factors that should lay at the basis of assessing a child’s best interests) and extended possibilities of reunifying them with relatives;
- the possibility for appeals to suspend the execution of the transfer for the period when the appeal is judged, together with the guarantee of the right for a person to remain on the territory pending the decision of a court on the suspension of the transfer pending the appeal;
- an obligation to ensure legal assistance free of charge upon request;
- a single ground for detention in case of risk of absconding; strict limitation of the duration of detention;
- the possibility for asylum seekers that could in some cases be considered irregular migrants and returned under the Return Directive to be treated under the Dublin procedure — thus giving these persons more protection than the Return Directive;
- an obligation to guarantee the right to appeal against a transfer decision;
- more legal clarity on procedures between Member States — e.g. exhaustive and clearer deadlines. The entire Dublin procedure cannot last longer than 11 months to take charge of a person or 9 months to take him/her back (except for absconding or where the person is imprisoned).’

## APPENDIX D.

### Table with asylum applications in 28 EU Member States + 4 non-EU Member States, population size in 2014 and asylum applications as % of population size in 2014

Source: Eurostat, online data codes: migr\_asyapp (asylum applications) and demo\_pjan (population size on 1 January 2014).

Country/Year	2011	2012	2013	2014	Population size in 2014	%
<b>European Union (28 MS)</b>	309.040	335.290	431.090	626.960	506.847.612	0.12
<b>Belgium</b>	31.910	28.075	21.030	22.710	11.203.992	0.20
<b>Bulgaria</b>	890	1.385	7.145	11.080	7.245.677	0.15
<b>Czech Republic</b>	750	740	695	1.145	10.512.419	0.01
<b>Denmark</b>	3.945	6.045	7.170	14.680	5.627.235	0.26
<b>Germany</b>	53.235	77.485	126.705	202.645	80.767.463	0.25
<b>Estonia</b>	65	75	95	155	1.315.819	0.01
<b>Ireland</b>	1.290	955	945	1.450	4.605.501	0.03
<b>Greece</b>	9.310	9.575	8.225	9.430	10.926.807	0.09
<b>Spain</b>	3.420	2.565	4.485	5.615	46.512.199	0.01
<b>France</b>	57.330	61.440	66.265	64.310	65.835.579	0.10
<b>Croatia</b>			1.075	450	4.246.809	0.01
<b>Italy</b>	40.315	17.335	26.620	64.625	60.782.668	0.11
<b>Cyprus</b>	1.770	1.635	1.255	1.745	858.000	0.20
<b>Latvia</b>	340	205	195	375	2.001.468	0.02
<b>Lithuania</b>	525	645	400	440	2.943.472	0.02
<b>Luxembourg</b>	2.150	2.050	1.070	1.150	549.680	0.21
<b>Hungary</b>	1.690	2.155	18.895	42.775	9.877.365	0.43
<b>Malta</b>	1.890	2.080	2.245	1.350	425.384	0.32
<b>Netherlands</b>	14.590	13.095	13.060	24.495	16.829.289	0.15
<b>Austria</b>	14.420	17.415	17.500	28.035	8.506.889	0.33
<b>Poland</b>	6.885	10.750	15.240	8.020	38.017.856	0.02
<b>Portugal</b>	275	295	500	440	10.427.301	0.00
<b>Romania</b>	1.720	2.510	1.495	1.545	19.947.311	0.01
<b>Slovenia</b>	355	295	270	385	2.061.085	0.02
<b>Slovakia</b>	490	730	440	330	5.415.949	0.01
<b>Finland</b>	2.915	3.095	3.210	3.620	5.451.270	0.07
<b>Sweden</b>	29.650	43.855	54.270	81.180	9.644.864	0.84
<b>United Kingdom</b>	26.915	28.800	30.585	32.785	64.308.261	0.05
<b>Iceland</b>	75	115	125	170	325.671	0.05
<b>Liechtenstein</b>	75	70	55	65	37.129	0.18
<b>Norway</b>	8.990	9.675	11.930	11.415	5.107.970	0.22
<b>Switzerland</b>	23.615	28.400	21.305	23.555	8.139.631	0.29
<b>Total (28 + 4)</b>	341.795	373.550	464.505	662.165	520.458.013	0.13

## APPENDIX E.

### Table containing the coding framework and example quotes.

Source: See Appendix G for the list of sources of the example quotes.

Frames	Increased solidarity	Decreased solidarity
<b>Conflict frame</b>	<p><b>Cooperation</b></p> <p><i>‘If there are common problems, Hungary is ready to cooperate.’</i></p>	<p><b>Conflict</b></p> <p><i>‘Mr Orbán told the press that they failed to agree on the proposal which stated that if Greece is unable to protect its borders, the European Union should do so as part of a joint effort.’</i></p>
<b>Human interest frame</b>	<p><b>Compassion</b></p> <p><i>‘We will do all we can to prevent more people dying in a most excruciating way in the Mediterranean.’</i></p>	<p><b>Aloofness</b></p> <p><i>‘The Prime Minister asked the question: who should decide whom to allow into our home, our house, our country?’</i></p>
<b>Economic consequences frame</b>	<p><b>Sharing the costs</b></p> <p><i>‘Angela Merkel pointed out that the German government will be spending 8.3 billion euros more on development assistance with a focus on tackling the root causes of migration.’</i></p>	<p><b>Shifting the financial burden</b></p> <p><i>‘He added: he is personally heart-broken about every forint to be spent on the fence, “but security comes first”.’</i></p>
<b>Morality frame</b>	<p><b>Solidarity</b></p> <p><i>‘Here too the principle applies that solidarity must go hand in hand with the efforts of those affected, added Angela Merkel.’</i></p>	<p><b>Antagonism</b></p> <p><i>“I had the impression that they do not regard this to be as important as we Hungarians do”, Mr Orbán said when speaking of the</i></p>

*summit.’*

**Responsibility frame**

**Taking responsibility**

**Shirking responsibility**

*‘The Prime Minister said that Hungary’s standpoint is clear: “We believe that if we are given the task of legislating on the situation of refugees coming to Hungary, we can do it”.’*

*“We shall build the fence”, the Prime Minister stated, adding that the goal is to ‘curb’ the flow, and if the route changes, so will the fence.’*



## APPENDIX F.

### Table with questions used during the coding process and answers indicating an increased/decreased appeal to solidarity

Source: Semetko, H.A. and P.M. Valkenburg (2000) 'Framing European Politics: A Content Analysis of Press and Television News', *Journal of Communication*, 50:2, p. 100. The questions in the Table below are based on the questions used by the authors but have been slightly adapted to cover the subjects that are studied (individuals rather than media) and the dependent variable that is being studied (the degree of solidarity during the refugee crisis).

Questions	Increased solidarity	Decreased solidarity
<b>Conflict frame</b>		
Does the individual emphasize disagreement between parties/individuals/groups/countries?	No	Yes
Does the individual reproach another party/individual/group/country?	No	Yes
Does the individual imply that there are two or more separate sides in the refugee crisis?	No	Yes
Does the individual emphasize the difference between refugees and economic migrants?	No	Yes
Does the individual suggest the refugee crisis requires cooperation between parties/individuals/groups/countries?	Yes	No
<b>Human interest frame</b>		
Does the individual employ a human example or 'human face' related to the refugee crisis in order to generate compassion?	Yes	No
Does the individual employ a human example or 'human face' related to the refugee crisis in order to keep a distance?	No	Yes
Does the individual employ adjectives or personal vignettes that generate feelings of empathy-caring, sympathy, or compassion?	Yes	No

Does the individual refer to the private or personal lives of refugees to generate feelings of empathy-caring, sympathy, or compassion?	Yes	No
Does the individual refer to visual information that might generate feelings of empathy-caring, sympathy, or compassion?	Yes	No
<b>Economic consequences frame</b>		
Does the individual refer to possible financial losses due to the increased influx of refugees?	No	Yes
Does the individual refer to possible financial gains due to the increased influx of refugees?	Yes	No
Does the individual refer to adverse economic consequences of the refugee crisis?	No	Yes
Does the individual refer to the need to share the financial burden of the refugee crisis?	Yes	No
<b>Morality frame</b>		
Does the individual appeal to the notion of solidarity or related moral prescriptions in the context of the refugee crisis?	Yes	No
Does the individual deliver a statement that could antagonize the public he or she is speaking to?	No	Yes
Does the individual refer to religion to warn for the increased influx of refugees?	No	Yes
Does the individual refer to religion with the intention to be open to the increased influx of refugees?	Yes	No
<b>Responsibility frame</b>		
Does the individual suggest that some level of its own government has the ability to alleviate the refugee crisis?	Yes	No
Does the individual suggest that some level	Yes	No

of its own government has to take responsibility in the refugee crisis?		
Does the individual suggest solution(s) to the refugee crisis within the domain of its own government?	Yes	No
Does the individual suggest that another group in society, outside the domain of its own government, is responsible for the refugee crisis?	No	Yes
Does the individual emphasize that the primary responsibility to provide solutions for the refugee crisis does not lie within its own government?	No	Yes
Does the individual suggest that all Member States carry responsibility in the refugee crisis?	Yes	No

## **APPENDIX G.**

### **References to the speeches and statements used in the qualitative content analysis.**

Source: English webpages of the Hungarian Prime Minister, URL:

<http://www.kormany.hu/en/the-prime-minister> and the German Chancellor, URL:

[http://www.bundestkanzlerin.de/Webs/BKin/EN/Homepage/homepage\\_node.html](http://www.bundestkanzlerin.de/Webs/BKin/EN/Homepage/homepage_node.html)

#### **Hungarian data:**

The Prime Minister (2015) ‘Member States should have as much freedom in migration matters as possible’, *Prime Minister’s Office/MTI*, 23 April 2015, URL:

<http://www.kormany.hu/en/the-prime-minister/news/member-states-should-have-as-much-freedom-in-migration-matters-as-possible> (URL visited on 12-11-2015).

The Prime Minister (2015) ‘The decisions adopted conform to the interests of Hungary and the Hungarian people’, *MTI*, 27 June 2015, URL: <http://www.kormany.hu/en/the-prime-minister/news/the-decisions-adopted-conform-to-the-interests-of-hungary-and-the-hungarian-people> (URL visited on 12-11-2015).

The Prime Minister (2015) ‘We should consider letting migrants through to Austria and Germany’, *Prime Minister’s Office/MTI*, 24 September 2015, URL:

<http://www.kormany.hu/en/the-prime-minister/news/we-should-consider-letting-migrants-through-to-austria-and-germany> (URL visited on 12-11-2015).

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#### **German data:**

The Federal Chancellor (2015) ‘Saving lives’, *Special European Council Meeting on the Deaths of Refugees*, 23 April 2015, URL:

[http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel\\_en.html](http://www.bundestkanzlerin.de/Content/EN/Reiseberichte/2015/2015-04-23-sonder-er-bruessel_en.html) (URL visited on 12-11-2015).

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[http://www.bundeskanzlerin.de/Content/EN/Artikel/2015/09\\_en/2015-09-24-reg-erklaerung-merkel\\_en.html](http://www.bundeskanzlerin.de/Content/EN/Artikel/2015/09_en/2015-09-24-reg-erklaerung-merkel_en.html) (URL visited on 12-11-2015).

The Federal Chancellor (2015) ‘Europe must stand together’, *Chancellor delivers Government Statement*, 15 October 2015, URL:

<http://www.bundeskanzlerin.de/Content/EN/Regierungserklaerung/2015-10-15-regierungserklaerung-bundestag.html> (URL visited on 12-11-2015).