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A Comparative Analysis on the European Union's Policies Towards
Refugees: Policies, Strategies and Discrepancies
The Cases of Bosnia, Syria and Afghanistan

Master's Thesis in Roads to Democracy(ies)

Supervised by: Dr. Silvia Ferreira
Presented to: Faculdade de Economia da
Universidade de Coimbra

July, 2015





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Acknowledgements:

My stay at the University of Coimbra has been blessed with all the generous help I received from my professors and family.

I would like to dedicate this work to my family especially my father Dr. Joseph Abdul Sater for his unremitting guidance and support, and to my supervisor Dr. Silvia Ferreira, whose peerless patience, support and help proved to be essential for the successful completion of this thesis.

Epigraph

The line separating good and evil passes not through states, nor between political parties either - but right through every human heart (Alexandr Solzhenitsyn)

Abstract

The question of refugee remains a quintessential issue for decision-makers who tend to shape policies whether locally, regionally or even internationally in order to address that predicament according to the best interests of their countries. This has eventually led to disparities in terms of dealing with these people depending on the geographical location affected by the crisis.

Focusing on the European Union's policies, this dissertation seeks to know why did the E.U react differently to miscellaneous refugee crises. In order to answer this question, This thesis examines the gradual progression of the E.U's asylum policies and its behavior towards three distinct refugee crises. The first is the Bosnian case which had occurred during the early stages of the formation of the E.U, while the second and third are the Syrian and Afghani crises. Following the scrutiny of these cases, this study will determine that the E.U doesn't act upon a unified approach when dealing with that subject matter. The Bosnian case was the first refugee crisis that the E.U had to face, and happened to be within the European borders. Therefore, its comparison with other cases such as Syria will further shed light on the E.U behavior towards refugees. As for the Afghani case, it was typified as the worst humanitarian predicament for decades, its examination and comparison with the Syrian case, will allow us to further understand the evolvement of the E.U's policies dealing with refugees and asylum seekers.

key words: E.U, Refugees, Venue-shopping, CEAS, API

Resumo

A questão dos refugiados continua a ser um problema por excelência para tomadores de decisões que tendem a moldar políticas quer em esfera local, regional ou mesmo internacional, a fim de resolver essa situação de acordo com os melhores interesses de seus países.. Eventualmente isto levou a disparidades em termos de lidar com essas pessoas dependendo da localização geográfica afetada pela crise.

Focando-se nas políticas da União Européia, esta dissertação procura saber porque a U.E. reage de forma diferente a diversas crises de refugiados. Para responder a essa questão, esta tese examina a progressão gradual das políticas asilo da U.E. e seu comportamento em relação a três crises de refugiados distintas. A primeira é o caso bósnio, que ocorreu durante os primeiros estágios da formação da U.E., enquanto o segundo e o terceiro casos são crises Sírias e Afegãs. Após a análise destes casos, este estudo vai determinar que a U.E. não age de acordo com uma abordagem unificada ao tratar deste assunto.

O caso bósnio foi o primeiro caso de crise de refugiados que a U.E. teve de enfrentar, e aconteceu dentro de fronteiras européias. Desta forma, a sua comparação com outros casos como a Síria fornecerá mais luz sobre o comportamento da UE em relação aos refugiados. Em relação ao caso Afegão, este foi tipificado como o pior situação humanitária em décadas, sua análise e comparação com o caso sírio, nos permitirá compreender melhor a evolução das políticas da UE que se ocupam com os refugiados e requerentes de asilo.

palavras chave: U.E., Refugiados, Venue-shopping, CEAS, Burden-sharing

List of Acronyms:

AMIF	Asylum Migration and Integration Fund
API	Asylum Policy Index
ASFJ	Area of Freedom, Security and Justice
CEAS	Common European Asylum System
CPSR	Convention Relating to the Status of Refugees
EASO	European Asylum Support Office
EC	European Commission
ECJ	European Court of Justice
ECRE	European Commission on Refugees and Exiles
ECSC	European Coal and Steel Community
EEC	European Economic Community
ERF	European Refugee Fund
EU	European Union
FIDH	International Federation for Human Rights
IHL	International Humanitarian Law
IMF	International Monetary Fund
NATO	North Atlantic Treaty Organization
PRC	Portuguese Refugee Council

TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UNHCR	United Nations High Commissioner for Refugees

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Introduction.

The question of refugees is perhaps the worst humanitarian crisis that has been facing the world for roughly three decades. The millions of displaced people that are scattered around the globe pose a great dilemma to the International Community due to the fact they are denied the right to return to their countries in fear of persecution on the basis of their political opinion, race, religion or nationality. Numerous displaced people are seeking refuge in a foreign safe country, many of those are paying the ultimate price in their quest for freedom and a dignified life.

Moreover, the conflicts in Syria, Libya and many other countries, left unarmed civilians with no choice but to illegally cross the borders. According to a recent study conducted by UNHCR, more than 25000 asylum seekers and immigrants have drowned in the Mediterranean trying to reach the EU and particularly Greece, Italy and Spain, due to their close proximity to the Arabian Peninsula and the Mediterranean (Newland: 2013).

The Syrian refugee crisis overshadowed many others due to the large masses that are forced to either flee the country or to relocate internally. Many of those try by all means, even illegally, to reach Europe on a daily basis, either through Turkey or through the Mediterranean. The European Union is hardly succeeding in hosting those refugees, leaving thousands of them at the borders, either in Lebanon, Turkey or Jordan. This humanitarian plight is causing huge burdens and political/economic dilemmas to the neighboring countries, especially the ones that have limited resources such as Lebanon. The EU Member States, however, are trying to meet their humanitarian duties by assisting countries [like Lebanon] and offering financial and technical support.

Since its foundation in the early 90's however, the European Union has failed to implement a joint European policy over the issue of refugees and asylum seekers albeit the many conferences that were held in order to find a collective consensus on that matter. Although these conferences resulted some reclamations which enhanced the conditions of refugees, that issue itself remains the key challenge for the European Union.

The central objective of this thesis is to explore the gradual evolution of the EU asylum policies by scrutinizing three distinct case studies. The Bosnian, the Afghani and the Syrian refugee crises. The dissection of the EU behavior towards these crises will allow us to further understand the progression of these policies. The distinct case studies that are examined will show how the EU Member States tend to use the Union to legislate policies in their best interests. More specifically, this dissertation aims at:

- 1) Describing the evolution of EU policies dealing with refugees, as the leading framework to deal with some contemporary crises.
- 2) Examining the influence of these policies beyond the European borders by studying the Lebanese and Pakistani cases
- 3) Scrutinizing the Bosnian refugee crisis by focusing on the answers provided by the legal and political European system
- 4) Comparing both situations in order to better understand how possible differences of treatment have affected the aforementioned realities.

This dissertation exemplifies the differences and similarities between the Lebanese case and the Pakistani one, because the second is considered to be the home of the largest concentration of displaced people in the world (UNHCR, 2014). Additionally, a case of former

Yugoslavia, namely Bosnia, is studied in order to further analyze the involvement of EU policies in terms of refugees and asylum seekers. Each of these events had occurred simultaneously with the signing of an accord within the EU dealing with that issue. Therefore this comparison dissects in depth the development of the EU legislations when dealing with that subject matter.

The pivotal question that will guide the study will consider the EU behavior towards refugees. The central research will be focused on: Why did the EU react differently to different refugee crises?

In order to examine the EU behavior towards refugees, the research work was divided in two main segments. In the first part, intending at organizing a theoretical framework, a literature review was carried on to develop and to complete the state of art on this theme, particularly focusing on the theories of venue shopping theory and burden-sharing. Academic seminars, books and articles were the quintessential secondary sources.

The content analysis method was valuable to the analysis of documents related to EU policies towards refugees and asylum seekers. The primary sources that were exploited comprised a diversity of reports, legal frameworks, official documents and official positions of decision makers. Such documents included EU treaties, national legislations (mainly British Constitution and German Bundestag), UNHCR reports, and other relevant documents.

Lastly, content analysis was also carried on focusing on three cases which were compared in terms of the different contexts facing the same situations. The cases help to illustrate the differences of treatment of the legal establishment of the European Union according to different proveniences of refugees.

This dissertation is divided to three main Chapters. The first Chapter, examines the key definitions and describes Guiraudon's¹ ideas and suggestions dealing with the Venue Shopping Concept and the role of the EU institutions in controlling the influx of refugees. Moreover, Guiraudon's illustrations of the contradictions between the judicial constraints and the policy strategies towards asylum seekers and refugees are also scrutinized. The theory of burden-sharing is also probed to examine the equal or unequal distribution of refugee burdens.

In the second Chapter, in order to understand the EU policies towards refugees, I present the historical evolution of these policies since 1993, when the EU was first created, through the Treaty of Maastricht. It is worth mentioning that the three pillars of the EU were also established in that Treaty, defining the European structure as well as the cooperation between its Member States (E.C 1995: 148). A diverse Third Pillar was established to solely deal with refugees and asylum seekers.

The timeline of these policies is crucial because it illustrates the European maturation process in terms of dealing with refugees and asylum seekers. This progression can be characterized through the treaties and internal policies of the EU Member States. Moreover, this timeline offers a simple, yet insightful explanation of the gradual evolvement of these policies, starting by the Treaty of Amsterdam passing by the Treaty of Lisbon, to be able to further examine the Berlin Conference which had tremendous effects on one of the worst humanitarian crises, the Syrian refugee crisis. Furthermore, these treaties represent a continuity to the 1951 Geneva Convention and its 1967 Protocol which is the only universal legal apparatus that deals with the rights and status of refugees and stresses on their full protection.

¹ Virginie Guiraudon is a research professor at the National Center for Scientific Research. Her work stresses on the Europeanization of borders, anti discrimination and immigration policies

In that aspect, the Treaty of Amsterdam is regarded as the most important conference that was held at the European level and deals with the issue of displaced people. That treaty defined the responsibilities and duties of refugees by establishing independent agencies such as CEAS, EASO and Frontex. These agencies will be examined in details to determine their separate functions, duties and trends when dealing with that subject matter. The Geneva Convention is also of primary relevance as any violation of the article 33 of the Geneva Convention is a violation of the International Humanitarian Law. This connection between the Geneva Convention and the EU treaties is highly significant because all of these treaties are legally binding and yet signatory countries like Italy violated their provisions. The second part studies the Berlin Conference (2014) and examine its effects on Lebanon, knowing that Lebanon is the leading country in receiving Syrian refugees.

The last part focuses more on scrutinizing the legal framework and compare the EU measures towards European and non-European countries when dealing with the issue of hosting refugees. The first, is the Bosnian crisis. The importance of that crisis, is that it had occurred in the early stages of the formation of the EU. Its examination will allow us to probe the early phases of EU legislations dealing with refugees, especially those who are coming from Europe itself. The second, is the Syrian refugee crisis. The level of atrocities committed in Syria, caught a world-media coverage and forced the EU to hold a conference to address that issue. Examining that crisis will allow us to compare it to the third one and study the EU behavior towards it. The last is the Afghani case. Typified as the worst humanitarian predicament for decades, its scrutiny and comparison with the Syrian case, will allow us to further understand the EU behavior towards refugees and asylum seekers.

Chapter I: Concepts and Theoretical Framework

Prior to studying the distinct case studies, one must first pinpoint the differences and definitions of refugees and asylum seekers. Then a state of the art is illustrated before scrutinizing Guiraudon's Venue Shopping theory alongside the concept of burden-sharing. After doing so, we would be able to analyze the political and social behavior of the EU when dealing with the issue of hosting refugees by establishing a timeline parallel to the policies and treaties.

I.1 Concepts of refugees, migrants and asylum seekers

The terms **refugees** and asylum seekers were first defined in the 1951 Geneva Convention - also known as the Refugee Convention, or the Convention Relating to the Status of Refugees [CRSR] was signed in 1951 and is considered to be the first legal definition for the term refugees and defined their rights and obligations - it was followed by the 1967 Protocol (UNHCR, 2015) - stating that any individual whose life is threatened, whether by certain death, torture or other means of inhumane punishments on the basis of political views, religious beliefs or ethnic background, and seeks security in a foreign country [could be a neighboring one], is to be considered as refugee. Individuals, however, who have been previously granted that status and do not meet certain criteria, are subject to exclusion from the refugee status and thus repudiating their rights of protection and stay in the hosting countries. Moreover, individuals who have committed war crimes and crimes against humanity or convicted felons who have committed a serious offense outside their country of refuge, are denied the right to apply for refugee status. According to that convention, refugees have 10 rights well defined (UNHCR: 2015): the right to freedom of religion [Art. 4], the right to resort

to the court of law [Art. 16], the right to work [Arts. 17, 18, 19, also defining the types of jobs that refugees can occupy], the right of housing and proper living [Art. 21], and that should be granted to them by the hosting country whether by displacing them in decent camps or scatter them throughout the county in respectable living conditions, the right to be granted access to the educational system of the hosting countries [Art. 22], the right of equal treatment in terms of social assistance, which includes the right to access the healthcare system [Art. 23]. the right to move freely in the hosting country and use public transportation [Art. 26], the right to be granted legal documentations such as passports, identification cards or any other documentation that legalizes their stay in the country of refuge [Arts. 21 and 28], the right not to be incarcerated or punished in any way in case of illegal entry to any of the signatory countries [Art. 31]. Refugees also have the right of non-refoulement [Art. 32], which grants them the choice to stay in the host country or go back at their own risk to their country of origins (Lauterpacht, Bethlehem 2003: 90). Moreover that principle is a major part of the Refugee Law in terms of evacuating people from hot zones such as war zones and disaster areas without the need of providing evidence of well founded fear of persecution. It actually impedes the host countries to extradite these people back to the danger areas. However, individuals who reinstate in their country of origins on their own, will be denied the refugee status.

An **asylum seeker** is a person who left his/her home country seeking protection but has not yet been recognized as refugee. During the time an asylum request is being examined, asylum seekers must not be forced to return to their country of origin. Although asylum seekers have not yet been determined as refugees, they must meet certain conditions in order to be accepted. Upon their arrival to the receiving state, asylum seekers are granted proper housing and the right to access to healthcare. Moreover, minors [under the age of 18] are

bestowed proper care from child protective services. Individuals who have acquired their original asylum through fraud, also face the risk of adjourning their asylum and can be deported back to their country of origins.

Back in the 80's there were three main categories classifying the origins of refugees. The first connects the migrants whose countries were colonized by some European countries such as Portugal, Spain and Italy. The second, and is called economic migration, and occurs when a given country receives a certain number of needed workers, to stabilize the economy in that country (Penninx, Spencer & Van Hear 2008: 3). And finally the refugee migration, which mainly occurred from Eastern Europe to the Western part of it.

1.2 Literature review

Many theorists and academicians tackled the issue of policymaking, refugees and asylum seekers from various angles. Kunz (1973) was amongst the first to deal with this issue with the "refugee theory" where he differentiated between refugees and immigrants. Kunz argued that refugees undergo different experiences than those of immigrants. He pinpointed the fact that refugees are forced to desert their countries whereas immigrants do so by choice. In other terms, Kunz identified the concept of migrants by arguing that the sole difference between them and refugees lies in their motivations (Bailey 1985: 8). What is foreseeable in this context, is Kun's classification of the movement of refugees where he divided it into three categories. *The anticipatory movement*, it's when refugees leave their country on the assumption that the situation will crumble, and therefore they take preemptive measures by fleeing the country. *The acute refugee movements*, and those are the ones that leave the country after the situation

deteriorates. They usually migrate (forcibly) to a neighboring state due to its close proximity to their country of origins. *Intermediate type of movement*, this sort of movement assimilates the first 2. In other terms, refugees flee their country after the situation starts to deteriorate and before reaching the level of despair (Hiruy 2009: 19).

Building on Giddens (1984) structuration theory, Richmond (1993) studied the movements of refugees by differentiating forced from optional migrations (Westwood & Phizacklea 2000: 114). With respect to refugee movement, Marxian theorists argued that migration of large masses is often perceived as "optional" whereas migrants are often forced to move (King 2012: 17).

In his theory of biopower, Agamben (1998) went beyond the definition and the reasons behind forced migration and illustrated the notion of sovereignty, the state of law and refugee protection. He compared the refugee camps to concentration camps on the basis that most of the refugees are not resettled in the host countries, but are rather thrown in camps and not considered nor treated as citizens or even human beings. He mainly focused on the Palestinian refugees who were expelled from their homeland (Betts & Loescher 2011: 135). Other theorists argued that when refugees reach their destination or to a safe country, have impacts over the host countries. Whitaker (2003) scrutinized the refugee movements and the role of refugees in alleviating conflict. She argued that this could happen either through shifting the balance of power in the host state, or through a "*process of escalation*" that brings new parties to the strife (Whitaker 2003: 212-213).

I.3 Burden-sharing and asylum policy index

The burden-sharing theory mainly focuses on the "*harmonization*" of the EU's asylum policies in terms of fairly distributing refugees among the EU Member States (Ahlback 2006: 8). In that aspect, Schuck (2014) addresses that issue and offers tangible solutions. He argues that developed countries must swamp their concerns over the issue of sovereignty when it comes to dealing with helpless people who are seeking peace and security. Therefore, this fine line between guardianship and sovereignty must be disdained when it comes to protecting those people. In other terms, it is up to the EU Member States to open their borders to the upcoming waves of asylum seekers and offer them adequate treatment and protection. As a result, Schuck devised an approach which is based on 4 key elements to strengthen refugee protection. The first focuses on obliterating the main causes of the crises. By doing so, the "mature nation states" would prevent the crisis to reemerge and avoiding the possible displacement of civilians. The second element stresses on the quick repatriation of refugees. The third element focuses on reinstating refugees in safe third countries, whereas the fourth stresses on "the permanent resettlement of refugees"(Schuck 2014: 70). He argues that the first two elements are farfetched due to the international political status-quo and the core nature of the different crises. As a result he suggests the implementation of the last two elements [reinstating them in a safe third country and resettlement]. Moreover, he argues that the best system in redistributing refugees would be the quota-based system. It would compel the EU Member States to share refugees, each country according to its capabilities, and to assist countries that have high influxes of displaced people even outside the EU borders so the burden that might be caused by refugees and asylum seekers would be shared between EU Member States in a process called burden-sharing (Gerver 2013: 65-66)

The burden-sharing and the *approximate benefits* of the states from the refugees can be calculated by using the **Asylum Policy Index**. It is worth mentioning that the core concept of "people sharing" is the most obvious mechanism to highlight discrepancies in refugee burdens distribution (Hatton 2012: 7).

There are two basis for admitting refugees. The first is purely humanitarian and seeks for the unification of dispersed families, or granting a safe haven for those who are in danger of torture and persecution, and the second is purely economic where the state grants the refugee status to skilled workers and educated employees whose lives are in eminent danger. Public opinion is almost always genuinely sympathetic with refugees, but the host countries try to benefit from refugees as much as they possibly can. This will eventually create differences between countries - supposing country 1 and country 2 - and some refugees will ultimately choose one country over another based on the internal policies (Hatton 2005: 17).

1.4 The venue shopping theory

After elaborating the differences between refugees and immigrants, and theoretically examining the burden-sharing theory proposals, it is worth elucidating the policymaking processes and their effects on refugees and asylum seekers. Bryan Jones and Frank Baumgartner were the first to address the issue of policy change across diversified venues. As a result, Jones and Baumgartner developed the policy venues theory [or 'the theory of punctuated equilibrium']. Their main idea was based on analyzing the policy-making process in the United States. They focused their thoughts on examining in depth the relation between "interest mobilization", - which is the effect of interest groups over policymakers to catalyze the policies

in their best interest -"political institutions" and confined decision-making, alongside with studying the reason behind the long stability in policymaking. In other terms, there is no single political system that can accentuate many endless political discussions that oppose it, and therefore it is stabilized for long periods of time. As a result, Political issues are divided into "issue oriented subsystems". Consequently, some influential interest groups such as Northrop Grumman - which is a preeminent international security company - and United Healthgroup - healthcare - can shape policies to their favor (Baumgartner et al., 2006: 4-5). This shared monopoly between the interest groups and political institutions create a mutual understanding which can be institutionalized, especially when politicians and legislators agree to draft their plans in favor of the groups' best interests, and thereby gaining influence over the formation of public policy. This actually tends to extend for long periods of time, establishing some sort of political stability. In that aspect, Baumgartner and Jones, argued that U.S policies sustain a certain level of equity (Baumgartner et al. 2006: 15).

Jones first started by addressing the core nature of policy change arguing that neither 'policy' nor 'change' are simple concepts (Guiraudon, 1999: 3-4). The complexity of these concepts is caused by the nature and pattern of the policy change, which can trace "*the correlation connecting the changing nature of the policy agenda and what happens further down the line*" (Jones: 2011). Additionally, the theory itself, examines the question of sustainable change when dealing with the issue of legislating new policies, meaning that the core rationale of that theory deals with the reasons behind the alterations in public policy. There are numerous factors that induce these changes and they include the courts of law, 'policy entrepreneurs', monopolized policies and the bounded rationality (Guiraudon 1999: 4).

Moreover, the theory of punctuated equilibrium deals with the issue of power and society. Baumgartner argues that the more conservative the policy is, the more liberal the population becomes and vice versa.

The venue shopping, which is a distension to the policy venues or 'the theory of punctuated equilibrium' was further examined by Virginie Guiraudon where she tackled the issue of EU cooperation on asylum seekers. She argues that policymakers tend to refer to the EU venues when confronted with national hindrances. These obstacles include judicial constraints, the activities of pro-migrants groups and the "*judicialization of migration and asylum policies*" (Kaunert and Leonard 2012: 1397).

Virginie Guiraudon inaugurated her theory of Venue Shopping by arguing that whenever policymakers face hindrances in their already established policies, they tend to seek new venues in order to fulfill their ambitions and goals. On the issue of refugees and asylum seekers Guiraudon believes that national policymakers join their efforts when they are faced by acute rejection by civil societies, legal constraints pinpointed by the courts of law and pro-migrants activists, whenever they tried to bolster migrant control. Their first efforts occurred in the 1980s - and namely in 1986 - when the European states gathered in Vienna to stress on the importance of the implementation of the Geneva Convention's provisions. These efforts had occurred a few years prior to the establishment of the European Union in the Treaty of Maastricht (Kaunert, Leonard 2011: 5).

Guiraudon argues that venue-shopping facilitated the legislation of more restrictive measures on migration and increased border control, avoiding the already mentioned barriers. Conversely, imposing more restrictive measures means tightening border controls outside the

Schengen area, which is conflicting with the "openness" nature of free trade. Moreover, she argues that following the resolutions issued in the Treaty of Amsterdam, local governments were granted the right to keep a firm grip on asylum related matters by diminishing the roles of 3 main EU institutions: the European Court of Justice, the European Commission and the European Parliament. As a result, the EU's attempts to realize a joint foreign policy agenda were further hindered (Kaunert, Leonard 2011: 5 - 6).

Guiraudon argues that venue shopping has two dimensions. The first is consisted of experts and consultants, while the second is consisted of local ministries where internal asylum policies are legislated based on the recommendations of the experts, and they work side by side in diversified plans to ensure the best interest of the state.

In that aspect, we can link both theories - Punctuated Equilibrium and Venue Shopping - by replacing the interest groups with states and the state with the EU. Knowing that it is inaccurate to generalize, Guiraudon believes that some domestic actors, surpass the borders of their country "by mobilizing in international venues" (Guiraudon 2000: 268). The EU however, is trying to be directly involved in shaping policies of its Member States. The Common European Asylum System [CEAS] is a perfect example as CEAS's regulations surpass those of EU Member States, and are instantaneously included in the domestic laws (Ahlback 2006: 3). The concept of sovereignty played a major role in the venue shopping theory. Guiraudon argues that this field is the "*state's legitimate means of coercion*". In other terms, the issue of migration and border control was considered as substantial aspect to state sovereignty (Guiraudon 1999: 6). The states however, were often confronted by fierce rejections from civil societies... which forced them to seek new venues, and namely within the EU venues in order to legislate more restrictive migration policies. Guiraudon elucidates the EU cooperation of

refugees and asylum seekers. The main goal of the cooperation is to eliminate all hindrances through treaties. A discussion and observational review of that theory will be further illustrated throughout this thesis by examining the EU legal institutions and agencies dealing with asylum policies, and namely in Chapter two in order to better understand the case studies of Chapter three.

Chapter 2: The Progression of EU Asylum Policies

2.1 A brief history of the EU

Following the ghastly outcomes of the Second World War, establishing lasting peace between European countries had become a must. As a result, in 1951 Germany, France, Luxembourg, Belgium Italy and the Netherlands created the European Coal and Steel Community [ECSC] in order to obliterate the main causes of war and establish indelible peace. By 1957, the ECSC Member States created the European Economic Community (EEC) to facilitate the trade of wide range of goods, and also allowed the citizens to travel freely between these countries, in which was known as the Treaty of Rome. And since workers were allowed to move freely within these countries, it is worth noting that the EEC was amongst the first regional organizations to have a worldwide impact over the issue of refugees, and more particularly over their free movement (Alter & Steinberg 2005: 2-3). As a matter of fact, articles 48 and 49 of that treaty distinguish the rights of refugees to move and they read: "*Declare that the entry to their territories, for the purpose of engaging in employment of refugees recognized as such within the meaning of the Convention relating to the Status of Refugees and established on the territory of another Member State of the Community shall be accorded special consideration with a view in particular to according to such refugees, when resident in their territories, the most favorable treatment possible*" (Plender 2007: 475). The EEC was growing rapidly but its Member States decided whether to accept or refuse new members. As a matter of fact, the EEC Members rejected twice Britain's appeals to join the Community and it wasn't until 1973 that Britain actually joined. It is worth noting that the EEC established a clear mechanism to assist refugees. In 1974 the European Council on Refugees and Exiles [ECRE] was created to ensure the protection of refugees in Europe. ECRE works side by side with almost 70 NGOs located in more than 30

European countries. Although the mechanism of hosting them is still quite debatable, the establishment of ECRE was the cornerstone for the creation of other European and International councils and offices that solely deal with the issue of displaced people. The EEC was replaced by the EU in 1993 through the Treaty of Maastricht which was signed in 1992 and entered into force in 1993 (Noll, Fagerlund & Liebaut 2002: 4-5).

2.1.1 The Schengen agreement

In 1985, Luxembourg, France, Belgium, Germany and the Netherlands gathered in Schengen - Luxembourg with the aim of creating a borderless area. The agreement entered into force 10 years later because signatory countries like Germany raised its concerns since that agreement was based on establishing a centralized computer system upon which they can share critical information about 'cross-border crime', joint visa policy and effective control over the external frontiers. Moreover, the Schengen agreement was considered as the leading legal framework upon which signatory countries relied on to examine asylum applications (Meunier & McNamara 2007: 133).

In 1992 and after being a major part of the Geneva Convention, the concept of a "safe third country" was adopted in the London Convention, where the EU Member States tried to harmonize their policies regarding the safe third country concept, which is also known as the final destination of the asylum seeker in Europe. Therefore, they set a number of requirements that a given safe third country must meet: First, the state must ensure the "effective" application of the article 33 of the Geneva Convention which stresses on the full protection and freedom of movement of the asylum seeker, Second, the asylum applicant must not face any sort of inhumane treatment including torture, discrimination or any other form of degrading

treatments. However, one must not mix the notions of first country of asylum, and safe third country, whereas the first has accepted to grant protection to a given asylum seeker, while the second has not (Abell 1999: 63 - 64).

The provisions of the Schengen agreement dealing with asylum and external borders of the EU were replaced by the Treaty of Amsterdam's [1997] regulations, and the Schengen area was considered part of the EU. There are countries however, that are part of the Schengen agreement and are not EU Member States and vice versa² (Leuffen, Rittberger, Schimmelfenning 2013: 223).

2.2 Dublin Regulation

2.2.1 The Dublin Convention of 1990

The creation of ECRE was followed by the Dublin Convention in 1990 which entered into force in 1997. The first Dublin Convention was a treaty signed by 12 EU Member States³ under the provisions of the International Law, determining the states' duties in examining the asylum requests. According to that Convention, the state will decide whether to accept the asylum seeker to reside as a refugee on its soil or to relocate him/her to a third country [first is the country of origin - second is the country where the asylum is being examined and third is the final destination of the asylum seeker]. Conceding that a state decides to reposition an asylum seeker in a third country, the repositioning will be based on humanitarian causes such as

² EU Members not part of Schengen: UK, Ireland, Bulgaria, Croatia, Cyprus and Romania
Non-EU Members part of Schengen: Iceland, Liechtenstein, Switzerland and Norway

³ Ireland, Denmark, Germany, France, Greece, the United Kingdom, Belgium, Italy, Luxembourg, Portugal, Spain and the Netherlands.

the reunification of families. The asylum request will be carefully examined by only one state, and that country has the right whether to reject or accept the request. Therefore, and in order to thwart the possibility of 'asylum shopping', exceptions to the rule are not uncommon especially if the displaced people felt unsafe or threatened by anti-immigrants groups, or the receiving state failed to carry out its duties, and therefore the relocation will become a must (Mierswa 2013: 14). Moreover, any EU Member State can retain the right to repudiating any asylum appeal in case the person who had applied, landed in a country considered to be safe, where he could have submitted his request before heading to the final destination. And finally, after examining the request, the state will determine whether there is a threat on the safety and security of that individual or not. It is worth mentioning that the provisions of that Treaty were not legally binding but some countries like Germany had to amend their national constitutions to be suitable with these provisions. Therefore the main priority of the first Dublin Convention, focused first and foremost on the aforementioned criteria upon which asylum applications must be examined (Hatton 2005: 5).

The first Dublin Convention was a major break in terms of cooperation between EU Member States in asylum matters but failed to establish a joint European perception on asylum policy, and has been a dangling issue ever since. That Convention was followed by Dublin II Regulation in 2003. With Dublin II the duty for assessing asylum applications would fall on the state where the first contact of the asylum seeker had been established. Moreover, with Dublin II and in order to further avoid asylum shopping the asylum seeker cannot lodge applications to more than one Member State (Roos 2001: 201). Moreover, the Dublin II Regulation set a clear criteria to determine the duties of the Member State which can be divided into 3 categories.

The first category delineates the responsibility of the Member State towards legal and illegal asylum seekers. Therefore the first category be subdivided into 5 groups:

- Legal entry: Do not require a visa or a residence permit to enter, but do need a legal document for a prolonged stay and applies for asylum. Therefore the Member State will be responsible for examining these applications
- Visa or residence permit: If the Member State had already granted the applicant any sort of formal documentation legitimizing his stay in the country, then it is responsible for assessing his/her application
- Illegal entry: The asylum seeker manages to illegally cross the external borders of the EU. In this case the EU Member States' responsibility lasts only for 12 months. It is worth mentioning that many asylum seekers who arrive illegally tend to hide for that period so they can move to another Member State and have their applications processed there.
- Application in transit areas in airports: The Member State is responsible to examine any application lodged from the transit area in the airport. In this case, article 7.2 of the Dublin II Regulation, grants the right for asylum seekers - who land at the "transit" section of the airport - to choose where to lodge their applications, whether in the transit country or in the final destination
- Five months stay: It is the country's duty to assess the application if the asylum seeker had stayed in the Member State for at least 5 months.

(Hurwitz 2009: 101 - 103)

The second category focuses on the family reunification. It is worth noting here that this was one of the main directives of the TFEU dealing with asylum seekers. In case the asylum applicants were unaccompanied minors, their legal guardians can be present if it's in their best interest. In case of the absence of an adult family member however, the Member State in which the child has submitted the asylum application, is responsible for assessing it. If the asylum applicant was an adult whose family members have been already recognized as refugees, then the Member State in which his/her family is located, is responsible to assess his/her application. Conversely, if a decision hasn't been made concerning the applicant's family, the Member State is responsible for examining the applications as soon as possible.

Finally, the Member State where the request has been submitted is responsible for examining it if none of the aforementioned criteria apply to the asylum seeker (Hurwitz 2009: 104).

That Regulation was followed by the Dublin III in 2008. There were no major reforms, but the need to further protect the external borders from illegal immigrants and illegal large influxes of refugees were the main reasons behind that convention. It also allowed Member States to adopt more restrictive measures on that migration control. What is noticeable in Dublin III however, is the unequal responsibility sharing, whereas article 24 allows and even encourages Member States to transfer asylum seekers. In other terms, if an asylum seeker lands in a given country within the EU, that country retains the right of sending him/her back to the first country of entry. If a flawed transfer [flawed applications, relocation of wrong asylum seekers] had occurred however, the Member State is compelled to take back these individuals (Vellutti 2014: 39 - 40). Alongside the aforementioned right granted to Member States, there were a set of changes that were adopted in that Regulation and they include:

- The right to a personal interview: This right is defined in article 5 of the Regulation and grants the asylum seeker the right to conduct the interview in a language that he/she would understand and with the presence of an attorney [if requested]. This will facilitate the examination of the asylum application altogether (EU 2013: L180/33).
- Detention: Article 20 indicates that all Member States and according to this new regulation can detain asylum seekers while their applications are being processed. That's the case of Syrian asylum seekers in many countries including Bulgaria (EU 2013: L180/33).
- Benefits to minors: Children under the age of 18 are bestowed the right to reunite with their families, including their grandparents... in case their families were living in a Member State (EU 2013: L180/34)

With the successive crises, burden sharing has proved to be burden shifting. In other terms, Italy and Greece constitute the main focal points for 'illegal' asylum seekers. They tend to choose these 2 countries due to their proximity to the Arabian Peninsula. Moreover, asylum seekers who sought refuge legally, mainly submitted their applications in Germany and Sweden, around 42 percent of the total number of applicants. The Italian and Greek governments on the other hand, asserted their inability of receiving additional influxes of asylum seekers and thus "sharing" them with other countries has become an absolute must. As a result, the UN High Commissioner for Refugees Antonio Guterres has proposed to relocate asylum seekers according to a quota system in certain cases. Although it is considered as an extreme solution, but in the ideal case scenario the EU Member States, and according to this quota system, will allocate and distribute a fair share of asylum seekers amongst themselves. In the extreme cases however, Guterres has suggested to replace the quota system by the rationing one with respect

to the temporary protection Directive, which is one of the main Directives that constitute the basis of CEAS (France Presse:2015).

2.3 The Treaty of Amsterdam and the Tampere Summit

Inspired by the ECRE, and determined to legislate modern resolutions, the European States gathered in Amsterdam in October 1997 to discuss several issues and find solutions to numerous problems, but there were no fundamental reforms. Some of the issues that were discussed included environmental, economic, social and monetary policies (Poostchi 1997: 78). In the field of refugees and asylum seekers, there were two institutional solutions that would have contributed in legislating a common European policy on that matter. The first, was to fortify the third pillar of the European Union – which was mentioned in title VI of the treaty of Maastricht and deals with issues of justice and home affairs (Jerabek 2009: 9) – through forcing the European states to provide full protection of the European citizens. The second solution was to move the modus operandi to the first pillar (transport and movement are included in this pillar), or in other terms, to increase the Commission's role on that matter. The Dutch played a crucial role in promoting for the adoption of the second option despite the objection of France (Moravcsik & Nicolaidis 1999: 78-79).

The importance of that treaty however, lies in article 63(2a-b). This specific article explicitly tackles the issue of refugees. It calls for their protection and grants them the right to stay in Europe without "being subject to the 5 year period", meaning that this article entered into force immediately. Moreover, article 63(2b) organizes the reception and distribution of refugees between Member States according to the capabilities of the countries (E.C 1997: 64).

Furthermore, the Treaty of Amsterdam established the EU Area of Freedom, Security and Justice (AFSJ) which comprises issues related to border controls, asylum policies and cooperation between the EU Member States in judicial affairs (Kornobis-Romanowska 2006: 1624). As a result, the Treaty of Amsterdam was the cornerstone of the establishment of several agencies and legal instruments, which proved to be crucial in terms of monitoring the borders of the EU, controlling the influx of illegal immigrants and defining the legal duties and rights of asylum seekers. Such agencies and legal instruments include the Common European Asylum System (CEAS first phase in 1999), the European Asylum System Office (EASO in 2010) and Frontex (in 2004) (Buker 2011: 17).

2.3.1 The Tampere Summit and the Establishment of CEAS

The EU Member States gathered in October 1999 in Tampere - Finland to reassess the implementation of the mechanisms established in the Treaty of Amsterdam by developing frameworks to assist displaced people more efficiently without jeopardizing the interests of the states. Moreover, the aim of that Summit was to discuss home and justice affairs related issues. All the participating countries were hoping to reach some sort of harmonization to better improve the asylum legislations. They focused their efforts but failed to reach a common vision on how to integrate the refugees in the host countries. As we have previously mentioned, CEAS was the indirect outcome of the Treaty of Amsterdam and was first mentioned in the Tampere Summit. (EP: 1999). The creation of CEAS was considered to be one of the main accomplishments of the Treaty of Amsterdam and entered into force shortly after the signing of that treaty, and namely in the Treaty of Tampere.

Preceding the formation of the CEAS and according to the International Humanitarian Law, only states were legally responsible for refugees, and citizens won't bear any consequences in case the state failed to carry out its duties. This status-quo however, would alter after CEAS, and refugees are granted the right to refer to domestic courts. Since CEAS's laws are considered to be higher than domestic ones, they would be the ones applicable in courts in case of conflict with domestic laws (Kaunert 2009: 151).

At first, the Member States agreed to divide the establishment of CEAS into 2 phases: The first stage will focus on harmonizing internal legislations on common principles while the second is based on the result of an evaluation of the effectiveness of the legal instruments. The call for the second phase was issued in the Hague Program in 2004 and to be completed by the end of 2010 (Toscano, 2013).

The CEAS has 3 well defined goals. First, it seeks for the enhancement of the EU asylum system as a whole so it would be accessible by those seeking protection and security. Second, to guarantee more impartial decisions on asylum requests and third, to ensure the implementation of the principle of non-refoulement (Katsiaficas 2014: 3).

Shortly after the signing of that treaty, however, the United Kingdom introduced the Immigration Act of 1999, trying to halt the passage of terrorists disguising as refugees, and to fight illegal immigration. And since the U.K is obliged to abide by the Geneva Convention, - member since 1954 - had to introduce some amendments to the Immigration Act respecting the basic rights of refugees. But the possible admission of the withdrawal of any nation from the Geneva Convention, enticed many British politicians to exploit that breach in the law and to call for that prior to the establishment of CEAS.

Since its foundation in 1991, the European Union depended on the 'harmonization of policies' between its Member States in order to legislate new laws dealing with asylum-seekers. Following the worldwide terrorist attacks, however, huge rifts between the EU Member States over the immigration policy were generated. Some European countries like Germany, Italy and the United Kingdom, feared the infiltration of terrorists in the EU disguising as asylum seekers which would have seriously threatened the security of the Union and its residents. Other countries called for the protection of whomever is eligible for the refugee status. The failure to reach a common ground on that matter forced the EU Member States to rethink their strategies by moving the asylum policy from the third pillar which stresses on the 'intergovernmental cooperation' to the first pillar which focuses more on the integration of refugees (in this case) in the host country. Therefore they divided the development of CEAS into 2 stages: The first stage ensures the implementation of the Asylum Procedure Directive's recommendations which is one of the main legal instruments of CEAS by providing proper housings and adequate employment and access to healthcare. This was intended to provide harmonization of policies between Member States regarding the issue of asylum but did not achieve that goal (Hatton 2011: 46). There were 4 main goals that led to the establishment of CEAS and can be summarized by the following:

- Preventing Asylum-Shopping: The asylum shopping, which is the attempt of asylum seekers to attain their refugee status by applying to numerous countries (Chetail and Bauloz 2011: 10 - 11). Combating an asylum shopping was not an alien issue to the EU whereas it was already discussed profoundly in the first Dublin Convention, which bolstered the mutual trust between Member States in terms of respecting and applying the EU laws dealing with refugees. Articles 6 to 14 explicitly delineates the principles

upon which the states must comply with when conducting a thorough examination of the asylum application. The first Dublin Convention however, was replaced by the Council Regulation 343/2003 which led to the adoption of the second procedural Directive and the establishment of CEAS (Lenart 2012: 8).

- Preventing unwanted access to the EU: This goal can be divided into two. First, to prevent asylum fraud by people who claim to be threatened and are exploiting the outburst in their country to gain access to the EU Second, to prohibit the passage of terrorists to the EU
- Extraditing failed asylum seekers back to their country of origin: States retain the right of extraditing people back to their countries in case the officials discovered fraud in the application.
- Enhancing the integration of recognized refugees in the host countries: which include their integration in the educational system, healthcare and utilizing the refugees expertise for their best interest and for the general good. Therefore, the improvement of the Qualification Directive was an absolute must to ensure a successful integration of the refugees. (Hamann, Hulinova, Malik & Wrzesinka 2010: 8)

2.3.2 FRONTEX

Frontex was established in 2004 by the E.C Resolution 2007/2004 to strengthen the border control over the Schengen area, and to conclude the 5 year program which was established in the Treaty of Amsterdam and entered into force in 1999 (Perkowski 2012 :9-10). The main idea behind that agency, was to develop a European legal agency which would contribute in strengthening border control and ensuring the cooperation between the EU

Member States. The failure to reach a joint foreign European policy and the gradual increase of illegal migration to Europe were major factors in the establishment Frontex. Moreover, the enlargement of the EU, and namely in 2004 when 10 countries⁴ were expected to join, posed another question on the ability of these countries to meet the EU standards in monitoring their borders. These concerns further mounted after the 9/11 terrorist attacks which forced the European States to further stress on the securitization of the EU. As a result, Frontex has developed six main objectives:

1. Managing the external borders of the European Union in cooperation with the EU Member States.
2. Providing a large pool of expertise to assist the Member States in training national officials and border control officers
3. Assisting Member States with operational and technical support that are essential in monitoring the borders
4. Establishing joint operations when required
5. Developing border control related researches to further improve the monitoring of the external borders
6. Risk analyses, which is extremely crucial for determining unwanted access to the EU

(Leonard 2011:15)

2.3.3 *The Directives regarding asylum seekers*

It is worth identifying the Directives which were set and defined in the Treaty of the Functioning of the European Union. They are first and foremost plans of actions to the EU

⁴ Poland, Hungary, Czech Republic, Lithuania, Estonia, Slovenia, Latvia, Slovakia, Malta and Cyprus

Member States to legislate a law. The main objective of the Directives is to find solutions in case of conflicts between state laws and the European Union's. The article 288 of TFEU explains that: "*the Directive shall be binding as to the result to be achieved upon each member state to which it is addressed, but shall leave to the national authorities the choice of form and method*" (TFEU 2012: 326/172). Therefore we conclude that Directives are legally binding instruments that must be legislated within the internal policies of the Member States after being agreed on by the Council of Ministers. The EU, and in order to prevent conflicts in laws between the EU and its Member States, has developed several Directives regarding asylum seekers. The first is the **Temporary Protection Directive 2001/55/EC** and was adopted in 2001 with the objective of expediting the passage of large masses who are trying to flee their country in fear of persecution, genocide or natural disasters. As a matter of fact, the main goal of this Directive is to ensure equal treatment from all Member States to the forthcoming asylum seekers. This Directive was adopted following the failure of the International Community to assist civilians during the Yugoslav conflict (UNHCR 2014: -4). Therefore, Member States must grant unarmed civilians temporary protection. This Directive however, does not replace asylum. Consequently, people who are granted that temporary protection, cannot apply for asylum before the end of that protection but are bestowed many rights. According to that Directive, EU Member States will share the burdens by redistributing the refugees amongst themselves without dispersing the families. Moreover, the Member States are obliged to assist unarmed civilians in a given conflict in their attempts to leave the country, and therefore their evacuation and their safe passage into Europe is the Member States duty. During their stay in the receiving country within the EU borders, they are entitled to a temporary residency in Europe so they can travel but are not allowed to return to their country of origins (Orchard, Chatty: 2014).

The second Directive is the **Reception Conditions Directive 2003/9/EC** was first signed in 2003, is a major part of CEAS and was redrafted in 2013. The original proposal delineates the fundamental reception conditions for asylum seekers while their application is being processed. Moreover, states must provide the basic human needs to those who are granted that protection, alongside psychological assistance for those who suffer post traumatic stress disorders (Langer 2014: 17). Despite the fact the host country and according to this Directive, must provide mandatory access to the educational system at least until the fulfillment of secondary education, some EU Member States like Germany do not provide such access. In other terms, all children residing on the German soil, and according to the German law are obliged to attend school until the age of 16. This law is paradoxical with the reception Directive which compels the member state to offer education until secondary school. Moreover, freedom of movement which is a major aspect of that Directive, impels Member States to offer it to all asylum seekers until the final decision of their request is handed (Langer et al. 2014: 18). Although article 11 of the German constitution defines and grants the right of freedom of movement, it only mentions the German nationals without mentioning foreigners and asylum seekers. In that regard, they are acknowledged in article 16 a which is compatible with the EU legislations, but without recognizing their right to freedom of movement (Bundestag, 2012: 19).

The third Directive is the **Family Reunification Directive 2003/86/EC**, and it grants refugees who are legally residing in the EU the right to bring their families in order to maintain family unity. This will further contribute to the successful integration for those people in the host countries. It is worth noting however, that third country nationals who also hold EU citizenship are not entitled for this Directive and individuals who were bestowed the subsidiary

protection are to be excluded from this Directive (Groenendijk, Fernhout, van Dam, van Oers & Strik 2007: 11).

The fourth Directive is the **Qualifications Directive 2004/83/EC**, was redrafted and is related to the implementation of CEAS. This Directive delineates the criteria upon which the Member States rely on to decide whether the asylum seeker is eligible for the refugee status or not. Therefore, this Directive outlines the basis of 'persecution'. Asylum seekers enjoy many rights in addition to the aforementioned rights in the previous Directives in case of their recognition as refugees. They have the right to non-refoulement, which is basically one of the 3 main goals of CEAS. Second, they can travel within and outside their country of refuge, a right which is also granted by the Geneva Convention. Moreover, they can secure themselves a stable job, or set up their own businesses, but shall not break any laws. According to that Directive, refugees can enroll in programs which enhance their integration in the society, and the state is compelled to grant them a 3 year renewable residence permit. The importance of that Directive however, is that it acknowledged all forms of persecution which the victims (refugees) might face including acts of violence perpetrated against children by non-state actors, identified as "actors of persecution" (Mierswa 2013: 21).

The last Directive is *the Asylum Procedures Directive (2005/85/EC)* and shifted the level of protection to be regarded as international. As for the examination of the application, this Directive set new rules as for the examiner has to be more skilled and more qualified to conduct the interview with the applicant. As a result, the EU Member States revised that Directive in 2013 to enhance the quality of the asylum process. This is done by training the examiners to administer more accurate and non-discriminatory evaluations (Towers 2013: 61) Moreover, asylum seekers are granted the right of having a mediator in their language during

their interviews to facilitate the process altogether. As a matter of fact, the EU Member States, and according to article 14 of the European Convention on Human Rights, must not only prevent discrimination in all its forms, but also legalize it. Therefore, the states had to amend some laws to be suitable with the EU legislations on one hand, and to stress on the Asylum Procedures Directive on the second. Moreover, unaccompanied children shall be exempted from all the legal procedures because they are vulnerable and to avoid inflicting unintentional harm on innocent minors. Furthermore, it restricted the detainment of asylum seekers, and especially victims of trauma and torture, to avoid inflicting further unnecessary harm of these people (Towers 2013: 62).

This Directive however, is regarded as the most criticized amongst the four due to three main controversies. The first is regarding the concept of the “safe third country”. Immigration officers are provided with a list of "safe third countries". Therefore, it overlooks the fact that many asylum seekers sought refuge in Europe after being subject to violence (verbal or physical) in what was deemed to be a safe third country. In other terms, Member States are granted the right to whether accept or refuse the asylum application on the assumption that this asylum seeker might have sought refuge in that country and therefore could have granted protection before heading to the EU (Foster 2008: 67-68). The Directive must be rectified to allow asylum seekers to further clarify their case, especially if they feel threatened in what's supposed to be a safe third country. The second regards the concept of “safe country of origin”. That concept is a presumption that certain countries can be regarded as safe to their citizens, and therefore any asylum applications coming from these country are most likely repudiated. The third regards the failure to ensure access to a fair asylum procedure. This Directive was criticized by the Amnesty International, the ECRE and UNHCR.

Although each of these bodies have their own vision regarding that issue, they all agree that according to this Directive and its recast, Member States retain the right of applying several procedural measures which might thwart asylum seekers' right to a full and meticulous examination (ECRE 2013).

2.4 The Establishment of the European Asylum Support Office (EASO)

The European Asylum Support office was established on 19 May 2010 to ensure the implementation of CEAS's recommendations (Reneman 2014: 389). According to the executive director of EASO - Dr. Robert K. Visser, EASO works as an independent agency to provide the needed expertise for the Member States and has 6 main functions (EASO 2011: 4-8):

- Operational Support: The O.S includes short and adept mechanisms to decide whether the asylum seeker is in danger in his home country and needs protection or not. The O.S office has provided a number of consultations to many EU countries including Greece and Cyprus. This will prevent discrepancies in terms of dealing with asylum seekers upon their arrival, and everyone will face the same treatment. It has been functioning effectively
- Training: EASO has a large pool of training programs that cover the most imminent aspects of asylum procedures. It also provides assistance to states in need in terms of dealing and analyzing applications.
- Early Warning: Establishing an early warning system, will allow states to be ready to receive new influxes of refugees after studying the situation in the area of asylum. That

is extremely crucial, because displaced people do not arrive at the same time, nor do they land in the same location.

- Analyzing the asylum seekers countries of origin: Evaluating the data of these countries, will determine the nature area where the asylum seeker come from and eventually preventing any possible fraud in the applications.
- External Mechanisms: Not only does EASO operates with states, but also extended its functions to include the European Commission and other EU agencies.
- Consultative venue: The consultative venue was established to conduct 'open dialogues' with civil societies at large. This function is highly crucial in order to understand to get the job done.

2.5 The Stockholm Program and the Challenges of CEAS

Since its entry into force in 1999, the Treaty of Amsterdam changed the European perception on several issues and mainly on the Asylum policies. As a result, the European States have had many conferences and summits trying to balance their policies between promoting human rights principles and safeguarding national securities. The Stockholm Programme delineates a 4 year plan [2010-2014] which illustrates the priorities of the EU. These priorities evolve around the AFSJ, and harmonizing policies (EPC 2013: 3-4). Therefore, the EU Member States stressed on the importance of the implementation of article 68 of TFEU which impels the European Council to "*define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice*" (TFEU 2008: C I 15/74).

As a result the EU Member States had to reassess the implementation of many EU policies and discuss the illegal immigration (Kraft-Kasack & Shisheva 2008: 7-8). In the area of immigration and asylum, the EU Member States established a 4 year plan which consists on enhancing asylum procedures and stressing on the European pact on immigration.

In that aspect, one the objectives of the Stockholm Programme was to combat illegal immigration for what it represents in terms of human smuggling and endangering lives. As a result, the Member States' cooperation on protecting the maritime borders of the EU was an absolute must. Although it discussed in depth matters related to national securities, the core essence of the Stockholm Programme stresses on the necessity of the exertion of the action plans of its predecessors (Hague and Tampere) and mainly implementing the principle of non-refoulement (Fina & Vogl 2012: 12-13). Moreover, the EU has established the *Task Force Mediterranean* in 2013 as an attempt to prevent the losses of lives of illegal immigrants and asylum seekers who try unsuccessfully to reach the EU borders on one hand, and to further monitor its maritime borders on the second (EC 2013: 2). Between 2014 and 2015 however, around 1500 people were drowned, which questions the effectiveness of that task force.

In Stockholm, the EU Member States failed to address the challenges of CEAS which can be summarized by the following. First of all, CEAS has failed to fill in some fundamental gaps such as the reception and distribution of refugees - which falls under the second Directive of CEAS - and asylum seekers. Looking at the numbers of asylum seekers in Europe in 2013, we learn that 60 percent were residing either in Germany or Sweden, which is a clear indicator on the failed cooperation between Member States on that matter. Moreover, the Syrian refugees and asylum seekers residing within the EU borders as for 2014 are estimated to be less than 4 percent of the total Syrian displaced population (The Guardian: 2014).

Digging even further, we realize that the EU is violating the principles of the first Directive which was signed in 2001⁵ and calls for the temporary protection of asylum seekers while their applications are being processed. In other terms, the EU Member States' measures that are being applied at shores, are not meeting the conditions of the *Temporary Protection Directive* a fact that is enticing many asylum seekers to reach the EU through its maritime borders. As a matter of fact, numerous displaced people are seeking refuge in a foreign safe country, paying the ultimate price in their quest for freedom and a dignified life. This is the result of inhumane actions carried out by organized groups that smuggle illegal immigrants from the Mediterranean seas to the European shores (UNHCR: 2015). As a result, UNHCR developed an action plan trying to face these trends. This strategy consists of several key elements:

- Limit the losses of lives at seas: In order to do so, UNHCR will have to work side by side with the EU Member States and the EU's legal instruments such as Frontex and EASO in order to facilitate the bureaucratic procedures so asylum seekers won't resort to illegal alternatives which might threaten their lives.
- Securing sustainable solutions: This strategy is compatible with Guterres' proposal on the quota system. UNHCR's plan however, elucidated in details that system by further organizing the reception and distribution of refugees. UNHCR focused on incorporating the NGO's efforts with local governments so the policymakers legislate modern laws, to help in the distribution of asylum seekers, and their integration within the societies (UNHCR: 2015).

⁵Temporary Protection directive

2.6 The Treaty of Lisbon

The Treaty of Lisbon was signed in 2007 and entered into force in 2009, was also known as the '*Reform Treaty*'. The need for institutional reforms forced the EU Member States to gather once again in order reassess EU measures on several issues (Best 2008: 7-8). The importance of that Treaty can be divided into two segments. The first, is that it represents an empirical approach to the Venue-Shopping theory which mainly deals with obstacles that decision-makers encounter when legislating new laws. New laws in that case are the ones dealing with migration, refugees and asylum seekers. The subject matters of 'refugees' and asylum seekers played a major role in that treaty. Moreover, the Treaty of Lisbon bolstered the jurisdiction of the European Court of Justice⁶ regarding issues dealing with refugees. While the ECJ tends to be more "*refugee friendly*", the governments within the EU tend to adopt more prohibitive measures when dealing with the same issue, which is the core essence of the venue-shopping concept, or in other terms, the discrepancies between the EU values which promote Human Rights and full protection of individuals, and the internal interests of the European states. Moreover, EU Member States agreed on extending the qualified majority voting. In other terms, not all Member States have to agree on a certain proposal to be passed in the Council and this is to ensure that the majority decision won't be withheld by a minority's objection. (Kauert & Leonard 2011: 5). Furthermore, the Treaty of Lisbon aimed at fortifying the democratic principles by further "increasing" the role of the European citizens. In other terms, Member States and after that treaty are more involved in the decision-making process, and since all of the Member States are based on democratic values, the citizens' opinion will be

⁶ Also known as The Court of Justice of the European Union, was established in 1952 under the name of the Court of Justice of the European Coal and Steel Communities. Unlike most of the institutions, the court only changed its name (to ECJ) with the Treaty of Maastricht and comprises all 28 EU Member States

taken into consideration through referendums. This will allow them (M.S) to try to shape their policies on a regional level according to the best interests of their citizens.

In the field of refugees and asylum seekers, the Treaty of Lisbon altered the status-quo by revising the procedures on asylum from being just simple measures to being a common policy adopted by all Member States. Its main goal has transformed the asylum policies from establishing basic guidelines to creating a joint system including standardized status and common procedures. Moreover, the Treaty of Lisbon provided the basis for the recast of the *Reception Conditions Directive 2003/9/EC* and compelled Member States to include it in their national laws before 21 July 2015 (Slingerberg 2014:3). That Directive is a major aspect of CEAS (as we have previously mentioned) and was redrafted in 2013. The recast of that Directive marked a huge progress in terms of dealing with asylum seekers in many aspects. First and foremost, the first Directive hasn't specified a timeframe for local governments to grant access of asylum seekers to the labor market whereas in the recast, and namely in article 15, compels local governments to "*grant asylum seekers access to the labor market no later than 9 months from the date when the application for international protection was lodged*" (EU 2013: L180/104). Three EU Member States refused to opt in the recast: The United Kingdom, Ireland and Denmark. As for the U.K its public officials argue that the recast would cause huge burdens on the country. The U.K. is the 5th largest recipient of asylum applications within the EU According to UNHCR, the United Kingdom has received 23,499 asylum applications by the end of 2013. Many of those are unaware of the social welfare system in the country and that they are better off in Germany or France, for instance, but chose the U.K. due to that they believed it to be a safer country. Although it is, that pull-factor could be found in any other EU Member State, such as France, a country that is considered to be more refugee friendly than the U.K. (UNHCR: 2013). Asylum

seekers residing on the British soil are not allowed to work but are coerced to rely on £5 per day provided by the government. Moreover, public officials have the right to detain and deport asylum seekers even those who haven't broke the law. The recast of the reception Directive, prohibits the detention for long periods of time (EU 2013: L180/97). Since signatory countries must include the recast in their national laws and most of its provisions are contradictory with the British law, British policymakers decided to select what is in the best interest for the country, neglecting their humanitarian duties. Strictly speaking, they tend to seek new venues when confronted with humanitarian "impediments" to bolster migrant control. Additionally, it is worth mentioning that the EU and in order to bolster burden sharing amongst its Member States, established in 2007 the European Refugee Fund. In 2014 however, the Asylum Migration and Integration Fund (AMIF) was established and replaced the ERF with a budget of EUR 3.137 billion (EC 2015).

Chapter 3: Case Studies

This dissertation will frame the timeline of these crises to be able to study the legislation and evolution of the EU policies towards refugees, starting with the ones within the European borders. These cases offer examples on the application of the venue shopping theory in the EU approach towards refugees. More precisely, these cases tackle the issue of the EU interests when dealing with issue of sharing refugees and asylum seekers burden. In other terms, this chapter focuses on examining the EU Member States' behavior towards that subject matter by tackling a case from the European borders, Bosnia, on one hand, and outside the European borders, Syria and Afghanistan. This chapter frames the timeline of these crises to be able to study the application and evolution of the EU policies towards refugees. Each of these crises had occurred at a different time and the scrutiny of the evolution of the EU policies towards refugees is a must in order to illustrate the maturation process of the EU

This case of Former Yugoslavia offers an example of the enactment of the treaties within the EU dealing with refugees and asylum seekers. Moreover, statistical data on the number and percentage of Bosnian refugees in Europe are provided to be later used to compare with other case studies such as the Afghani case and the Syrian one.

According to UNHCR, around one million Afghans were facing extreme famine almost a decade after the end of the crisis, let alone being granted the refugee status in the EU. While the European states [with the USA] exhausted all the efforts and found peace solution to the Bosnian war, they failed in their basic humanitarian obligation to shelter and protect unarmed civilians who are often easy targets for militants and referred to as Casualties of War. In that

aspect, we further illustrate Shuck's ideas on bolstering refugee protection. This protection is based on 4 key elements:

- Obliterating the main causes of the crisis: This could be achieved through a direct intervention usually a military one. Although any military intervention against an independent state contradicts the principle of sovereignty, it is legitimized when it's carried out under the umbrella of the UN Security Council. Indeed, in March 2011, and following the massacres and human rights abuses committed by Qaddafi⁷, the Security Council adopted the resolution 1973 which called for the creation of a no-fly zone over Libya. Some of the EU Member States joined that coalition and namely Belgium, France, Spain, Romania, Denmark, Netherlands, Greece, Sweden and Norway. That intervention managed to halt Qaddafi's air defenses and impeded his soldiers from committing more genocides which eventually led to his downfall in 2011 (Goodman 2006: 113). In this context, the intervention in Syria can also be scrutinized. The intervention in Syria and Iraq hasn't achieved the desired goals yet. The coalition instigated the attacks following the Security Council resolution 2209 to deter ISIL from committing additional human rights abuses. 10 E.U Member States joined and they include The United Kingdom, Portugal, Spain, Belgium, Germany, France, Denmark, Norway, Italy and the Netherland (Goodman 2006: 114).
- Quick repatriation of refugees: This is mainly conducted according to the principle of non-refoulement which is a preeminent aspect of the Refugee Law. In other terms, the host countries must not force refugees to return to their countries and must grant them the right to whether stay or return to their countries of origins at their own risk.

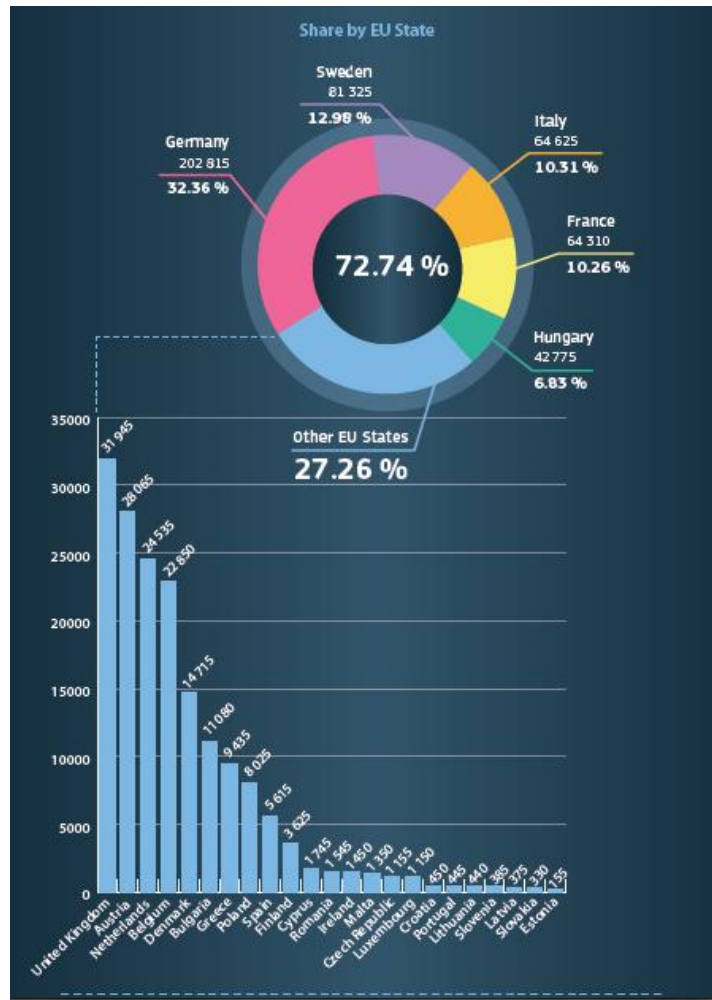
⁷ Moammar Qaddafi was the former leader of Libya. He ruled the country from 1969 until 2011 when he was overthrown by a revolution (Foley 2014: 144)

In this context, the Bosnian and Afghani cases can be studied. In the case of Bosnia, the EU and the UN have encouraged the safe return of refugees but most of them found economical stability in the host countries and refused to go back because they have lost all their possessions and homes in Bosnia and did not want to return where they feel "unwelcome". The Afghani refugees on the other hand, face life threatening risks in Afghanistan. Therefore their decision to stay in the host countries (mainly Pakistan) is solely for security reasons (Fagen 2011: 5). As for the Syrian refugees, they are on a constant rise due to the destructive nature of the crisis in Syria. Most of them are reinstating in neighboring countries, while others are trying to reach the EU by all means possible.

- Reinstating refugees in safe third countries: The governments of these countries must be able to protect the asylum seekers and ensure the adoption of article 33 of the Geneva Convention which emphasizes on the full protection of asylum seekers (E.P 2000: 19-20). In that aspect, we can mention the case of Syrian refugees in Lebanon that apply for asylum in Europe. This process is done through embassies and their European destination is to be considered as the safe third country.
- Permanent resettlement of refugees: It includes the integration of refugees in the host country. This process is done by enrolling refugee students in the educational system, and granting all refugees many rights. These rights also include the access to healthcare, social/psychological assistance especially to those who suffer post-traumatic stress disorders, the right to live in decent conditions and the host country must grant them official documentation which allow them to travel (Perrin & McNamara 2013: 15).

Shuck, tied these elements with the concept of burden sharing by arguing that the equal distribution of refugee burdens should be based according to a quota based system. In other terms, each country, and according to its capabilities will host a certain percentage of refugees. That system would enhance the capabilities of the receiving states in terms of integrating refugees. Checking the distribution in 2014 however, we notice the huge discrepancy in refugee distribution amongst EU Member States.

Graph 3.1 shows the asylum applications submitted to the European Union in 2014. It illustrates the unequal distribution of asylum seekers in the EU whereas 5 countries and namely Germany, Italy, France and Hungary have received 72.74% of the total asylum applications [626 715 asylum applications] and the other 27.26 % were lodged to the other 23 Member States. The first glance decisions were made for only 357 990 applications. Almost 55% of the applications that were processed were rejected. That means that decisions were made for only 57% of the total applications. It is worth mentioning here that the "first glance decision" and the overall number of applicants during the same reference differ. That's because of the delay between the first lodging of the asylum application and the decision on whether to accept or refuse it. This depicts the unequal distribution of refugee burdens (Eurostat 2015: 1).



Graph 3.1: Share by EU Member States

Source: (E.C 2015: 1)

3.1 The Case of Former Yugoslavia refugees and the EU

The leader of former Yugoslavia, Josip Broz Tito had died in 1980 leaving an unstable presidency which ultimately led to a complete disaster in 1991. Shortly after the fall of the Soviet Union, Yugoslavia collapsed and was divided into 6 countries: Socialist Republic of Bosnia and Herzegovina, Socialist Republic of Croatia, Socialist Republic of Montenegro, Socialist Republic of Serbia which included 2 autonomous provinces, Kosovo and Vojvodina and the

Socialist Republic of Slovenia. This transition however, wasn't a peaceful one. The disintegration of the former Yugoslavia was in fact one of the bloodiest in the 1990's and resulted in thousands of casualties and displaced millions of people which were dispersed throughout Europe and the world (Radan 2002: 154).

The refugee crisis in former Yugoslavia, was the first crisis of that kind which the European Union had to deal with. The importance of that crisis lies in the close proximity to the EU borders, the relatively high influx of refugees and the systematic applications of EU measures on these refugees especially that this crisis had occurred in the first stages of the formation of the EU. Moreover, it wasn't just a single humanitarian crisis, but there were numerous predicaments which characterized the violent nature of the Yugoslav conflict.

The fall of Yugoslavia was the beginning of a transitional period which was marked by genocides and crimes against humanity. The first episodes of that bloody transition took place in Slovenia, Croatia and Bosnia and Herzegovina (Ramet 2005: 55). The Bosnian war had a genocidal aspect and forced many people to unwillingly flee their country.

This multiethnic strife within the country, forced the United Nations to adopt more severe measures to protect the civilians by deploying troops in distinct parts of Bosnia. That mission, which was known as United Nations Mission in Bosnia and Herzegovina, UNMIBH, came relatively late and the population was already affected by the conflict. Although it failed to prevent crimes against humanity and displacement of people, the late arrival of the UNMIBH managed to deter any further genocides (Habberfeld & Cerrah 2008: 364). In these circumstances, the EU Member States sought the immediate humanitarian intervention in terms of hosting refugees. Labeled as "civilian power" the European Union did not want to intervene militarily in Bosnia but rather focused its efforts on the soft power. In other terms, the EU

focused its efforts on solving this conflict through humanitarian and diplomatic means. (Juncos 2005:94). At the humanitarian level, EU Member States sheltered the Bosnian refugees by offering permanent and temporary refugee status. The Bosnian case occurred during the process of the establishment of the European Union, and ended concurrently with the signing of the Treaty of Amsterdam.

The time series graph in figure 1 one illustrates the asylum applications to Europe even before the establishment of the European Union and namely in 1980. We notice that it reached its peak in 1993, simultaneously the signing of the Treaty of Maastricht.

Two years after the end of the Bosnian crisis, the EU Member States were signing the Treaty of Amsterdam, and even then, the estimated overall number of Bosnian refugees within the EU was around 584,017, about 49 percent of the total Bosnian refugee population (Koser & Black 1999: 539). One of the main ideas behind that Treaty was to establish some sort of burden-sharing. That process would generate new laws which would be impartial to the countries and munificent to the refugees. In other terms, that treaty organized the reception and distribution of refugees amongst Member States so they could share the burdens. Moreover, it provided a clear structure defining the rights and duties of both states and refugees in order to avoid social quandaries and economical dilemmas. Therefore, it was the basis for the establishment of several EU legal agencies dealing with issues related to justice and home affairs. Such agencies include but are not restricted to Frontex and EASO in order to monitor the external borders of the EU while providing the best possible treatment to asylum seekers (Fullerton 2011: 94).

The overflow of refugees generates social, economic and political issues in a country, and determining the costs and benefits from refugees is a must to further minimize the brunt caused by them and to utilize their potential skills in the needed fields. Therefore, it is essential to inaugurate the basis upon which refugees are accepted, and these ground rules will be generated depending on the best interest of the host country and its residents.

Table 3.1 shows the approximate number of Bosnian refugees in Europe in 1997, and according to these data, the total number of admitted Bosnian refugees in Germany were around 342500 compared to 886 in Ireland (Koser & Black 1999: 539). Digging further in the internal policies of these two countries, we realize that there are two main discrepancies. In Ireland, asylum seekers cannot work, are not allowed to conduct a business and cannot benefit from the welfare system before being admitted as refugees. Moreover, asylum seekers are prohibited from leaving the country under the risk of adjourning their original asylum (Kinlen 2013: 33-34). Germany on the other hand had slight differences which proved to be crucial to asylum seekers. Although their movement is restricted to a specific "Land", they have the right to fill a variety of jobs which German citizens were not able to fill. Moreover, the Federal Republic of Germany is more generous than its counterpart Ireland in terms of social welfare (Shneider 2012: 23). As a result, we can conclude that the economic situation in Europe in general and Germany in particular in that period was not the only major pull-factor for asylum seekers, but also the generosity in terms of policies towards asylum seekers played a major role as well.

Estimated Bosnian refugees in Europe 1997

Country	Population
----------------	-------------------

Austria	88,609
Belgium	6,000
Denmark	21,458
Finland	1,350
France	15,000
Germany	342,500
Greece	4,000
Ireland	886
Italy	8,827
Luxembourg	1,816
Netherlands	25,000
Portugal	*
Spain	1,900
Sweden	60,671
United Kingdom	6,000
Total	584,017

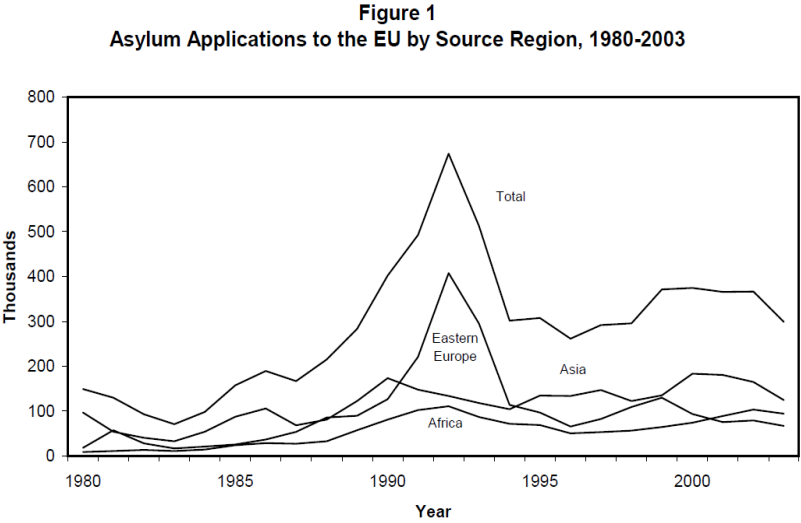
Table 3.1 Source: (Koser & Black 1999: 539)

*No data available

The conflicts around the world served as a wakeup call to the European community to assist non-combatant targets and especially the Bosnians in their quest for freedom and security. Therefore, the European states facilitated the passage of refugees in that period which reflected a gradual increase in the applications. In other terms, the generosity of

the European Union regarding the issue of asylum seekers, attracted around 600 000 to seek security and stability on the European soil.

Checking the economy and the unemployment rate in the EU in 1997, we learn that it has dropped to 4.9 percent - the lowest rate since 1973 (Sorrentino 2015: 14) - which is a clear indicator of the prosperous economy and the job offers in the labor market after the



Graph 1.2: source: (Hatton 2005: 30)

inflation. That inflation lasted from 1980 till the early 1990's and was considered to be a pernicious threat to the stability of the European Union. This economic growth was the result of the drastic changes in the EU monetary policy. Such policies included economic reform and led to the introduction of the Euro as a common currency for the EU Member States in 1999 (Busetti et al., 2007: 101). The early period of that year however, was still affected by the 1996 crisis and it wasn't until the second half of that year that the economic recovery was palpable.

In other terms and according to the International Monetary Fund, there was an average 2 percent surplus of GDP within most of the European countries (France for example, had successfully managed to reduce the unemployment rate from 10 percent to 8 percent and managed to establish some sort of equilibrium in terms of growth between the public and private sectors. This economic progress resulted a gradual increase in the asylum applications (IMF 1997: 13 - 14).

3.2 The case of Syrian Refugees and Lebanon

3.2.1 Lebanon and refugees: a brief historical overview

In order to further understand the Lebanese behavior towards the Syrian refugees, we illustrate the history and impacts of refugees in Lebanon starting by the first wave of Armenians that arrived in 1915, passing by the Palestinians to finally examine the impacts of the Syrian refugees on Lebanon and the role of the EU in alleviating the brunt of that crisis.

Lebanon is a diverse country that encompasses over 18 sects and religions⁸ which control its policies in a system better known as the confessional system. As a result there is no single religious group that dictates its rules over the others, but they equally divide the parliament amongst themselves by granting 64 seats for the Christians in the parliament and 64 for Muslims. This current status-quo in Lebanon has been achieved following a devastating 15

⁸ Christians 40%: Maronites 21% Greek Orthodox 8%, Greek Catholic 4%, Other Christian denominations 7%
Muslims 54% : Chia'a 27%, Sunnites 27%
Druze 5%
And there are also other minorities that include Jews, Baha'is, Hindus and Buddhists

years civil war and many other internal strifes which forced the religious and political leaders to agree on some guidelines that neither Christians nor Muslims can overlook (El Rajji 2014: 1-2).

The first wave of refugees arrived to Lebanon in 1915 coming from Armenia following the genocide committed by the Ottoman Empire during the First World War. Characterized as the worst crime against humanity in the 20th century, the Ottoman Empire had committed a systematic and deliberate killings within and after the end of the First World War against the Armenians, Syriacs and Assyrians. These killings were perpetrated through genocides, torture and forced deportation under severe conditions which often led to the death of deportees. Moreover, that genocide resulted the death of nearly 1.2 million civilians and many others found in neighboring countries as "safe havens" for them. As a result, many of those settled in Iraq, Egypt, Syria and Lebanon (Dadrian 1996: 219). Although till today the Turkish government goes for great lengths to deny it, the Armenian genocide was recognized by over 20 countries including the United States and the Vatican, alongside many International and Regional Organizations such as the U.N Sub-Commission on Prevention of Discrimination and Protection of Minorities, the European Parliament and the Council of Europe among many others. What is important in this context, is the role of the Armenian refugees in the establishment of Great Lebanon. Following the end of the First World War, Lebanon was placed under French mandate and General Gouraud was appointed High Commissioner. Two years later, and namely in 1920, General Gouraud announced the establishment of Great Lebanon, gathering many religions and sects in one nation. It included Christians (Maronites, Orthodox, Evangelicals...) and Muslims (Sunnites, Chiites, Durze and many other Muslim sects).

The main problem however, was the creation of the Lebanese citizenship. In 1924, that issue was solved by adopting the martial law by the French authorities in Lebanon to be able to

inaugurate a census. All residents were granted citizenship according to their residence, and the Armenians who were residing in Lebanon were considered Lebanese ever since (El Khoury & Jaulin 2012: 3-4). They contributed to the economy in the country by sharing their expertise in trade and architecture. Over the years, the Armenians managed to organize themselves by engaging in the political life. As for today, the Armenians occupy 6 seats (out of 128) in the parliament (Messerlian 2008: 340)

In 1943, and in order to prevent ethnic and religious conflicts between Christians and Muslims, leaders from both sides agreed on a non-written pact which was later known as the National Pact. According to that agreement, Christians would not ask for a Western intervention and Muslims would not call for the reunification with Arabs. Therefore, the National Pact enshrined the confessional system by dividing the senior positions in the country, whereas the President of the Republic has to be Christian Maronite, the Prime Minister Muslim Sunnite and the Speaker of the House Muslim Shiite (Gatton 2010: 19-20). That agreement was highly important because it was a major step towards independence. Indeed, shortly after the signing of the National Pact the French troops withdrew from Lebanon due to International pressure, mainly from Britain. Moreover, the direct outcomes of that Pact, were mainly in 1954 when the Lebanese government refused to join the Baghdad Alliance on one hand, and also refused to join the Arab Defense Alliance which was led by Cairo on the second.

Unlike Armenians however, the Palestinians faced different circumstances. 5 years after gaining its independence, Lebanon received the first batch of Palestinian refugees following the Arabs defeat in the first Arab-Israeli conflict. They were settled in refugee camps near Beirut. In 1956, Egypt's leader Jamal Abdel Nasser nationalized the Suez Canal, which forced Britain and France to declare war on Cairo due to the geo-strategic importance of that Canal. Both Britain

and France felt impelled to mobilize their forces in order to protect their interests in the region. Although it is located within the Egyptian maritime borders, the Suez Canal consociates the Red Sea to the Mediterranean and is considered to be the shortest link between the East and the West. As a result, Britain's and France's interests were jeopardized and both governments declared war on Egypt and they were later joined by Israel. However, USSR threatened to use atomic weapons against the invaders and the United States impelled Britain, France and Israel to withdraw, which was considered a political victory for Egypt. Analyzing these events from a theoretical approach, we realize that both USSR and USA managed to halt the attacks because it threatens their interests. Abdel Nasser was the ally of the Soviets, and therefore they mobilized their foreign policy in their best interest which is engaging in a war in case the invaders carried on their attacks, whereas the United States felt that its strategic interests (especially in oil) in that region was threatened by the Soviets. As for Egypt, Abdel Nasser wanted to annihilate all British presence in the country which will grant him a greater power so he can catalyze the policies according to Egypt's best interests. (Shupe et al., 1980: 483-4).

As a response to Abdel Nasser's growing popularity, the American President Dwight Eisenhower advised a new plan which was known as the Eisenhower plan, and allows the U.S to militarily intervene in any country if the government of that country felt threatened by Communism and requested the American intervention (Tama 2010: 2). As a result, the Lebanese President Camil Chamoun asked for that intervention trying to oppose Abdel Nasser's movements and supporters in Lebanon. Moreover, the Iraqi revolution which led to the partial downfall of the Baghdad alliance, hastened the American decision to enter Lebanon.

A year later, and namely in 1958, Egypt and Syria joined their forces under the United Arab Republic (UAR) as a direct response to the Baghdad alliance.

In 1967, a second Arab-Israeli war was instigated and resulted the loss of what was left of Palestine, and forced the Palestinians to arm themselves in order to free their country. The Palestinian Liberation Organization, which was established in 1964 by the Arabs, was completely uncontrollable after the Arab's defeat. The PLO sought new venues in Jordan, where it established its headquarters but also conducted operations through the Lebanese soil. The Lebanese intelligence however, had a firm grip on the Palestinian camps in the 60's. Although some of the army's actions were somewhat unjust, but it gave the Palestinians the right motive and reminder that Palestine is their motherland and not Lebanon. Moreover, the growing number of Palestinian refugees, was exceeding the Lebanese capabilities and the PLO was launching attacks against Israel from the Lebanese soil. In 1968, Israel retaliated by attacking Beirut's airport and bombarding more than 13 Lebanese airplanes after forcing the passengers to desert them.

During that time, Lebanon was witnessing a huge turmoil. It was a social sectarian outburst, where the Muslims constituted the majority of the poor and the Christians the majority of the rich. Moreover, there were constant clashes between the PLO and the Lebanese army in and outside the refugee camps. To make things worse, the Syrians supported the Palestinians, and in order to avoid more bloodshed, the Lebanese government signed a peace treaty with the Palestinians in 1969 legitimizing their armed presence in Lebanon. That treaty was known as the Cairo agreement, and allowed the Palestinians to attack Israel from Lebanon (Baracskey 2011: 112). This however, contradicts with the concept of the democratic state where the decision of war and peace is normally taken in the parliament. The mounting

power of the Palestinians was one of the direct reasons for the Lebanese Civil War, which lasted from 1975 till 1990 when the Syrian forces invaded East Beirut. Shortly before the end of that strife however, and namely in 1987, the value of the Lebanese currency had fallen drastically causing an increase in poverty. Although the end of that strife marked a new beginning, the poverty line kept on increasing and the government had to overlook that fact in order to rebuild the country by taking loans from the IMF and national governments .

Poverty wasn't the only the line that was increasing but also corruption was at its apogee in the 90s and was fueled by the Syrians who had occupied the country for over 15 years -1990 until 2005-. Although some parts were rebuilt, other regions and villages were completely ignored, forcing the citizens to refer to illegal means to survive. These means included the plantation and manufacturing of drugs which was often protected by corrupt state officials and the Syrian authorities. Consequently, this fact led to the gradual increase of drug abuse amongst the youth causing huge social predicaments. What is worrisome in this context, is that those who carry out businesses as such, have organized themselves, are heavily armed and are not limited to a single social or religious group. Following the Syrian crisis, many Syrian drug lords fled their country and started to conduct their businesses from Lebanon. Moreover, Lebanese drug dealers have been recruiting Syrians to do the "dirty work" causing a higher increase in the level of drug abuse in the country (Herbert 2014: 71-72).

3.3.2 *The Syrian Revolution*

Six years after its withdrawal from Lebanon, Syria faced an unprecedented revolution which started by small groups of students calling for governmental reforms. What began as a peaceful protest, quickly grew to be one of the bloodiest events that had ever occurred in the

Syrian history, resulting on thousands casualties and millions of displaced people. Most of them went to Lebanon due to its proximity to the Syrian borders (Kahf 2013: 6-7). The overflow of Syrian refugees however, created social, economic and political predicaments in Lebanon, which forced the International Community to hold a conference in Berlin to address the refugee crisis in Lebanon.

Prior to examining the effects of the crisis on Lebanon, we must first determine the main causes of the Syrian war to be able to further understand its implications on civilians.

The wave of the "Arab spring" which began in Tunisia had a domino effect on many of the dictatorships in North Africa and the Middle East. That wave has reached Syria in 2011 causing an internal dissension in the country and a great deal of destruction. That war quickly took a religious and ethnic disposition resulting the re-emergence of fanatic terrorist organizations such as Al Nusra Front and ISIL. The causes of that uprising, however, can be discussed in three different dimensions: political, socioeconomic and direct cause. The Syrian regime, represented by the Baath Party, is an authoritarian system. As a result, it thrives on oppressing any opposition through imprisonment, torture execution and exile. Moreover, Baath regime has created many intelligence agencies over the years and granted senior positions to Alawites and "trusted" military personnel. This fact has created resentment against the regime, but people were too frightened to oppose it (Buchs 2009: 9-10). Moreover, the level of corruption in the public arena has risen drastically between 2004 and 2010 causing an increase in poverty and unemployment. As a matter of fact, 2.2 million Syrians were living in extreme poverty as for 2010. This has eventually generated huge gaps in the Syrian society, and Alawites were granted the major assets of the country on the expense of the vast majority [Sunnites]. Therefore, Syrians (mainly Sunnites) saw in the Arab revolutions their chance to rebel against al

Assad. They were faced with severe brutality by the authorities. Consequently, many of the Sunnites deflected from the army and established the Free Syrian Army. This marked the beginning of one of the bloodiest wars that had ever occurred in Syria. As the war continued, many radical movements have emerged, and others exploited the situation to expand into the Syrian territories. the Islamic State in Syria and the Levant, ISIL tops that list.

ISIL was first established in Iraq under the name of ISI (the Islamic State in Iraq) following the U.S invasion to Baghdad. It was considered to be an affiliate of Al-Qaeda and was mainly led by Abu Musab Al Zarqawi, until he was killed by a U.S.A. airstrike in 2006. He was followed by Abu Omar Al Baghdadi who also was assassinated by a U.S drone in 2010 and was succeeded by Abu Bakr Al Baghdadi. Today, ISIL comprises thousands of foreign fighters and occupies massive lands in Iraq and Syria. Its strongholds in Syria are in the northern part of the country and namely in Al Raqqa and Aleppo provinces. Although the organization faced a decrepitude era, mainly between 2006 and 2011 due to the U.S.A. counter-terrorism efforts, the organization exploited the insurgencies in Syria to re-emerge even stronger than before. ISIL exceeded Al Qaeda in terms of brutality and even Al Qaeda exonerated itself from ISIL due to the unimaginable atrocities committed by ISIL whose main ideology is based on the establishment of an Islamic caliphate to be ruled under strict Islamic laws According to a UN report on ISIL's abuses to human rights, ISIL's members were engaged in human trafficking, selling women as sex slaves and exploiting children as camel jockeys. That however, is just the tip of the iceberg. According to that report, more than 24000 people were killed or injured by ISIL. Many of these murders were documented on tapes and included the decapitation of foreign journalists and human rights activists. Moreover, ISIL was responsible for the refugee

crisis of the Yazidis and Christians in Iraq, namely in Mosul and its surrounding areas and in Syria, causing the forced displacement of millions of people (Tucker 2014: 2).

3.3.3 *The Berlin Conference and the impacts of the crisis on Lebanon*

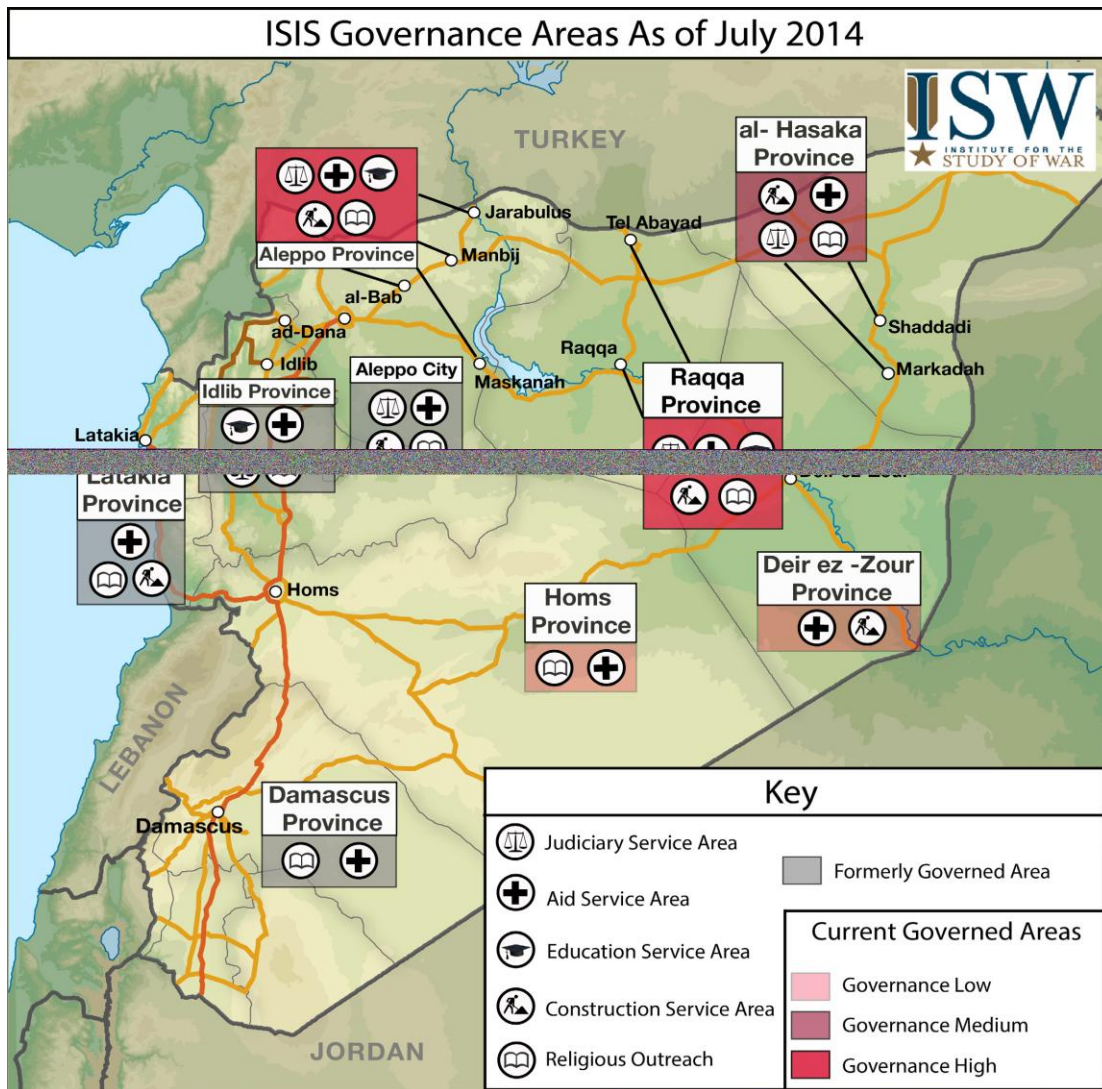
As a response to the growing impacts of the Syrian refugee crisis on its neighboring countries, more than 40 countries and NGOs gathered on the 28 of October 2014 in Berlin to discuss the fallouts of the Syrian refugee crisis. This conference was held on the request of Syria's neighbors as an attempt to find solutions to the burdens caused by it (UNHCR: 2014).

Therefore, the Lebanese official stance focused on gaining aid from the EU to reduce the burdens caused by refugees. Services such as medical assistance, financial support to both refugees and the government (to build decent camps) need to be rapidly expanded to be able to absorb the increasing refugee influx without having to resettle them in Lebanon for the aforementioned reasons. Examining the number of refugees influxes in Lebanon we realize the following:

- There are around 450 000 Palestinian refugees, they constitute around 10 percent of the overall Lebanese population.
- According to the UNRWA there are around 54000 Palestinian refugees from Syria (since the crisis)
- There are approximately 50 000 Iraqi refugees
- According to the UNHCR, there are around 1.3 million Syrian refugees

(Nicolas 2014: 13)

The Berlin Conference was supposed to offer solutions to the Syrian refugee issue but it lured a continuous process where the Lebanese government was supposed to unreservedly accept the bad conditions by signing the Geneva Convention for Refugees. The fiercest diplomatic battles were fought in that conference between Lebanon and the participating countries and the



Map3.1: ISIL's Strongholds

Source: Caris & Reynolds, 2014: 8

Lebanese delegation managed to persuade the influential powers to amend their original proposals to be suitable with the Lebanese ones, and they can be summarized by the following:

In the legal framework, the first formulation of the proposals was that it corresponded with the Geneva Convention of 1951 and its 1967 Protocol for Refugees. The Lebanese delegation insisted to include in the statement that Lebanon was not a part of that Convention, and consequently not obliged to abide by its provisions.

At the humanitarian level, the Lebanese delegation managed to convince the International Community to engage seriously in addressing the crisis of displacement to Lebanon by organizing the distribution of the refugees because the continuation of the case as it is, is threatening the state and sovereignty of Lebanon.

Lebanon will receive the first batch of aid through the trust fund and other agencies that Will provide developmental infrastructure projects in countries that are home to refugees and displaced people and examining the losses that had incurred due to the use of the infrastructure built from water sewage system, electricity and the cost of education and medical services. (Al Jazeera: 28.10.2014)

In that aspect, it is worth noting that the Lebanese government has not signed nor ratified the Geneva Convention because it would have changed the whole demographical balance of the Lebanese society, because that convention compels the signatory countries to resettle refugees (FIDH 2003: 10). The Geneva Convention is a legally binding agreement. It impels the countries to ameliorate the situation of the refugees by ensuring their rights to freedom of movement, religion, education, employment and access to travel (Clark, Crepeau, 1999: 395-396). Moreover, it grants the right to the refugees to not return to their home

countries if they fear persecution. In other terms, this means that almost 1.33 million Syrian refugees [the number is subject to constant fluctuation] (UNHCR 2013: 6) will stay in Lebanon as long as there is instability in Syria. In addition to the Syrian case, the Palestinians which are around 450 000, with Israel denying their right to return to Palestine.

The EU's capacities far outpace those of Lebanon in terms of hosting refugees and asylum seekers for many reasons, which means that burden-sharing is unbalanced.

First and foremost, Lebanon is still an underdeveloped country, lacks the minimum resources and its economy suffers from a US\$ 66.56 billion debt as for 2014, a 4.84 percent annual increase in the Gross Public Debt [GPD] (Lebanese Ministry of Finance 2014: 4). In the pre-Syrian crisis however, and namely in 2010, the average increase in the GPD reached 2.7 percent. Additionally, Lebanon's Gross Domestic Product, GDP growth dropped by 6 percent in 2014, unemployment rate reached 22 percent and inflation 2.73 percent (Lebanese Ministry of Finance 2010: 1).

Furthermore, the unequal distribution of Syrian refugees even within Lebanon, had negative effects on all sectors, including investment, tourism and trade. Moreover, the unemployment rate has risen for the reason that Syrian workers are cheaper to hire. The International Labor Organization ILO has conducted a study to shed light on the economic implications of the Syrian refugee crisis on Lebanon. According to that study, Syrian refugee workers' income in Lebanon is less than \$300 per month, 86 percent of them have no benefits, such as healthcare, transportation, accommodation etc. These facts are encouraging Lebanese employers to hire them at the expense of Lebanese laborers (ILO 2014: 30-31).

Table 3.2 illustrates the European economic activity. We focus on 2014 to compare the situation in the EU to that in Lebanon. The real GDP growth in the EU as for 2014 was 1.3 percent while the inflation was 0.6 percent and the unemployment 11.6 percent. Examining the facts and figures we notice that there is a steady growth in the real GDP and a gradual increase in the unemployment rate, resulting an amelioration in the economy of the EU (E.C 2014: 3).

	Real GDP				Inflation				Unemployment rate			
	2013	2014	2015	2016	2013	2014	2015	2016	2013	2014	2015	2016
Belgium	0.3	0.9	0.9	1.1	1.2	0.6	0.9	1.3	8.4	8.5	8.4	8.2
Germany	0.1	1.3	1.1	1.8	1.6	0.9	1.2	1.6	5.3	5.1	5.1	4.8
Estonia	1.6	1.9	2.0	2.7	3.2	0.7	1.6	2.2	8.6	7.8	7.1	6.3
Ireland	0.2	4.6	3.6	3.7	0.5	0.4	0.9	1.4	13.1	11.1	9.6	8.5
Greece	-3.3	0.6	2.9	3.7	-0.9	-1.0	0.3	1.1	27.5	26.8	25.0	22.0
Spain	-1.2	1.2	1.7	2.2	1.5	-0.1	0.5	1.2	26.1	24.8	23.5	22.2
France	0.3	0.3	0.7	1.5	1.0	0.6	0.7	1.1	10.3	10.4	10.4	10.2
Italy	-1.9	-0.4	0.6	1.1	1.3	0.2	0.5	2.0	12.2	12.6	12.6	12.4
Cyprus	-5.4	-2.8	0.4	1.6	0.4	-0.2	0.7	1.2	15.9	16.2	15.8	14.8
Latvia	4.2	2.6	2.9	3.6	0.0	0.8	1.8	2.5	11.9	11.0	10.2	9.2
Lithuania	3.3	2.7	3.1	3.4	1.2	0.3	1.3	1.9	11.8	11.2	10.4	9.5
Luxembourg	2.0	3.0	2.4	2.9	1.7	1.0	2.1	1.9	5.9	6.1	6.2	6.1
Malta	2.5	3.0	2.9	2.7	1.0	0.7	1.5	2.0	6.4	6.1	6.1	6.2
Netherlands	-0.7	0.9	1.4	1.7	2.6	0.4	0.8	1.1	6.7	6.9	6.8	6.7
Austria	0.2	0.7	1.2	1.5	2.1	1.5	1.7	1.8	4.9	5.3	5.4	5.0
Portugal	-1.4	0.9	1.3	1.7	0.4	0.0	0.6	0.9	16.4	14.5	13.6	12.8
Slovenia	-1.0	2.4	1.7	2.5	1.9	0.4	1.0	1.5	10.1	9.8	9.2	8.4
Slovakia	1.4	2.4	2.5	3.3	1.5	-0.1	0.7	1.4	14.2	13.4	12.8	12.1
Finland	-1.2	-0.4	0.6	1.1	2.2	1.2	1.3	1.6	8.2	8.6	8.5	8.3
Euro area	-0.5	0.8	1.1	1.7	1.4	0.5	0.8	1.5	11.9	11.6	11.3	10.8
Bulgaria	1.1	1.2	0.6	1.0	0.4	-1.4	0.4	1.0	13.0	12.0	11.4	11.0
Czech Republic	-0.7	2.5	2.7	2.7	1.4	0.5	1.4	1.8	7.0	6.3	6.2	6.1
Denmark	-0.1	0.8	1.7	2.0	0.5	0.4	1.1	1.7	7.0	6.7	6.6	6.4
Croatia	-0.9	-0.7	0.2	1.1	2.3	0.2	0.6	1.1	17.3	17.7	17.7	17.3
Hungary	1.5	3.2	2.5	2.0	1.7	0.1	2.5	3.0	10.2	8.0	7.8	7.8
Poland	1.7	3.0	2.8	3.3	0.8	0.2	1.1	1.9	10.3	9.5	9.3	8.8
Romania	3.5	2.0	2.4	2.8	3.2	1.5	2.1	2.7	7.3	7.0	6.9	6.7
Sweden	1.5	2.0	2.4	2.7	0.4	0.2	1.2	1.5	8.0	7.9	7.8	7.6
United Kingdom	1.7	3.1	2.7	2.5	2.6	1.5	1.6	1.9	7.5	6.2	5.7	5.5
EU	0.0	1.3	1.5	2.0	1.5	0.6	1.0	1.6	10.8	10.3	10.0	9.5
USA	2.2	2.2	3.1	3.2	1.5	1.8	2.0	2.3	7.4	6.3	5.8	5.4
Japan	1.5	1.1	1.0	1.0	0.4	2.8	1.6	1.4	4.0	3.8	3.8	3.8
China	7.6	7.3	7.1	6.9	2.6	2.4	2.4	:	:	:	:	:
World	3.1	3.3	3.8	4.1	:	:	:	:	:	:	:	:

Table 3.2: Economic Activity in Europe

Source: (E.C 2014: 1)

The EU's monetary growth and the Lebanese financial deterioration, corroborate the argument of the EU's capabilities of hosting refugees far exceeds those of Lebanon.

3.3.3 *The measures adopted by Lebanon to minimize the brunt of the crisis*

The financial assistance that was received following the Berlin Conference, was not sufficient enough to cover all the expenses. As a result, the Lebanese government was forced to impose more astringent measures due to its inability to host additional influxes of refugees. Consequently, the Syrian refugees were asked to apply for a residence permit and whomever doesn't acquire that permit is to be considered as illegal immigrant. Regardless of all the arguments discussing the "Lebanese racism" towards refugees, many facts are being overlooked. These facts include social, economic and political burdens that the Lebanese society had to face.

At the social level, Lebanon has been unconditionally hosting Syrian refugees and they now constitute over a quarter of its population. This demographic alteration compelled the Lebanese government to act firmly in order to prevent more fluctuation in that balance which might lead to ethnic outbursts. At the political level, this new measure has two implications:

- Syria has become a strikingly weak country and has lost its influence over Lebanon
- The Lebanese policymakers have learned from the mistakes of their ancestors back in 1975 (unconditionally hosting the Palestinian refugees) which led to a civil war. (The Irish Times: 01.03.2015)

The EU Member States have been dealing with the Syrian refugee crisis on a unilateral level rather than dealing with it collectively. Examining the EU behavior towards the Syrian refugee crisis since 2011, we learn that the EU Member States were not reacting to that crisis upon a uniform structure. In other terms, countries like Bulgaria, Hungary, Italy and Greece abuse the "detention" right that was granted to the EU Member States, and there were some reports stating that Greek officials have unlawfully detained Syrian asylum seekers for over 18

months between 2013 and 2014. According to Amnesty International, Greek authorities are not respecting the *Reception Conditions Directive*. In other terms, Syrian asylum seekers who land in these countries are denied the basic human needs. Moreover, unaccompanied children are kept in detention centers allocated for asylum seekers due to the limited number of shelters (Amnesty: 2015). Germany and Sweden among many other Member States on other hand, are protecting the asylum seekers even the one whose applications were rejected. Germany for instance, decided in 2012 to grant subsidiary protection and not extradite those who were rejected, complying with the principle of non-refoulement (Amnesty: 2015). The number of Syrian asylum seekers who are applying for asylum in the EU is growing at a high pace.

Based on the results shown in graph 2.1 and the resolutions issued in the Berlin Conference we notice the following. The EU's policies towards that particular crisis is to contain it in the neighboring countries so the EU wouldn't have to deal with that issue as it did with the Bosnian crisis. As a result, we notice the huge influxes of Syrian refugees come flowing to Lebanon, Turkey and Jordan.

3.3 The Afghani Case and Pakistan

The Afghani crisis can be traced back to 1978 when the Prime Minister orchestrated a successful military coup and overthrew the last king of Afghanistan. This coup changed the face of Kabul into a leftist country, and sought support from the Soviet Union. The new government had set a 5 year plan, which was known as the reform plan to transform the country into socialism. They seized lands from the "rich" or upper class and granted them to the poor, exerting a socialist reform and exasperating the conservative Muslims, who were considered

(and still are) the majority of the population. The conservatives saw in the new socialist system that was being formed back then a clear challenge to the Afghani social traditions and a clear defiance to Islam. Even the Soviet Union itself was trying to exhort Kabul from executing that plan and warned about the consequences of such actions (Margesson 2007: 2). As a result, opponents of the reform resorted to violence by burning down establishments, such as schools and governmental buildings. Simultaneously, a revolution in the neighboring Iran was taking place, and the Shah would be overthrown by Khomeini and his supporters, establishing a religious country in 1979. These events raised red flags in Washington, and impelled the congress to take action. A hostile Iran and a communist Afghanistan would threaten the U.S interests in the region. As a result, the Pentagon started sending military aids to the opposition in Afghanistan so they can organize themselves into rebellious groups and fight communism. These groups were known as the "Mujahidin" and Al Qaeda soon after. Consequently, many Afghans started to flee to the neighboring Pakistan (Alexiev 1988: 7-9).

As a result, Pakistan would soon become the home for the largest concentration of refugees in the world. Around 2.5 million Afghans are staying in Pakistan as refugees and asylum seekers (Alam 2012: 60). The Pakistani government has been trying to mitigate the brunt of the crisis by deporting some of the refugees whether back to Afghanistan or elsewhere in the world. What is noticeable in this case, is that just like Lebanon, Pakistan has not signed the Geneva Convention for refugees, has a relatively homologous number of refugees, share borders with the country in crisis and has been facing international pressure to localize the refugees. (Segal et al., 2010: 180-181)

Characterized as one of the worst humanitarian crises in the world, the Afghani refugee issue was globally accentuated for many years before being replaced by the Syrian one.

After sheltering more than 2 million Afghanis, Pakistan closed its borders⁹ with Afghanistan, disregarding the constant pleas of the UNHCR to reopen them, but the Pakistani government complied with the U.S demands to keep the Durand Line shut down. It is worth mentioning here that the U.S government had requested the full shutdown of the borders in order to prevent the passage of terrorists from Afghanistan to Pakistan and ultimately led to halting the passage of the refugees as well (Van Selm 2003: 271). The main point of resemblance lies in the desire of both governments (Lebanese and Pakistani) to relocate some of the refugees in other countries due to the lack of resources and huge burdens caused by them. The internal problems however differ between these 2 countries. As for Pakistan, the United Nations High Commissioner for Refugees (UNHCR) is exhausting all its efforts to force the Pakistani government into resettling and naturalizing the refugees (UNHCR: 2014), whereas this is out of question in Lebanon for the above mentioned reasons. Moreover, the borders between Lebanon and Syria have not yet been demarcated, and therefore neither Lebanon nor Syria can fully close the borders, leaving them as easy passages to the refugees and safe havens for some terrorist organizations such as Al-Nusra and ISIL.

The similarities and differences between Lebanese and Pakistani cases are quite remarkable. As we have previously mentioned, the Pakistani government adopted extreme measures by closing its borders. Lebanon on the other hand, had its borders unbridled leaving it as easy passage to fugitives, terrorists and smugglers as well as refugees and displaced people for decades. Following the clashes with the Lebanese army however, the Lebanese government was forced into monitoring its borders. The only difference in that aspect between Lebanon

⁹ Also known as the Durand Line was established in 1893 and draws the borders between, Pakistan and Afghanistan (Biswas, 2013, p 20)

and Pakistan, is that the first monitored its borders due to threats to the national security of the country while the second had to shut the Durand Line due political pressure from the U.S.

This status-quo has led to several clashes between the Lebanese army and these organizations, and these conflicts were the main sparkle to further worsening the situation of the refugees on the borderlines. The lack of resources, (including shortage in water and raw materials) were not the only difficulties that the Syrian refugees have been facing, but they have also been suffering from ill-treatment and exploitation in labor from the Lebanese citizens (Harb & Saab 2014: 8-9)

Conclusion

This thesis has demonstrated the EU's discrepancies when dealing with disparate cases of refugees which are divided into two dimensions: the first is between the EU Member States and the EU while the second is between the EU and refugees. This was achieved following the examination of the treaties held at the European level dealing with refugees before scrutinizing three distinct case studies.

The first chapter, aimed at identifying the concepts of immigrants asylum seekers refugees, and analyzing theories. The leading theories that guided this thesis were the venue shopping theory, and the burden sharing concept. The first is crucial for what it provides in terms of "channeling" policies according to the best interests of the states. This proved to be essential to understand the EU behavior and the restrictive measures that were imposed. Conversely, an overview of the theory of burden-sharing was provided, and Shuck's 4 strategies were described. However, he argued that the first two elements dealing with extricating the root causes of the crisis, and the quick repatriation would alleviate the brunt of the crisis.

The second chapter focused on the treaties and legal agencies of the EU. More precisely, it examined the gradual evolvement of the EU asylum policies starting by the early stages of the formation of the EU, passing by the evolution of Dublin Convention and Regulations and the Treaty of Lisbon was probed to be later tested when scrutinizing the distinct case studies.

In the venue shopping theory, we showed how the Member States exploit the EU venues to legislate more restrictive asylum policies especially when they're faced with national

hindrances. More specifically, each of the Dublin Conventions and the subsequent Treaties dealing with asylum issues, were signed simultaneously with the occurrence of a refugee crisis. In other terms, we noticed that the Treaty of Maastricht was signed when the Bosnian refugee crisis was at its apogee. The Second Dublin Regulation was ratified when the Afghans were seeking refuge, and finally, the provisions of the third Dublin Convention, which included even more restrictive measures against asylum seekers, were endorsed when the Syrian crisis reached its capstone. That also indicates that the EU was in a pre-matriculating phase [in terms of dealing with issues as such] when the Bosnian crisis had occurred, and the EU Member States have learned how to deal more firmly with similar crises.

The last chapter provided an in-depth analysis of the case studies of Bosnia, Syria and Afghanistan. A brief historical overview was offered for each of the 3 cases prior to examining the EU behavior towards these crises. In the case of Bosnia the major pull factors were studied and the EU's approach towards that predicament was also examined. We learned that more than half of the total Bosnian refugee population were granted subsidiary protection in the EU and were fairly well treated.

The results depicted discrepancies in the EU behavior, towards asylum seekers. While Bosnian asylum seekers were embraced and their applications were being admitted, Syrians haven't felt that warmth, forcing them to try to reach the EU external borders illegally. Furthermore, this study illustrated the negative impacts of the Syrian refugees on Lebanon. The

huge influxes of Syrian displaced people to Lebanon forced the Lebanese government to take more severe actions either by issuing visas or illegalizing certain jobs.

Following the examination of this case throughout the dissertation, we can conclude the following. The huge influxes of Syrian refugees that are heading to Lebanon surpass the Lebanese capabilities. In case these refugees were not relocated in a third country, Lebanon is heading towards a socio-economic disaster of unbelievable proportions whereas the Lebanese government cannot provide much to refugees and the Lebanese people are growing resentful towards them. Therefore the EU must reconsider its strategies and receive its fair share of Syrian refugees to avert a disaster in the near future. If 500 000 refugees (out of 1.7 m) were redistributed amongst the EU Member States upon a quota based system, would certainly eliminate the root causes of the conflict before it begins.

The Afghanis prefer staying in Pakistan than going back to their country in fear of persecution. The Pakistani government however is considering them as a threat to the national security and sovereignty to Pakistan. This case has a lot of uncanny similarities with the second case both in terms of refugees and the host country, whereas Pakistan shares borders with Afghanistan and is hosting the largest number of Afghani refugees. Correspondingly, Lebanon shares borders with Syria, and is the home of the largest Syrian refugee population.

The European Union must work with countries that are home to refugees, especially third world countries more specifically those who haven't signed the 1951 Geneva Convention and its 1967 Protocol, and devise a long-term plan to ensure the safety and health of refugees without jeopardizing the sovereignty or the economy of a given country. These plans must consist on integrating refugees into societies without having to resettle them, and offer them the basic human needs as well as education and healthcare. There are tangible solutions for these refugees in the foreseeable future and the European Union must consider relocating some of them in the EU as burden-sharing in this case would mitigate the brunt of the crisis on Lebanon without affecting the economy in the EU [Comparison between 2 economies was illustrated].

It's high time that the European Union doubled its efforts to assist non-combatant targets in their quest for peace, security and a dignified life.

Limitations of the thesis:

Whilst an empirical work would have bolstered the arguments presented in the thesis, it was nearly impossible to conduct a fieldwork due to the high risks involved in conducting such a work whether in Lebanon (refugee camps at the borders) or in Pakistan. Most of the Bosnians had already left the EU so it was pointless to do so. The second limitation which was

encountered while writing this thesis is the lack of accurate statistical data, and the difficulty to obtain them.

This study found additional cases which can be scrutinized to further shed light on that particular subject. Such cases include the ongoing war in Sudan Darfur and the EU's role to assist civilians and evacuate asylum seekers.

The focal point of this work can be further scrutinized and researchers can take into consideration

List of references

- Ahlback Johan (2006) *The Externalization of the EU's Policy on Illegal Immigration. Vertical and Horizontal Venue Shopping?* M.A Diss., Lund: University of Lund
- Alam Anwar (2012) *Barriers to Repatriation of Afghan Refugees (A Case Study of Afghan Community at Shah and Khusar Colony Board Area Peshawar)*. Peshawar: University of Peshawar. Available at: <http://www.hrmars.com/admin/pics/652.pdf>. Accessed on: 2015.02.06
- Al Jazeera, (2014). *Syria Neighbors Call for Help With Refugees*. 28 October <http://www.aljazeera.com/news/middleeast/2014/10/syria-neighbours-call-help-with-refugees-2014102817017207606.html> (accessed on 2015.06.03)
- Albuquerque Abell Nazare. (1999). *The Compatibility of Readmission of Agreements with the 1951 Convention relating to the Status of Refugees*. Oxford: Oxford University Press
- Amnesty International. (2015), *Greece: Humanitarian Crisis Mounts as Refugee Support System Pushed to Breakdown* <https://www.amnesty.org/en/latest/news/2015/06/greece-humanitarian-crisis-mounts-as-refugee-support-system-pushed-to-breaking-point/> (accessed 2015.07.24)
- Alexiev Alexander (1988) *The United States and the War in Afghanistan* California RAND Corporation. www.rand.org (accessed on: 2015.06.06)

- Baracskey Daniel, (2011). *The Palestinian Liberation Organization. Terrorism and Prospects for Peace*. California: Library of Congress www.abc.clio.com (accessed on 2015.05.19)
- Basic Law for the Federal Republic of Germany
https://www.bundestag.de/blob/284870/ce0d03414872b427e57fccb703634dcd/basic_law-data.pdf (accessed on 2015.03.04)
- Baumgartner Frank, Jones Bryan, Larsen-Price Heather, True James & John Wilkerson, (2006). *Essays on Policy Dynamics*. Warsaw: European Consortium for Political Research
- Betts Alexander & Loescher Gil, 2011. *Refugees in International Relations* Oxford: Oxford University Press
- Best Edward, (2008). *The Lisbon Treaty: A Qualified Advance for EU Decision-Making and Governance*. Maastricht: European Institute of Public Administration
- Biswas Arka, (2013), *Durand Line: History, Legality and Future*. New Delhi: Vivekananda International Foundation.
http://www.academia.edu/4557001/Durand_Line_History_Legality_and_Future (accessed on: 2015.05.05)
- Buchs Annette (2009) *The Resilience of Authoritarian Rule in Syria Under Hafez and Bashar al Assad*. Hamburg: Giga Research Programme Available at: www.giga-hamburg.de. Accessed on: 2015.16.05.
- Buker Linda (2011) *What Role Plays Frontex in European Migration Policy* Bsc. Diss., Twente: University of Twente.

- Busetti G, Forni L, Harvey A.C & Venditti F. (2007), *Inflation Convergence and Divergence within the European Monetary Union*. International Journal of Central Banking. Available at: <http://www.ijcb.org/journal/ijcb07q2a4.pdf>.
- Caris Celine Charles & Reynolds Samuel (2014). *ISIS Governance in Syria*. Middle East Security Report Washington: Institute for the Study of War. www.understandingwar.org (accessed on 2015.06.13)
- Chetail Vincent & Bauloz Celine, (2011), *The European Union and the Challenges of Forced Migration: From Economic Crisis to Protection Crisis?* Geneva: Institute of International and Development Studies
- Clark Tom, Crepeau Francois. (1999). *Mainstreaming Refugee Rights. The 1951 Refugee Convention and International Human Rights Law*. Oxford: International Journal of Refugee Law. <http://ijrl.oxfordjournals.org/> (accessed on: 2015.02.16)
- Dadrian N. Vahakn (1996), *The History of the Armenian Genocide. Ethnic Conflict from the Balkans to Anatolia to the Caucasus*. Oxford: Berghahn Books
- El Khoury Melkar & Jaulin Thibaut (2012), *Country Report Lebanon*. Florence: European University Institute. Available at: www.eudo-citizenship.eu. Accessed on: 2015.12.05
- El Rajji Rania (2014), *The Leaves of One Tree: Religious Minorities in Lebanon*. London: Minority Rights Group. Available at: www.minorityrights.org. Accessed on: 2015.11.05.
- European Asylum System Office EASO (2011) *Official document on EASO* Available at: <https://easo.europa.eu> Accessed on: 2015.28.04.

- European Commission (2013), *Communication From the Commission to the European Parliament and Council on the Work of the Task Force Mediterranean*. Brussels: European Commission http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2014/20140527_01_en.htm (accessed on 2015.06.06)
- European Commission, (2014). *European Economic Forecast* http://ec.europa.eu/economy_finance/publications/. (accessed on 2015.13.05)
- European Commission, (2014). *Asylum Migration and Integration Fund*. www.eec.europa.eu (accessed on 2014.10.10)
- European Council on Refugees and Exiles ECRE, (2013). *Information Note on Directive 2013/22 EU of the European Parliament and the Council of 26 June 2013 on Common Procedures for Granting and Withdrawing International Protection (recast)* www.ecre.org (accessed 10.10.2014)
- European Parliament, (2000). *Asylum of the EU Member States*. Brussels: European Parliament
- European Parliament, 1999. *Tampere Council 15 and 16 October 1999 Presidency Conclusions* http://www.europarl.europa.eu/summits/tam_en.htm (accessed 2015.02.04)
- European Union (1997), *Treaty Establishing the European Community - Original Document of the Treaty of Amsterdam*
- European Union (2012) *Consolidated Version on the Functioning of the European Union* <https://ccdcoe.org/sites/default/files/documents/EU-121026-TFEU.pdf>, (accessed on 2015.07.01)

- European Union (2013). *Official document on Dublin III Regulation*
<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013R0604>
 (accessed on: 07/20/2015)
- European Union, (2013). *Directive 2013/33/EU of the European Parliament and of the Council of June 2013. Laying Down Standards for the Reception of Applicants for International Protection (Recast)* <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013L0033> (accessed 2015.02.06)
- European Union, 2004. *Staff Regulations of Officials of the European Communities. Conditions of Employment of Other Servants of the European Communities*
http://ec.europa.eu/civil_service/docs/toc100_en.pdf. (accessed on 05.06.2015)
- Eurostat (2015), *Asylum Applications in the EU*. Brussels: European Commission
<http://ec.europa.eu/dgs/home-affairs> (accessed on: 2015.07.10)
- Fagen W. Patricia (2011), *Refugee and IDPs After Conflict. Why They Do Not Go Home*. Washington: United States Institute of Peace www.usip.org (accessed on: 2015.07.19)
- Foley Michael, (2013). *Political Leadership: Themes, Contexts, and Critique*. Oxford: Oxford University Press
- Foster Michelle, (2008). *Responsibility Sharing or Shifting? "Safe" Third Countries and International Law*. York: York University
<https://pi.library.yorku.ca/ojs/index.php/refuge/article/view/26032> (accessed on 2015.06.15)

- France Press. 2015. *U.N Calls for Refugee Quota System in Europe* 3 February
<http://reliefweb.int/report/world/un-calls-refugee-quota-system-europe> (accessed on 2015.07.10)
- Fullerton Maryellen, (2011). *A Table of Two Decades: War Refugees and Asylum Policy in the European Union*. Washington: Washington Global Studies Law Review
http://openscholarship.wustl.edu/law_globalstudies/vol10/iss1/4 (accessed on: 2015.01.26)
- Gatton Sarah (2010) *Political Identities and the Failure of National Solutions in Lebanon*. M.S Diss., Washington: Georgetown University.
- Gerver, M. (2013). *Refugee Quota Trading within the Context of EU-ENP Cooperation: Rational, Bounded Rational and Ethical Critiques*. London: London School of Economics and Political Science www.jcer.net (accessed on: 2015.2.13)
- Goodman Ryan, (2006). *Humanitarian Intervention and Pretexts for War*. Cambridge: Harvard. University www.law.harvard.edu (accessed on: 2015.10.16)
- Groenendijk K., Fernhout R., Van Dam D., Van Oers R & Strik T, (2007), *The Family Reunification Directive in EU Member States, the First Year of Implementation*, Nijmegen: University of Radboud. <http://www.wolflegalpublishers.com>
- Guiraudon Virginie, (1999). *European Integration and Migration Policy: The Implication of Vertical Policy-making* - Pittsburgh: European Community Study Association
- Guzzetti Luca, (1995). *A Brief History of European Union Research Policy* Brussels: European Commission

- Haaretz. 2014. *U.N: Syrians Supplanting Afghans as World's Biggest Refugee Group*. 26 February. <http://www.haaretz.com/news/middle-east/1.576439> (accessed on 2014.11.29)
- Habberfield M.R, Cerrah I. (2008) *Comparative Policing: The Struggle for Democratization* Los Angeles: Sage Publications.
- Hamann G., Huloniva B., Malik S. & Wrzesinka A., (2010). *Development of the Common European Asylum System* Dresden: Technische Universitat Dresden <https://tu-dresden.de/> (accessed on 2015.05.05)
- Harb Charles & Saab Rim (2014) *Social Cohesion and Intergroup Relations: Syrian Refugees and Lebanese Nationals in the Bekaa and Akkar*. Beirut: American University of Beirut. Available at: www.aub.edu.lb Accessed on: 2015.05.06
- Hatton J. Timothy, (2005) *European Asylum Policy*. Essex: University of Essex www.repec.iza.org/dp1721.pdf (accessed on 2015.03.15)
- Hatton J. Timothy, (2012). *Seeking Asylum: Trends and Policies in the OECD*. Essex: University of Essex. <https://researchers.anu.edu.au/researchers/hatton-tj> (accessed on on: 2015.03.15)
- Herbert Matt (2014) *Partisans, Profiteers and Criminals: Syria's Illicit Economy*. Massachusetts: The Fletcher Forum of World Affairs. Available at: www.fletcherforum.org. Accessed on: 2015.15.05
- Hiruy Kiros (2009) *Finding Home Far Away From Home: Place Attachment, Place Identity, Belonging and Resettlement Among African Australians in Hobart* BSc. Diss., Tasmania: University of Tasmania.

- Hurwitz Agnes, (2009), *The Collective Responsibility of States to Protect Refugees*. Oxford: Oxford University Press
- International Federation for Human Rights FIDH, (2003). *Investigative International Mission. Lebanon, Palestinian Refugees: Systematic Discrimination and Complete Lack of Interest on the Part of the International Community*.
- International Labor Organization ILO, (2014). *Assessment of the Impact of Syrian Refugees in Lebanon and their Employment Profile* <http://www.ilo.org/global/about-the-ilo/lang--en/index.htm> (accessed on 2015.06.27)
- International Monetary Fund IMF, (1997) *IMF Report: Unemployment in France 1997*. Official document available at: <https://www.imf.org/external/np/sec/pn/1997/pn9733.htm> Accessed on: 2015.11.05.
- Jerabek Petr, (2009). *Decision-Making Under Pillars Two and Three*. Pilsen: University of West Bohemia. http://europa.eu/scadplus/treaties/maastricht_en.htm (accessed on: 2014.12.20)
- Jones D. Bryan, (2011), *Human Nature and Public Policy: Behavioral Foundations and Policy Studies*. Conference presented at the University of Texas. Available at: <https://www.youtube.com/watch?v=MhDdNApoYwY> Accessed on: 2015.20.04.
- Juncos Ana (2005) *The EU's post-Conflict Intervention in Bosnia and Herzegovina: (re)Integrating the Balkans and/or (re)Inventing the EU*. Budapest: Southeast European Politics Available at: <http://www.seep.ceu.hu/archives/issue62/juncos.pdf> Accessed on: 2015.08.05

- Kahf Mohja (2013) *Then and Now: The Syrian Revolution to Date. A young Non-violent Resistance and the Ensuing Armed Struggle*. Minnesota: Friends for a Nonviolent World, St Paul. Available at: www.fnvw.org Accessed on: 2015.15.05
- Katsiaficas Caitlin, (2014). *The Common European Asylum System as a Protection Tool: Has the European Union Lived Up to its Promises?* Athens: Bridging Europe www.bridgeineurope.net (accessed on 2015.01.25)
- Kaunert C. & Leonard S., (2011). *The European Union and Refugees: Towards More Restrictive Asylum Policies in the European Union*. Pompeu: Universitat Pompeu Fabra. www.upf.edu/gritim (accessed on 2014.12.16)
- Kaunert Christian & Leonard Sarah, (2012), *The Development of EU Asylum Policy: Venue shopping in perspective*. London: Journal of European Public Policy www.tandfonline.com/loi/rjpp20 (accessed on: 2015.03.06)
- King Russell, (2012). *Theories and Typologies of Migration: An Overview and a Primer* Malmo: Malmo University. www.bit.mah.se/MUEP (accessed on 2015.03.06)
- Kinlen Louise, (2013). *Welcome to Ireland: Seeking Protection as an Asylum Seeker or Through Resettlement - Different Avenues, Different Perceptions - Vol. 28* York: York University www.yorku.ca/refuge (accessed on 2015.07.06)
- Kornobis-Romanowska Dagmara, (2006). *Developments in the Area of Freedom, Security and Justice Brought about by the Constitutional Treaty*. In *The Unity of the European Constitution* pp. 238 - 250 Berlin: Springer
- Koser K. & Black R. (1999). *Limits to Harmonization: The "Temporary Protection" of Refugees in the European Union*. Oxford: Blackwell Publishing Ltd.

- Kraft-Kasock, C. & Shisheva, M., (2008). *The Communitarization of Asylum and Immigration Policy at Amsteram: A Liberal Intergovernmentalist Account*. Berlin: Hertie School of Governance
- Langer Susanne, (2014). *The Implementation of the EU Reception Conditions Directive in the National Legislation of Germany, Austria and Belgium. On Way to More Liberal National Asylum Policies?* BS Diss., Enschede: University of Twente
- Lauterpacht E. & Bethlehem D.,(2003), *The Scope and Content of non-Refoulement*. In *Refugee Protection in International Law UNHCR's Global Consultations on International Protection*. (pp 89-149)Cambridge: Cambridge University Press
- Lazarowics A. & Pascouau Y, (2013). *The Stockholm Programme: What's Next?* Brussels European Policy Center www.epc.eu/pub_details.php?pub_id=3671 (accessed on 2015.06.06)
- Lebanese Ministry of Finance, (2014). *Debt and Debt Markets*. Issue Nr 31 <http://www.finance.gov.lb/en-US/finance/> (Accessed on 2015.03.22)
- Lenart Joanna (2013) *'Fortress Europe: Compliance of the Dublin II Regulation with the European Convention for the Protection of Human Rights and Fundamental Freedoms*. Utrecht: Utrecht Journal of International and European Law www.utrechtjournal.org/articles/10.5334/ujiel.bd/ (accessed on: 2015.06.17)
- Lenart Joanna (2013) *'Fortress Europe: Compliance of the Dublin II Regulation with the European Convention for the Protection of Human Rights and Fundamental Freedoms*. Utrecht: Utrecht Journal of International and European Law www.utrechtjournal.org/articles/10.5334/ujiel.bd (accessed 2015.07.03)

- Leuffen D., Rittberger B., Schimmelfennig F., (2013), *Differentiated Integration: Explaining Variation in the European Union*. London: Palgrave McMillan
- Margesson Rhoda (2007) *Afghan Refugees: Current Status and Future Prospects*. Washington: Congressional Research Service. Available at: <https://www.fas.org/sgp/crs/row/RL33851.pdf> Accessed on: 2015.02.06
- McNamara K., Meunier S., (2007). *Making History European Integration and Institutional Change at Fifty. The State of the European Union*. Oxford: Oxford University Press
- Messerlian Zaven (2008), *Armenian Participation in the Lebanese Legislative Elections During the Presidency of Michel Suleiman (2008)*¹. In *Haigazian Armenological Review* pp 333 - 392 Beirut: University of Haigazian Available at: <http://www.haigazian.edu.lb/> Accessed on: 2015.12.05
- Mierswa Klaudia Jawdiga (2013) *System Crumbling? A study on the Compliance of the Dublin II Regulation with Human and Fundamental Rights Provision*. M.A Diss., Westfälische Wilhelms Universität
- Migration Policy. 2013. *The Lampedusa Tragedy Prompts the Question: Does the U.N Have Any Impacts on the World's refugees?* 2013. <http://www.migrationpolicy.org/news/lampedusa-tragedy-prompts-question-does-un-have-any-impact-world%E2%80%99s-migrants> (accessed on 2015.04.04)
- Moravcsik A. Nicolaidis Kal, (1999). *Explaining the Treaty of Amsterdam: Interests, Influence, Institutions*. Vol. 37, No. 1. Cambridge: Harvard University.
- Nardulli R. B., Perry L. W. & Bruce G. IV, McGinn J., (2002), *Disjointed War: Military Operations in Kosovo, 1999*. Arroyo: Rand Publications.

- Newland Kathleen, *The Lampedusa Tragedy Prompts the Question: Does the UN Have Any Impacts on the World's Migrants?* Washington: Migration Policy Institute <http://www.migrationpolicy.org/> (accessed 2015.02.03)
- Nicolas Leila, (2014). *Neighboring Insurgency: How Are the Syrian Crisis and International Responses Driving Lebanon to a Fragility Trap.* <http://www.leilanicolasr.com/2014/07/neighboring-insurgency-how-are-syrian.html> (accessed on: 2015.01.20)
- Nigel Gilbert (2008). *Researching Social Life.* Guildford: University of Surrey. www.surrey.ac.uk/sociology/people/nigel_gilbert (accessed 2014.12.12)
- Noll Gregor, Fagerlund Jessica & Liebaut Fabrice, (2002), *Study on the Feasibility of Processing Asylum Claims Outside the EU Against Background of the Common European Asylum System and the Goal of a Common Asylum Procedure.* Brussels European Commission
- Orchard C & Chatty D., (2014). *Protection in Europe for Refugees from Syria* Oxford: Refugees Studies Centre www.rsc.ox.ac.uk (accessed on: 2015.03.12)
- Orchard C. & Chatty D., (2014). *High Time for Europe to Offer Temporary Protection to Refugees from Syria?* <http://ohrh.law.ox.ac.uk/high-time-for-europe-to-offer-temporary-protection-to-refugees-from-syria/> (Accessed on 2015.07.06)
- Pedraza-Bailey Silvia, (1985). *Cuba's Exiles: Portrait of a Refugee Migration.* International Migration Review <http://onlinelibrary.wiley.com/> (accessed on 2015.07.07)
- Perkowski Nina, (2012). *A Normative Assessment of the Aims and Practices of the aims and Practices of the European Border Management Agency Frontex.* Oxford: Oxford University www.rsc.ox.ac.uk (accessed on 2015.07.01)

- Perrin Delphine & Frank McNamara, (2013). *Refugee Resettlement in the EU: Between Shared Standards and Diversity in Legal Policy Frames*. Florence: European University Institute www.eui.eu/RSCAS/Publications (accessed on: 2015.04.17)
- Plender Richard, (2007). *Basic Documents on International Migration Law*. Leiden: Netherlands
- Poostchi Banny, (1998). *The 1997 Treaty of Amsterdam -Implications for EU Environmental Law and Policy Making*. Oxford: Blackwell Publishers
- Radan Peter, (2002). *The Break-up of Yugoslavia and International Law*. London: Rutledge
- Ramet P Sabrina, (2005). *Thinking About Yugoslavia: Scholarly Debates About the Yugoslav Breakup and the Wars in Bosnia and Kosovo*. Cambridge: Cambridge University Press
- Reneman Marcelle (2014). *EU Asylum Procedures and the Right to an Effective Remedy -* Oxford: Hart Publishing Ltd
- Rinus Penninx, Spencer Dimitrina & Van Hear Nicholas, (2008). *Migration and Integration in Europe*. Oxford: University of Oxford
- Roos Christof, (2001). *Immigration Policies. Cracks in the Wall of Fortress Europe*. New York: Palgrave MacMillan
- Scheider Jan (2012). *The Organization of Asylum and Migration Policies in Germany*. Brussels: European Migration Network
- Schuck H. Peter, (2014). *Refugee Burden-Sharing: A Modest Proposal, Fifteen Years Later*. Yale: Yale University. www.law.yale.edu/faculty/SchuckCV.htm (accessed 2015.04.17)

- Segal A. U., Elliott D. & Mayadas S. N., (2010). *Immigration Worldwide: Policies, Practices and Trends* - Oxford: Oxford University
- Shupe M., Wright W., Hipel K. & Fraser N. (1980) *Nationalization of Suez Canal. A Hypergame Analysis*. Maryland: Journal of Conflict Resolution. Available at: <http://jcr.sagepub.com/> Accessed on: 2015.13.05.
- Slingerberg Lieneke, (2014). *The Reception of Asylum Seekers Under International Law Between Sovereignty and Equality*. Oregon: Hart Publishing
- Surrentino Constance, 2000. *International Unemployment Rates: How Comparable are they?* Washington: United States Department of Labor Bureau of Labor Statistics <http://data.bls.gov/search/query/results?q=EU+1997> (accessed 2015.03.03)
- Tama Jordan (2010) *More Than Deference: Eisenhower, Congress and Foreign Policy* Massachusetts: American University. Available at: <https://www.american.edu/spa/ccps/upload/Tama-Eisenhower-paper.pdf>. Accessed on: 2015.13.05.
- The Guardian, (2014). *Europe Must Give Syrian Refugees a Home* 22 July. <http://www.theguardian.com/commentisfree/2014/jul/22/europe-syrian-asylum-seekers-refugees-illegal-trafficking> (Accessed on 2015.03.04)
- The Irish Times, (2015). *Lebanon Introduces Visa Limitation on Syrian Refugees*. 3 Janua <http://www.irishtimes.com/news/world/middle-east/lebanon-introduces-visa-limitations-on-syrian-refugees-1.2054139> As a result, the venue shopping theory can be examined from two distinct dimensions. (Accessed on 2015.07.12)

- Toscano Frederica (2013). *The Second Phase of the Common European Asylum System: A Step Forward in the Protection of Asylum Seekers*. Brussels: Institute for European Studies. <http://www.ies.be/node/1645> (accessed on 2015.02.02)
- Towers Rachel, (2013). *Recognizing Victims of Torture in National Asylum Procedures. A Comparative Overview of Early Identification of Victims and their Access to Medico-Legal Reports in Asylum Receiving Countries*. International Rehabilitation Council for Torture Victims ICRT <http://www.irct.org/files/Filer/publications/MLRweb.pdf> (accessed on 2015.04.04)
- *Treaty Establishing the European Community - Original Document of the Treaty of Amsterdam*
- Tucker Colin (2014) *The Islamic State Origins, Goals, and Future Implications - The EuroAsia Center* <http://books.google.se> (accessed on 2015.02.19)
- United Nations High Commissioner for Refugees UNHCR, (2013). *Countries Hosting Syrian Refugees Solidarity and Burden Sharing. Background Papers for the High Level Segment*. <http://www.unhcr.org/525fe3e59.pdf> (accessed 2015.06.07)
- United Nations High Commissioner for Refugees UNHCR, (2014). *Guidelines on Temporary Protection or Stay Arrangements* <http://www.unhcr.org/542e99fd9.pdf> (accessed on 04.02.2015)
- United Nations High Commissioner for Refugees UNHCR, (2015). *2015 UNHCR Country Profile: Pakistan*. <http://www.unhcr.org/pages/49e487016.html> (accessed 2015.06.06)

- United Nations High Commissioner for Refugees UNHCR, (2015). *2015 UNHCR Operation Profile - Europe*. <http://www.unhcr.org/pages/4a02d9346.html> (accessed 2015.03.10)
- United Nations High Commissioner for Refugees UNHCR, 2015, *The 1951 Geneva Convention* <http://www.unhcr.org/pages/49da0e466.html> (accessed 2014.11.12)
- Van-Selm Joanna, (2003). *22 Perceptions of Afghan Refugees In Global Responses to Terrorism 9/11 Afghanistan and Beyond* pp265 274. New York: Routledge
- Velluti Samantha, (2014). *Reforming the Common European Asylum System - Legislative Developments and Judicial Activism of the European Courts*. Lincoln: University of Lincoln
- Whitaker Beth-Elise, (2003). *Refugees and the Spread of Conflict: Contrasting Cases in Central Africa*. North Carolina: University of North Carolina <https://clas-pages.uncc.edu/> (accessed on 2014.12.12)
- Westwood Sallie & Phizacklea Annie, (2000). *Trans-Nationalism and the Politics of Belonging*. New York: Routledge