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# Falling asylum figures: a wake-up call for the EU?

by Raymond Hall

Concerns over illegal immigration and the spread of international terrorism have moved the asylum issue up the collective and individual agendas of EU member states. Asylum and illegal immigration have become issues on which governments can fall, extremist parties and views can prosper, and elections can be won or lost. Crude numbers of asylum seekers are not, however, the reason for this phenomenon.

UNHCR's latest report on asylum statistics<sup>1</sup> indicates that asylum application levels in Europe are in sharp decline, falling by 21% from 396,800 in 2003 to 314,300 in 2004. The 25 EU countries recorded 19% fewer asylum requests in 2004. Relative to national population size, Cyprus received the largest number of asylum requests during 2000-2004 (22 asylum seekers per 1,000 inhabitants), followed by Austria (18) and Norway (15). Objectively speaking, it cannot be argued that the EU is unable to manage such numbers.

The explanation of why asylum continues to be such a contentious issue is more complex. It lies in the fact that refugees and asylum seekers who arrive in Europe today are caught up in broader and increasingly globalised movements of migrants seeking a better life in countries with mature economies. Since there are very few legal channels for migration into Europe, both asylum seekers and economic migrants resort to irregular means of access, often making use of smuggling networks. Once in Europe, many would-be migrants apply for asylum as the only way of regularising their stay. At the end of the asylum procedure, only a minority of those whose cases are rejected return to their countries of origin. All this feeds the perception that

European governments have ceded control over their borders and their asylum systems to smugglers and to individuals misusing the asylum institution. As a result, asylum seekers are increasingly criminalised in the public mind and stigmatised in a way that loses sight of the fact that many come from regions characterised by conflict and widespread violations of human rights and are thus in need of protection.

Moreover, concern over national security has further heightened hostile perceptions and xenophobic reactions regarding irregular movements of people.

States have to reconcile their legitimate concern to control their borders and combat illegal immigration with their voluntarily assumed obligations to recognise and provide protection to refugees.

At a national level, many of the 'old' EU member states have revised their asylum laws in a restrictive direction; at the European level many of these restrictive provisions have either been incorporated or accommodated in EU texts through provisions for exceptions, permitted derogations and scope left for national discretion. Some EU governments have flirted with the burden-shifting approach, proposing the return of asylum seekers from the EU to extra-territorial processing centres.

The 'problem' of asylum in the EU cannot, of course, be solved in the EU alone and there is much that can be done outside the EU. EU countries need to support the development of asylum capacity in neighbouring countries and help build protection and promote solutions further afield in regions from which refugees

originate. By reinforcing the protection in such regions, and ensuring that refugees have access to some durable solution or an acceptable degree of self-reliance, not only can their rights and well-being be better ensured but the pressures which encourage onward secondary movement of refugees can also be reduced.

Any failure of the EU to provide access to its territory and its asylum procedures for those seeking its protection raises serious concerns in relation to state responsibility and respect of international law. Not

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only does it set a bad example but it would also risk unravelling the international refugee protection regime of which the 1951 Convention is the cornerstone. As EU member states move into the second phase of the development of a common EU asylum system, let us hope that they take note of the asylum trends highlighted in UNHCR's report - and see it as an opportunity to put refugee protection back at the centre of asylum policy.

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1. *Asylum Levels and Trends in Industrialized Countries, 2004*, published 1 March 2005: www.unhcr.ch

2. www.cicerofoundation.org/pdf/raymond\_hall\_nov\_04.pdf