CEASEVAL

Evaluation of the Common European Asylum System under Pressure and Recommendations for Further Development

A Review & Analysis of the Recent Literature on the Common European Asylum System

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1. Introduction

In the now nearly 20 years since its official foundation, a lot has been written about the Common European Asylum System (CEAS); not only in academic journals and books, but also in the form of working and opinion papers, policy reports and evaluations. One of the initial tasks within work package 1 of the CEASEVAL project was to conduct a review of this literature, with a focus on academic work that was published since the year 2000, but also taking into account some of the more recent 'grey literature' produced by non-academic organisations.

The purpose of this review was to systematically collect, organise, and analyse – both quantitatively and qualitatively – this vast body of existing knowledge in order to inform the field research to be carried out within other work packages of the CEASEVAL project. One thing we found is that much of the existing literature about the CEAS is not necessarily based on findings of (original) empirical research but discusses or merely describes its failure or partial success at a theoretical level. Such work does often not primarily engage with existing policy and at worst treats policy in a purely superficial fashion.

CEASEVAL therefore aims to provide a more comprehensive and critical evaluation of existing legal and policy frameworks as well as their implementation, by taking into account the various roles and perspectives of state but also non-state actors and looking at developments at the European, national as well as local levels. In order to support such endeavour, we have conducted a systematic search for potentially relevant literature, thereby drawing on a range of different sources and combining various approaches to identify and collect the most relevant works. Our subsequent review and in-depth analysis of the collected material covers a total of 400 pieces of literature that have been carefully selected according to their specific relevance in relation to the central themes to be explored in different work packages of the CEASEVAL project. Electronic full-text versions of these 400 items have been compiled, thematically coded, and stored in a database. Access to the latter can easily be shared with project partners via an online cloud-storage platform provided by the University of Sussex.

The aim of this working paper is to describe the review process in more detail and to summarise and discuss its most important results as well as their implications for future research. The following section outlines the strategy and procedures we followed to identify,

collect and select the most relevant literature for closer examination, and describes the resulting database (section 2). Section 3 summarises the results of both the quantitative and qualitative analyses that we subsequently carried out: The first part provides information on the timing of publication, geographical focus and primary methods employed in previous studies of the CEAS, as well as the most frequently used terms and concepts (section 3.1). The second part gives an overview and summary of the major arguments, contributions and recommendations that the selected literature makes in relation to a number of themes that are particularly central to the CEASEVAL project (section 3.2). The paper ends with a critical reflection on the methodological challenges and resulting limitations of this review (section 4) as well as some concluding remarks (section 5).

2. Search strategy, selection and review procedure, and the resulting database

Aiming to provide a comprehensive overview of the existing literature, our review strategy followed the logic and initial steps of a systematic review, which according to Petticrew & Roberts (2006, p.vi) is "one of the most common ways of putting the evidence into evidence-based practice".

By complying with certain scientific principles, systematic literature reviews do not just help "making sense of large bodies of information" and thereby identify certain gaps in existing knowledge, but can also provide reliable "answers to questions about what works and what does not – and many other types of question too" (Petticrew & Roberts, 2006, p.2). Although in principle such reviews are capable of addressing any kind of research question, they are still predominantly employed in order to evaluate the success, effectiveness or failure of specific interventions or treatments – initially in the field of medical science but increasingly also looking at different spheres of public policy.

A major drawback of this approach is that it tends to only take into account the results or implications of studies that employ specific methodologies, with randomised controlled trials being considered as the 'gold standard', whereas most other kinds of scientific evidence are usually ignored (Dixon-Woods et al., 2006; Ott & Montgomery, 2015). This inherent "tendency of conventional systematic reviews to exclude non-experimental forms of evidence, including qualitative research" significantly limits the usefulness of this review method within the social sciences (Dixon-Woods et al., 2006, p.28). For example, Ott & Montgomery's (2015) systematic review of policy interventions that aim to improve the economic self-sufficiency and wellbeing of resettled refugees found that no study met the review criteria, in most cases due to a lack of 'methodological rigour'.

Particularly complex social phenomena or political developments – such as the formation of the CEAS and the corresponding (re)negotiations of fundamental principles, including territorial sovereignty, human rights, freedom of movement, or subsidiarity – cannot be understood or evaluated on the basis of experimental or quasi-experimental approaches

alone. This does not mean, however, that reviews and analyses of literature that is predominantly based on qualitative research cannot also benefit from some of the additional rigour and transparency of a *more* systematic review process.

With that in mind, we first of all conducted a systematic search of two major online databases for academic literature – *Scopus* and *Web of Science* (Core Collection), thereby using the same search terms and applying the filter 'published since 2000'. **Table 1** lists the various combinations of search terms we used and the corresponding number of hits for each of the two databases:

Search terms	No. of hits in Scopus	Aggregate	No. of hits in WoS	Aggr.
"common european asylum system"	74		56	
eu AND (asylum OR refuge*) W/10 (system OR regime)	130	157	90	115
eu AND (asylum OR refuge*) AND (burden-sharing OR responsibility OR solidarity)	88	218	63	156
eu AND (asylum OR refuge*) AND (policy OR law) AND (evaluation OR fail* OR reform OR change OR convergence)	167	340	115	241
eu AND (asylum OR refuge*) AND (illegal OR irregular OR undocumented OR unlawful) W/5 (immigra* OR migra* OR entry OR crossing)	95	400	65	282
(eu OR europe) AND asylum W/5 (determination OR procedure)	68	449	39	312
(eu OR europe) AND (asylum OR refuge*) AND (reception OR politicization)	116	529	74	362
eu AND (asylum OR refuge*) AND (border* W/5 control)	62	**546**	45	**380**
Total aggregate after excluding 261 duplicates	665			

Table 1: Combinations of search terms and number of hits; All searches were conducted on the 7th of February 2018.

Both aggregated lists were exported as BibTex files and subsequently imported into the reference management programme *Mendeley* in order to quickly detect and delete any duplicates. The titles and abstracts of the remaining 665 records were then independently pre-screened by two reviewers who excluded another 182 items given their apparent lack of relevance. This resulted in an alphabetically ordered list of **483 references.**

In a second step, and in order to diversify the search results beyond the purely academic, another search was conducted in *Google Scholar* (on the 9th of February 2018), using an equivalent combination of search terms[1] and applying the filter '2000-2018'. Of the 242,000

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[1] The search term used for a single search in *Google Scholar* was: "(eu OR europe) AND (asylum OR refugee) AND (system OR regime OR policy) AND (evaluation OR fail OR reform OR change OR convergence)"

hits (sorted by relevance) both reviewers independently screened the first 100, of which 15 had also come up in the previous searches, 62 were deemed irrelevant, and 23 were added to the existing list, thus increasing the overall number of items to **506 references.**

In addition, we also included the input we had received from project partners based in twelve different countries, each of who suggested up to ten references that they regarded as particularly relevant from each country perspective. They were asked to thereby focus on grey literature and also include works published in languages other than English[2]. Adding also these items to the list (and removing 16 duplicates) resulted in an overall number of **607 references.**

Of these, **476** records were available as full-text PDF versions and could thus be collected and uploaded to a shared folder in *Box*, an online cloud storage space provided by the University of Sussex. There, each item was tagged using a common set of thematic codes that had been established by the project team on the basis of the central research questions and topics addressed in the various CEASEVAL work packages. This coding process also involved a more detailed screening for relevance, which led to the exclusion of 76 items that all three reviewers agreed were not closely enough related to any of the central themes.

The result of this whole exercise is an **online data-base comprising a total of 400 pieces of literature**, access to which can be easily shared (via email) with other project partners. Full-text versions of all included items can either be downloaded as PDFs or previewed online, whereby invited users can be given various degrees of access/permission depending on their role and/or specific needs. The tags can thereby be used as (thematic) filters to quickly identify, preview or download those pieces of the literature that are most pertinent for exploring a certain topic or answering a specific research question[3]. In addition, project partners will be invited to contribute to this data-base by adding (or suggesting) any additional literature they deem particularly relevant. In this way, the database will grow and be further refined during the lifetime of the CEASEVAL project.

In order to support further and more in-depth exploration of the collected literature, the same set of 400 files has also been imported into the text analysis software *NVivo*, which offers a broad range of more sophisticated tools for both quantitative (e.g. word frequency) and qualitative (e.g. content/narrative) analysis of textual data. The following section presents the results of our review, and thereby provides a good overview of the research methods, common themes and central concepts that dominate the existing literature about the CEAS and the challenges it currently faces.

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[2] See CEASEVAL Deliverable 1.1: Annotated Bibliography, for a complete list of the literature highlighted by project partners in 12 different countries.
[3] See Appendix for the full list of tags we used to code the selected literature thematically.

3. Quantitative and qualitative results of the literature review

3.1. Summary and results of the quantitative analysis

Timing and geographical focus of the reviewed literature

Two of the aspects that interested us in particular were (i) the timing and (ii) geographical focus of the publications that we had selected into our sample (n=400) on the basis of their perceived relevance for the project. The former is presented in **figure 1**, which illustrates the number of relevant publications for each year since 2000, and until 2018 (whereby the figure for 2018 only comprises literature published until February).
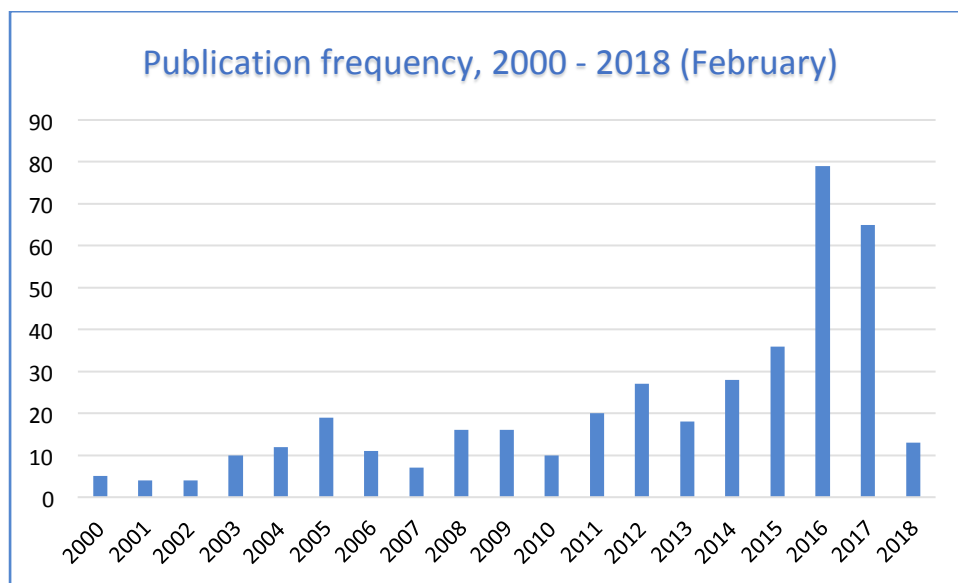

Figure 1: Number of relevant academic and non-academic works (n= 400), by year of publication

On one hand, the graph clearly (and unsurprisingly) shows a sudden increase in the number of academic and other works published in relation to the CEAS, which was triggered by the events of summer and autumn 2015, often referred to as the 'European Refugee Crisis'.

On the other hand, it can be noted that earlier (and far less dramatic) peaks in the number of relevant publications – specifically around the years 2005 and 2012 – coincided with crucial steps in the legal-political development of the CEAS: The initial adoption of those EU directives and regulations that until today form the legislative core of this system closely corresponds to the first peak in 2005; while 2012 marks the end of the so-called 'second phase' of the CEAS, which culminated in the adoption of a new set of (recast) EU directives and regulations in 2013 (see Chetail, 2016).

Also regarding the second question – what is the geographical focus of the selected bibliographic material? – a clear relationship exists between research interest and developments on the ground. Overall, around half (54%) of the analysed literature looks at

Europe or the EU as a whole, which is unsurprising given that much of it consists in legal or policy analyses focussing on developments at the supranational level. That said, a significant number of studies looks at specific national contexts. Whereas some of these (around 6% of the total) focussed on more than one EU Member State (EU-MS) and thereby often employed a comparative perspective, others have examined the implementation or effects of (certain aspects of) the CEAS in one specific national context. **Figure 2** illustrates the number and distribution of studies focussing on individual countries (n=147).

Figure 2: Geographical focus of relevant studies that looked at single countries.

Notably, most of this recent attention was focussed on countries along the major routes of travel recently used by asylum seekers and refugees, as well as some of the main destination countries. A particular concentration can be noticed in those countries that where most directly affected by, or themselves involved in, the apparent failure of the CEAS, i.e. Greece, and to a lesser degree Italy, as well as Hungary and Germany; while Turkey has been the major focus beyond the EU's external borders.

Given the main topics according to which the reviewed literature has been selected, a high number of studies focussing on a particular country can also indicate a particularly high level of politicisation around issues of migration and asylum[4]. This might explain why there is a

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[4] For more information on the issues of politicisation, public opinion and discourses, see CEASEVAL Deliverable 1.3: State-of-the-art report on public attitudes, political discourses and media coverage on the arrival of refugees, as well as EU and Member States responses.

relatively strong focus on the UK even though the country only received a comparatively small share of the asylum seekers who reached Europe in recent years.

Primary research methods employed by previous empirical studies

As already mentioned, our review suggests that a significant share of what has been written about the CEAS is not systematically based on findings from original empirical research but rather discusses the failure (or partial for success) of the current system at a theoretical level. Such work does not engage primarily with existing policy and at worst treats policy in a purely superficial fashion.

Our sample of the relevant literature is thereby not limited to studies and reports that explicitly mention the CEAS[5], but also includes work that more implicitly relates to this topic by highlighting some of the underlying problems or discussing specific issues of implementation that arise at the national or even local level.

A significant overall finding of our review was that just about half (55%) of all the analysed literature is based on original empirical research, and much of it makes a largely theoretical contribution to the ongoing academic and/or policy debates. It should be noted that these distinctions are not clear-cut and drawing them obviously involved a certain degree of subjective judgement on the part of the reviewers. That said, **figure 3** provides an overview of the primary research methods employed in those studies that do report findings from original empirical research.
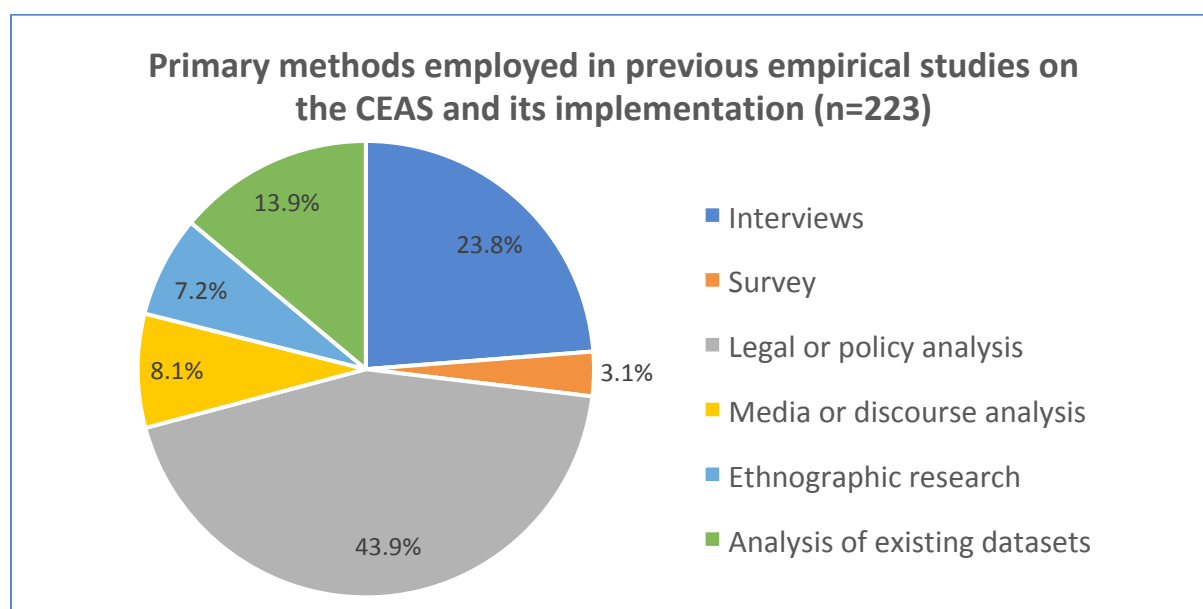

Primary methods employed in previous empirical studies on the CEAS and its implementation (n=223)

- 23.8% Interviews
- 3.1% Survey
- 43.9% Legal or policy analysis
- 8.1% Media or discourse analysis
- 7.2% Ethnographic research
- 13.9% Analysis of existing datasets

Figure 3: Overview of primary data collection methods employed by studies that explicitly draw on original empirical research

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[5] Just over 50% of the reviewed literature contains the term "Common European Asylum System" or "CEAS".

Interestingly, less than 20% of all the analysed literature and about one third of those studies that are based on empirical research, draw on original interview, survey, or ethnographic data; whereas two thirds of the latter rely on legal or policy analysis, discourse analysis, or statistical analysis of existing datasets, and thus purely desk-based research.

This presents CEASEVAL with an opportunity to fill this apparent gap with new empirical insights gained through intensive fieldwork to be carried out over the coming months in a range of different countries, thereby looking at the CEAS not only from a comparative, but also multi-level and multi-actor perspective.

Most frequently used words

Having imported the complete set of 400 pieces of literature into the text analysis software *NVivo* also allowed us to explore which words are used most frequently (and in combination with which other words) within the selected literature on the CEAS. By running a so-called word frequency query on the whole database, we obtained a list of the 100 most frequently used words[6]. **Figure 4** presents the results of this query in the form of a word-cloud (produced with *NVivo*).
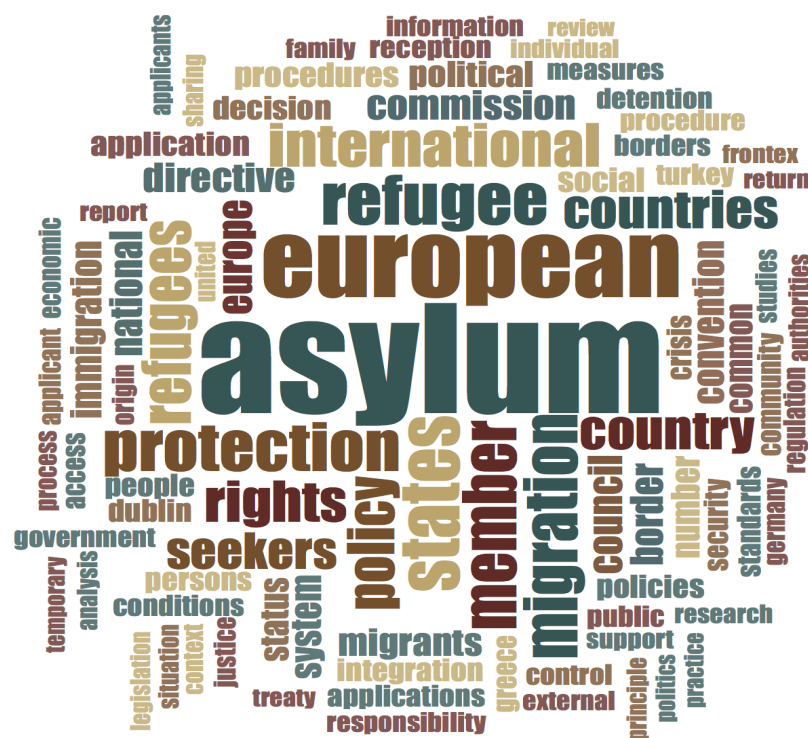

Figure 4: Words most frequently used in the reviewed literature

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[6] Note that this search was limited to words consisting of at least 6 letters, and that the following words have been excluded from the top 100: accessed, according, against, article, available, because, between, different, Europa, example, further, general, however, including, journal, particular, relevant, second, therefore, through, towards, university;

Unsurprisingly, the word "**asylum**" is on top of the list (mentioned 36,978 times), followed by "**Europe/an**" (together 30,838 times) and "**refugee/s**" (together 26,218 times). In lieu of the latter, the people arriving in Europe are also often referred to as (asylum) "**seekers**" (9,195 times) or "**applicant/s**" (together 5,057 times), but also as "**person/s**" (together 5,823 times) or "**migrant/s**" (5,674 times).

The term "**states**" also appears very centrally in the word-cloud, mentioned 15,925 times and in most cases in combination with "**member**" (13,659 times). Arguably, this reflects the fact that (European) states are generally seen and treated as the dominant actors in this field. Likewise, the term "**country**" or "**countries**" appears very frequently (together 19,928 times). That said, only few individual countries are named often enough as to appear in the list, which is only the case for **Greece** (3,425 times), **Turkey** (3,362 times) and **Germany** (2,559 times). Notably, this is in line with the dominant geographical focus of the reviewed literature (as discussed above).

Somewhat further down the list appear the names of various institutional actors involved at the European level, including "**council**" (6,929 times), "**commission**" (6,405 times) and less frequently "**parliament**"[7] (2,325 times), as well as "**frontex**" (2,220 times). It should also be noted that the term "**international**" is mentioned almost twice as often (11,794 times) as "**national**" (6,337 times), which suggests that most of the challenges, problems and potential solutions discussed in the literature are located beyond the scope and remit of individual state governments. Also the relatively frequent use of terms like "**common**" (4,664), "**community**" (3,299), "**sharing**" (2,321), "**cooperation**" (2,216) and "**united**" (2,188) points in this direction.

The underlying issues are thereby often presented as a matter of – or at least with explicit reference to – "**policy**" or "**policies**" (together mentioned 15,440 times); and not only as a question of "**protection**" (13,872 times) and "**rights**" (10,916 times), but also an issue that is closely related to "**im/migration**" (combined 19,617 times) more generally. Consequently, also "**border/s**" (9,734 times), "**crisis**" (3,713), "**security**" (3,527 times) and "**control**" (3,186 times) are frequently used words, which indicates the high level of securitisation that characterises not only the media discourse but also much of the scholarly debate around asylum in Europe.

Other policy areas that are often referred to include "**reception**" (3,484 times) but also "**detention**" (3,133 times) and "**return**" (2,324 times), which again highlights the restrictive thrust of the European asylum regime as well as its overlap with policies addressing irregular migration and residence of third-country nationals. The term "**irregular**" is thereby used much more often (2.368 times) than alternative terminologies like 'undocumented' or 'illegalised', but also the word "**illegal**" appears quite frequently (1,382 times). The latter is mostly used as an attribute to migrants' actions, such as their (border) 'crossing', 'entry', 'im/migration' or 'stay', but sometimes also with direct reference to 'im/migrants' or

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[7] Closer examination shows that in the vast majority of cases the term "parliament" refers to the European parliament, while national parliaments are mentioned very rarely.

'residents' themselves. Where "**integration**" is mentioned (3,921 times), on the other hand, it is often in relation to European/EU, 'regional' or 'market' integration, rather than that of (recognised) refugees or other migrant populations.

3.2. Summary and results of the qualitative/thematic analysis

Apart from collecting quantifiable information regarding the use of certain words, the geographical focus and primary methods employed in previous research, we also coded each piece of literature in our online database thematically. We thereby simply added one or more tags from a specifically established set that broadly reflects the central research questions to be addressed in each of the CEASEVAL work packages[8].

On the basis of these tags we conducted a more targeted review of the collected literature, the results of which are summarised in this section, which gives an overview of the main arguments and contributions made in relation to a range of key themes. The aim was to provide a starting point for more in-depth analysis and further research.

Central themes and concepts addressed in the reviewed literature

Harmonisation and transposition of EU legislation

One of the most frequently addressed issues in the existing literature on the CEAS is the degree of harmonisation of asylum policies and practices across the EU[9]. Existing research provides ample evidence of inconsistent interpretations of common legal norms, different protection standards as well as divergent recognition rates, all of which tends to trigger (irregular) secondary movement among asylum seekers and contradicts the very idea of a *common* European Asylum System. Most observers thereby regard the underlying aim of eventually creating a fully integrated system, common procedure, and unified status, as too ambitious (at least in the near future), given the challenges that would pose not only for individual Member States' (MS) territorial sovereignty but also in terms of political decision-making.

In fact, much of the literature points out significant opposition against further harmonisation in or by some MS. The process of Europeanisation is thereby frequently seen as a form of 'venue-shopping', through which policy-making on particularly contentious issues can escape politicisation at the national level. At the same time, many commentators point at the risk of (and sometimes provide evidence for) a 'race to the bottom', whereas others argue that overall, harmonisation has led to higher protection rates and/or standards. In order to avoid divergence in the interpretations of key terms and concepts, legal scholars

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[8] See Appendix for the full list of tags we used to code the selected literature thematically.
[9] Out of the 400 pieces of literature in the database, 85 have been tagged as relevant in this regard (tag 'Harmonisation').

have suggested to use international law as the starting point for interpreting such terms more consistently.

Most assessments of the current state of harmonisation – often based on a comparison of application numbers and/or recognition rates across different MS – suggest that convergence has at best been modest and was mostly geared towards additional restrictions. Harmonisation thus seems most successful in relation to deterrence and externalisation measures that limit refugees' access to EU territory, such as the proliferation of 'safe third country' and 'safe country of origin' rules. The literature also suggests, however, that any assessment of the functioning of the CEAS must be done within the context of a broader evaluation of EU migration policy.

Much of the literature on harmonisation specifically concentrates on the transposition of the various legal instruments constituting the CEAS and is therefore dominated by legal accounts. The Dublin Regulation, which has received most of this scholarly attention, will be discussed in the following sub-section. Regarding the most important EU directives, it has been noted that since existing international norms on questions of status determination are more robust than those relating to reception conditions or asylum procedures, the 'Qualification Directive' was easier to agree on than the 'Procedures Directive' and 'Reception Conditions Directive' which required more intense bargaining.

The '**Qualification Directive'** (QD) has received significant scholarly attention in terms of the definitions it deploys, particularly in relation to unaccompanied minors, amongst other issues. As is the case more broadly with the CEAS, some scholars criticise the diverse definitions of refugees deployed by different MSs, which are not always fully in line with the Geneva Convention. Similarly, legal scholars have contended that the 2004 (recast) QD missed the opportunity to include other vulnerable groups; for example, by not explicitly recognising disability as a specific ground to grant refugee status. In contrast, the 'Procedures Directive' arguably enhances protection of asylum seekers with disabilities as it provides a specific procedure for applicants in need of special procedural guarantees, while the Reception Conditions Directive explicitly recognises persons with disabilities as vulnerable individuals and sets out specific rules to assess their special reception needs.

The '**Reception Conditions Directive**' (RCD) has mostly been discussed with a focus on the question of defining vulnerability, including that of minor children and particularly in the context of detention. Insufficient harmonisation has been identified specifically in relation to MS' practices of age determination, which conflicts with the principle of providing equal access to protection across the EU. Similarly, although the recast RCD initiates a common EU approach to vulnerability, the precise definition of vulnerability is still applied differently across MS. Another cause of frequent criticism is the fact that possible grounds for detention are phrased too broadly. Further ambiguity in the RCD exists in relation to the precise moment from which MS are obliged to provide asylum seekers with housing, food, clothing and a daily expenses allowance, and when this obligation ends (in the case of a rejection and/or referral to another MS under Dublin). Scholarly debates have also addressed the

question of whether the directive provides room for exceptions on the basis of high numbers of asylum applications or a 'saturation' of national reception facilities.

A key criticism of the recast '**Procedures Directive**' (PD) is that it institutionalises special procedures for what is often referred to as 'fast-tracking' of certain groups of asylum applicants, often on the basis of their presumed origin or citizenship. This implies a risk of shifting protection responsibilities to non-EU countries, including some with poor human rights records. It is also argued that the recast PD may increase the use of border procedures and that the special procedural needs may add a further layer of complexity. In addition, there is concern about the fact that the notion of abuse remains too vague and could undermine the protection of particularly vulnerable groups, including children. Among the positive developments mentioned in the literature are the new provisions and requirements regarding the personal interview, as well as the new safeguards around registering an application including the corresponding responsibilities for national authorities. Like in the case of the other directives, legal scholars often contend that successful harmonisation of these highly complex provisions ultimately requires a (more) rigorous monitoring of their legal transposition and subsequent implementation on the ground.

More general recommendations made in the reviewed literature that focusses on harmonisation relate to changes in EU decision-making procedures, the strengthening of existing monitoring and enforcement mechanisms, and the upgrading of relevant supranational institutions such as the European Asylum Support Office (EASO). In addition, joint processing exercises, common training facilities, and increased exchange of country-of-origin information across EU MS is endorsed. In relation to the role of academia, a stronger focus on qualitative research as well as local implementation practices is often called for.

Solidarity and responsibility-sharing within the EU

The need and potential for harmonisation are closely related to the issue of solidarity between EU MS. On one hand, any workable mechanism of responsibility-sharing requires at least some degree of harmonisation regarding the access to national asylum systems, administrative procedures and legal safeguards. On the other hand, successful harmonisation is premised on a sense of solidarity and mutual trust among individual MS. It is thus no surprise that within the reviewed literature these two issues are quite often addressed together[10].

For many authors, the highly unequal distribution of asylum applications across the EU represents a major challenge for the CEAS and clearly proves the inefficiency of its current legal framework and institutional setup. In addition, the highly concentrated costs associated with the recent arrival of refugees has significantly contributed to its overall framing as a 'crisis'. Most studies suggest, however, that this asymmetry is not just an issue of divergent policies but also has geographical as well as structural causes (including socio-

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[10] A total of 71 items in our database were coded as relevant in relation to responsibility-sharing (tag 'Solidarity'), whereby 16 of these were also given the tag 'Harmonisation'.

economic, political and other factors) and thus cannot be overcome through policy harmonisation alone.

At the centre of this debate is the '**Dublin Regulation**'[11], which currently determines which EU MS is ultimately responsible for examining an application for international protection that is filed within the EU. The Dublin system is not only presented as the corner stone of the CEAS, but often also as the main reason for its failure: It effectively proved unworkable in the face of a sudden and geographically concentrated arrival of protection seekers, and existing evidence suggests that it results in excessive transfers of persons from one MS to another, which thereby too often rely on coercive measures like detention and deportation. Dublin has also been criticised for relying on the false presumption that all MS (can) provide equal protection and reception standards, and for resulting in a hugely uneven sharing of responsibilities and an overall deterioration of fundamental rights. All of this is argued to provide refugees with a strong incentive to actively try and escape this system by concealing their identity and/or migration route.

The automatic allocation of responsibility to the MS through which an asylum seeker has first entered EU territory creates a disproportional burden for MS along the southern and eastern borders of the Union, countries which are often least equipped to handle the pressure due to insufficient resources, practical weaknesses of their asylum systems and inadequate access to asylum procedures. The actual ability to handle the inflow of asylum seekers is thereby largely disregarded, together with other potential distribution criteria, such as the macro-economic situation or specific labour market needs of receiving states as well as existing social networks, specific cultural knowledge or personal preferences of asylum seekers themselves. Attributing more importance to these factors, rather than geographical location and narrowly defined family ties alone, can be expected to facilitate successful long-term integration of recognised refugees and thereby help to avoid a political backlash against newcomers more generally.

Some authors argue that the EU's current institutional setup is better suited for regulating how individual MS should deal with certain issues of common concern than for actually achieving an equal distribution of the resulting costs and responsibilities. Efforts in the latter direction – such as the 'Temporary Protection Directive' (TPD) that has never been used since its adoption in 2001, or the emergency relocation measures that have not been fully implemented – are often described as rather symbolic than real. The apparent failure to establish a fairer and more efficient responsibility-sharing mechanism, or even to agree on certain basic principles for such, increases the risk of individual MS engaging in a so-called 'race to the bottom'. This makes any further harmonisation even more difficult and undermines existing minimum standards regarding the protection of fundamental rights. In addition, the current system is also criticised for its lack of any practical mechanism for imposing sanctions on MS in the event of manifest human rights violations.

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[11] Notably, across all the reviewed literature, the word "dublin" is mentioned 3,844 times.

The reviewed literature draws on a range of theoretical perspectives, including liberal intergovernmentalism as well as game-theoretical approaches, in order to discuss or explain the asymmetry of interests and/or negotiating power among different (groups of) MS, thereby often highlighting the fundamental opposition between Northern and Southern countries as well as 'old' and 'new' members of the Union. Refugee protection is thereby frequently treated as a public or collective good, the provision of which involves certain spill-over effects and can trigger free-riding practices. This helps to explain the actions or negotiating positions of individual MS as well as the complex dynamics that underlie the ongoing discussions at the European level. In addition, the close relationship with domestic political pressures – usually from far-right and/or populist parties – is often referred to as a constraining factor.

Concrete policy recommendations put forward in the literature include a range of measures to correct some of the failures of the Dublin system, such as modified distribution keys (which also take into account population size, macro-economic indicators, as well as asylum seekers own preferences and social connections beyond the core family), a better monitoring and enforcement of existing rules, and more efficient and humane relocation procedures. Critical commentators argue that the Dublin principle should be abandoned altogether and replaced by a more equitable distribution mechanism. The latter overlaps with calls for allocation to be carried out by a central authority that would be better placed to match the needs or preferences of MS with those of individual protection seekers. Several authors propose that distribution schemes can only work if complemented with a system of 'tradeable refugee admission quotas' or other forms of financial compensation for MS that overfulfill their assigned quota. In addition, authors frequently highlight the need for a substantial increase or broadening of legal entry channels, including the granting of humanitarian visas, a stronger commitment for resettlement, the implementation of the TPD, as well as easier access to family reunification and the EU 'Blue Card' scheme.

Overall, the reviewed literature thus suggests that current responsibility-sharing mechanisms are neither fair nor effective. Rather than sharing the financial and political burden caused by the latest crisis, MS are rather engaged in 'burden-shifting', i.e. the externalisation of protection responsibilities to countries of origin and transit.

Externalisation and solidarity with third countries

The impact of the CEAS on countries outside Europe is a major focus of the entire bibliography: a total of 80 articles, or 20% of the 400 total, explore this theme. There is a particular focus on the EU's immediate neighbourhood, Southern and Eastern Mediterranean countries, but also Eastern Europe and the Balkans. The focus of much of this literature is the engagement of these immediate neighbours in efforts to control the arrival of undocumented migrants and possibly asylum seekers onto European territory. This may also include consideration of relationships further afield as key partners extend along migration routes. In the case of refugee movement, EU response has often taken a regional

focus to explore aspects of protection in particular regions which also leads to similarly focused analysis.

Given the timing of our review, the significance of externalisation processes is not surprising; 'partnership with countries of origin and transit' was first raised as an EU objective at the 1999 Tampere European Council and the rate of publication of articles increases after 2004, when the entry into force of the Treaty of Amsterdam provided a legal basis for policy engagement in this area. Much of this literature uses the intra-EU harmonisation framework to investigate policy transfer beyond the EU. Yet the central theme of this literature is that policy development in the EU's neighbourhood in the field of migration and asylum cannot be separated from the dominant position and clear interests of the EU in limiting the number of migrants who reach EU territory.

Since, in today's highly connected world, it is unlikely that different countries implement policy responses to similar issues entirely independently of each other, there are three broad explanations for policy transfer. First, countries may copy policy responses that have a demonstrable success in responding to similar issues. Second, countries may be obliged to develop new policy as a result of competition or knock on effects of policy innovations in neighbouring countries. Third, groups of countries may coordinate policy to respond to challenges that are considered to be shared between them. These three approaches mostly cover successive explanations for the development of EU policy in immigration and asylum. Cooperation with 'third' countries is commonly presented by EU institutions as falling into the third category but most commentary on this subject casts doubt on the extent to which the challenges faced by the EU in the field of migration and asylum are genuinely shared with the EU's neighbours. This gives rise to a fourth explanation of policy transfer: coercion. The 'partnership with countries of origin and transit' typically involves strong incentives to introduce particular sorts of migration controls often accompanied by considerable direct pressure.

Within this overall framework of the externalisation of EU policy, there are a few studies of individual countries, particularly the more obviously strategic partners. This includes the relationship with Libya before 2011, and again since 2017 as diplomatic relations gradually resume. Turkey is a further focus, especially after the 2016 EU-Turkey agreement and presents an interesting case study of a particularly large and relatively powerful partner that has been able to extract more beneficial arrangements from the EU. Finally, Morocco is a vital strategic partner in the field of migration and has also been able to resist significant pressure around the signature of a readmission agreement covering non-Moroccan nationals, which provides the empirical focus of several articles.

More frequently, studies investigate particular themes that are common to a number of countries. These often occur within particular time periods, reflecting the popularity of particular terms in political discussions. For example, the challenges of establishing extra-territorial processing centres are the focus of a group of articles from 2004 onwards, but this subject fades as political interest moves on and the theme barely appears after 2010. A focus on 'transit migration' has a similar intellectual history as the term is critiqued and

analysis moves on. In some respects, this reveals a degree of symbiosis between policy development and critical policy analysis as criticism has an impact on the way that issues are discussed and presented.

Yet there are a number of examples where the same issue is raised repeatedly, often under different labels. This at least partially undermines the positive engagement between policy and analysis. A key example of this trend is the use of development to address the 'root causes' of migration which is an idea that has surfaced a number of times. The discussion of root causes has a number of peaks as it is first raised in an EU context in 2000 and appears periodically as it re-enters political discussions or is re-examined in different contexts. Similarly, different approaches to deportation or returns are a continual theme but make use of different terminology, from a significant interest in readmission agreements, to a more recent examination of Assisted Voluntary Returns programmes.

In all of these areas it is important not to confuse the precise use of particular terms with the broader idea. Academic analysis can highlight the problematic history to certain ideas that appear innovative but in fact draw on a well-established set of ideas that are simply framed in a different way. This is a key trend in the context of externalisation, where EU policy makers are less able to exert direct control and must proceed much more through the use of soft power.

Politicisation: public attitudes, political and media discourse on asylum

Another frequent theme within the collected literature is how asylum generally is politicised, including how political and media discourses on asylum and the CEAS are meditated, as well as the drivers of public attitudes towards immigration and asylum[12]. A key reason for the unwillingness of EU leaders to take a more decisive and coherent approach to the so-called 'refugee crisis' has been the high level of public anxiety about immigration and asylum across Europe. Whilst many European publics have long held restrictive preferences towards immigration, the increasing rise in public anxieties fuelled by media and political discourses has made reacting responsively and coherently to the increasing number of humanitarian migrants particularly difficult for political leaders.

The vast literature on public attitudes towards immigration is broadly divided between rational/economic explanations or realistic conflict (otherwise known as conflict theory) on the one hand, and social identity and culture explanations on the other. More broadly this could be conceived as identity versus economic, instrumental versus symbolic, or rationalism versus constructivism. Whilst public attitudes to immigration are diffused, heterogeneous and can only be explained in a multi-dimensional framework, a number of key themes and consensus can be derived from the literature. Firstly, perceptions of migrants including who counts as a migrant, and overestimation of the stocks and flows of immigration often determine individual level attitudes towards immigration. On the whole, economic and

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[12] 64 items in the database have been coded as relevant in this regard (tag 'PolitDiscourse').

demographic situations seem to matter less in informing opinions on immigration than social identity and culture. The amount of immigration in a country or a local context may have some bearing, but equally the speed of ethnic change as a result of immigration rather than stock of immigration itself seems to contribute towards permissiveness of immigration. Secondly, contact theory, or the "halo effect", seems to hold true – the majority of studies found that being in frequent contact with immigrants and permissiveness towards immigration more generally are positively related. Thirdly, in terms of individual level characteristics, there is overwhelming consensus in the literature that the level of education attainment that individuals possess shapes their attitudes towards immigration, with those that have higher attainment levels adopting less restrictive attitudes to immigration. Fourthly, the limited evidence that does disaggregate public attitudes by types of immigrants shows conclusively that public attitudes are indeed differentiated depending on the type of migrant, both in terms of ethnicity and nationality. Publics are generally far more resistant to Muslim migrants specifically, whereas other migration streams like international students for example, are not necessarily perceived as immigrants at all, while humanitarian migration generally seems to trigger less resistance.

Whilst the question of what drives public attitudes towards immigration is contested in the established literature, the literature on media coverage regarding immigration is relatively consistent. In terms of methodology, most such studies adopt a triangulation approach combining content analysis and critical discourse analysis. Firstly, the established literature finds that the media's framing of immigration – often through securitisation or threat frames – is highly significant in forming public attitudes by inducing a sense of panic and causing public anxieties which in turn political elites respond to, thus resulting in even higher levels of politicisation. However, the media does not operate in isolation from the wider politics of the issue, and the majority of research has found that political discourse and media discourse are highly interlinked, presenting a 'causality dilemma' between the two spheres. Secondly, a large body of literature has analysed specific media framings of immigration, whereby research overwhelmingly finds that migrants are presented and referred to in a negative manner and as a problem. Thirdly, whilst media reporting tends to conflate all types of migrants and political actors make implicit distinctions between genuine political asylum seekers and so-called bogus economic refugees, a pattern which has persisted since the 1990s.

In terms of the so-called 'Refugee Crisis' more specifically, the evidence suggests that there have been temporal shifts in the media framing of the Crisis as it has evolved, from an initial humanitarian and empathetic framing towards a hostile or suspicious framing. The Crisis unfolded in phases, triggering events across Europe, which are reflected in the media discourse and narrative. The evidence also demonstrates large regional and country variations in media coverage of the Crisis with divergent framings between the East and West, although the UK is found to be especially hostile. Finally, there is an absence of migrants' voices in the press, and political elites dominate in the press coverage with the press mirroring the language of such elites.

The political discourse around asylum and the CEAS specifically has long been a contentious and contradictory one, symptomatic of broader underlying discourses about the EU in general, and specific questions of convergence and harmonisation in particular. Essentially, a 'realist frame of internal security' competes with a 'liberal frame of humanitarianism' in the regulation of the refugee and asylum question on the European level. Political discourse has mirrored media discourse of the Crisis, shifting from a humanitarian/moralistic frame in the early stages whilst gravitating towards a securitisation or threat framing as the Crisis unfolded. This was also reflected in policy responses that initially began as managing flows and distributing responsibility through quotas, towards the construction of refugee flows as an effective emergency which requires drastic measures.

The Crisis itself is bound with the EU's contestation over solidarity, legitimacy and liberal universalist principles, with responsibility or 'burden'-sharing constituting major themes of political discourse, particularly from frontline, Southern states. Having said this, in all cases the Crisis has been crafted according to national, not common, perspectives, and there have been significant cross-country variations as to how political discourse has responded to the crisis, with pre-conceived institutionalised national framings of asylum dominating. National political discourse has thus been underpinned by historical legacies and ultimately each nation state's relationship and history with the EU as an institution. Accordingly, national level responses range from hospitality to hostility, with large variations particularly between Eastern and Western member states. The geographical position in terms of being a frontline, final destination or peripherally involved country has also determined national level political discourse and policy responses. In addition, different triggering events – causing more or less specific moral panics – have shaped discourses at the national level and have been presented and reconstructed by political actors in different ways. If there is a common EU political discourse on the Crisis it is one circulating around notions of control.

Hence, although the 2014-2016 'Refugee Crisis' has generated debate across the EU regarding the CEAS and beyond, the crisis itself has unfolded in very different ways within different states, with specific triggering events forming part of the wider narrative. National discourses were internally diversified as different actors from political parties to civil society actors adopted opposing perspectives. Almost everywhere, the Crisis has become highly politicised, generating conflict across the political spectrum and increasing the salience of the issue. Much of this politicisation stems from the way the Crisis has been reported, constructed and reconstructed through media and political discourses, often crystallising in direct criticism towards particular MS or the EU as a whole, for their inaction or unwillingness to adequately respond to the Crisis.

Multilevel governance and the role of non-state actors

One of the central objectives of the CEASEVAL project is to develop a new theoretical framework of multilevel governance in relation to the CEAS. It can thereby draw on a growing body of academic and non-academic work that highlights the necessity to overcome

state-centrism and more systematically take into account the (potential) roles of both sub-state and supra-national entities, as well as that of non-state actors.

The state-centrism that characterises much of the academic literature on migration and asylum thereby ultimately mirrors the reluctance of EU MS to even partly concede their power over the admission of foreigners to their territories. By clinging to the principle of (state) sovereignty, individual MS get in the way of any substantial reform of the CEAS, so the general assessment. In fact, most of the studies that explicitly address questions of multilevel governance[13] thereby focus on interactions or conflicts between the European and the national level. This includes analyses mainly focussing on the role of national and international courts and their varying interpretations of EU or national asylum legislation as well as international human rights law in relation to particular asylum cases.

At the European level, the same conflict is often reflected in the relationship and negotiations between the various EU institutions, particular the Council versus the European Parliament (EP) and, to a lesser degree, the European Commission. While the latter tend to advocate for a more liberal and rights-based approach as well as further policy harmonisation, the position of the Council generally reflects the more restrictive preferences of national governments.

Only a very small share of the reviewed literature specifically focusses on the role or perspective of local governments in relation to (usually the implementation of) certain aspects of the CEAS[14], particularly the reception of asylum seekers and the subsequent integration of those eventually recognised as refugees. Local authorities in general, and especially those strongly affected by the arrival of refugees, are thereby portrayed as being particularly aware of the intrinsic connection between initial reception conditions, facilities and services on the one hand, and long-term integration efforts and outcomes on the other. Whereas national as well as European asylum legislation has reacted to this through measures that allow a certain pre-selection or distinction to be made between persons with high and low likelihoods of being granted asylum, such policies are seen rather critically at the local level, where the costs of the resulting exclusion and marginalisation of certain groups are felt most strongly.

Some of the dominant logics and pressures that drive local practice towards asylum seekers and refugees are thereby often different from, and sometimes in opposition to, those that dominate policy-making at the national level. That said, however, there are also certain parallels to be drawn and potential lessens to be learned from local practice and experiences. It is argued, for example, that a closer and more systematic examination of national (re-)distribution models, although difficult to transfer to the European level, could provide valuable insights for policy makers.

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[13] A total of 66 items in the database have been coded as relevant in this regard (tag 'MultiLevGov').

[14] Of all 400 pieces of literature, only 11 have been coded as specifically focussing on the role of local government (tag 'LocalGov').

Other studies have looked at the role and influence of courts, relevant international organisations (like UNHCR) and/or non-governmental organisation (NGOs) in relation to the CEAS. A total of 33 pieces of the literature we reviewed have been coded for their particular focus on the role of non-state actors (tag 'NonStateActors'). They generally suggest that a greater involvement of non-state actors tends to be associated with higher recognition rates and a stronger focus on fundamental rights as well as the special needs of particularly vulnerable groups. Interestingly, quite similar outcomes have also been attributed to the increasing empowerment of supranational institutions, even though the (relatively restrictive) core of European asylum law and policy have thereby not been significantly altered, which ultimately highlights the significance of certain path-dependencies and institutional inertia.

Closely related to this is the question of how much autonomy the various EU agencies and other implementing bodies should be given. Although the importance of the latter has increased since the foundation of the CEAS, it seems that most of the political responsibility for dealing with the issue of asylum is still being attributed primarily to national governments. The reviewed literature thus often discusses these complex dynamics in terms of a principle-agent problem, whereby nation-states act as principles who can regulate but seldom fully determine the actions of their increasingly diverse and more or less autonomous agents across different scales.

4. Methodological challenges and limitations of this review

Providing a truly comprehensive overview of everything that has been written on a topic as salient as the European asylum regime in the aftermath of the so-called 'refugee crisis' is quite an impossible task; nor is it necessary in order to afford a suitable starting point for a relatively short-term research project like CEASEVAL. That said, we did our best to make this review as comprehensive and systematic as possible, given the rather limited time-frame and resources allocated for this specific task.

The first and arguably most significant challenge we faced was to find a way of dealing with not only a vast amount but also huge diversity of literature that could potentially be included in the review. As outlined in section 2 of this paper, we thereby tried to follow at least the initial steps prescribed for systematic literature reviews. An important advantage of this approach is that it helps to significantly narrow down the number of studies to be reviewed in more detail by employing a systematic selection of only the most useful studies while excluding the rest. Usually, inclusion or exclusion is thereby primarily based on 'objective' assessments of quality in terms of methodological rigour as well as relevance in relation to very specific research questions (usually whether or not a particular intervention or policy works or not) (Dixon-Woods et al., 2006; Petticrew & Roberts, 2006).

In the case of the present review, however, this has not been feasible given that we had to take into account many different types of literature, study designs, arguments, as well as

methodological and theoretical approaches. Instead, our screening and selection thus had to be based on (unavoidably more subjective) assessments of relevance in relation to a much broader research interest. It thereby proved quite difficult to separate substantial evaluations of the CEAS from more general accounts and discussions around asylum in Europe, including the so-called 'refugee crisis'. The most effective way of dealing with these challenges was to rely on a combination of approaches for identifying relevant literature, including various online searches and input from experts working in different countries, and subsequently filtering the results over several screening stages (see section 2). Another limitation in terms of selection was that we only included literature that was available online and could be downloaded and added to our database. This meant that several book chapters as well as articles published in journals that the University of Sussex does not subscribe to had to be excluded in spite of their potential relevance.

A significant part of the work on the review itself consisted in identifying and counting the instances of a certain topic being addressed, a particular research method being employed, a specific concept being used, or of other quantifiable aspects that might be of interest. Given the number and diversity of data sources this was not always straightforward (nor readily supported by the software we used) and required a fair amount of coordination and discussion within the review team. While some of the features addressed in the previous sections were relatively quick and easy to assess, others required a more complex categorisation and thus involved some subjective judgement. Wherever this was the case we did our best to establish a common understanding (within the review team) and corresponding framework for such decisions to be based on.

The qualitative/thematic analysis, on the other hand, mainly relied on what is often described as 'narrative synthesis' (for example, see Petticrew & Roberts, 2006, p.170), whereby the most relevant findings, arguments and recommendations presented in the reviewed literature are organised into thematic or other logical categories and subsequently synthesised. This approach was significantly facilitated by the 'tagging' function offered by the cloud storage platform we used to collect and share full-text versions of all the selected literature online. Access to this database was initially shared among the review team – thus allowing effective collaboration throughout this process – and can now easily be extended to other project partners, who can then use the same thematic tags in order to browse the database or create sub-sets of the literature in relation to more specific topics. At the same time, this way of synthesising the relevant content across the reviewed literature also explains the apparent lack of bibliographic references to specific studies or pieces of literature throughout most of this paper, and particularly section 3.2. This does certainly not mean that any of the reported findings or arguments should be attributed to the author of this paper. Instead, they must be treated as a summary of the answers that the reviewed literature as a whole provides in relation to specific topics. Ultimately, adding more specific citations would have resulted in an enormous reference list that would largely correspond to our literature database.

5. Conclusion

The central aim of the CEASEVAL project is to provide a comprehensive evaluation of the Common European Asylum System. In order to advance our knowledge and understanding of the underlying legal and political developments as well as past and future challenges, it has to build on existing empirical and theoretical work.

There is already a fast-growing body of literature that not only describes and analyses the apparent failure(s) of the current system but also highlights certain elements of success or at least potential for such. In order to systematically collect, organise, and examine this existing knowledge, the project team based at the University of Sussex conducted an in-depth review of the relevant literature, thereby primarily focusing on academic work, but also taking into account some of the 'grey literature' produced by non-academic organisations.

This working paper provides an overview of the selection and review procedure and presents the results of this exercise, which involved both quantitative and qualitative analyses. A side-product of this endeavour is a thematically coded online database containing full-text PDF versions of all 400 pieces of literature we reviewed, including journal articles, book chapters, working and opinion papers, as well as policy reports and evaluations. Together, the paper and database provide a good starting point for further research.

Overall, the results of our review suggest that although the existing body of literature is already quite vast, more in-depth analysis across different administrative levels, including case studies as well as comparative research is needed to fully understand the complex dynamics underlying the development of a (more) common approach and policy in the field of asylum. The research to be carried out as part of the CEASEVAL project – both within and across a wide range of EU MS – thus has the potential to significantly contribute to overcoming some of the gaps in our current empirical knowledge and conceptual understanding of the CEAS.

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Appendix: List of "tags" used for thematic coding:

Tag	Description
"Externalisation"	Main focus on policies towards sending or transit countries/regions
"Borders"	Focus on anything happening at a border (both external and internal)
"HumanRights"	Violations or insufficient protection of fundamental rights that result from, or are related to, the (implementation of) CEAS
"Harmonisation"	… of national (asylum) law and policy
"ReceptDir"	Particular focus on (the transposition of) the 'Reception Conditions Directive'
"QualDir"	Particular focus on (the transposition of) the 'Qualification Directive'
"ProcedDir"	Particular focus on (the transposition of) the 'Asylum Procedure Directive'
"EURODAC"	Particular focus on (the transposition of) the 'EURODAC Regulation'
"TempProtDir"	Particular focus on the (non-)implementation of the 'Temporary Protection Directive'
"Implementation"	Focus on implementation practices at the local level or in specific countries
"Solidarity"	Focus on responsibility-sharing with the EU, i.e. between Member States
"Dublin"	Particular focus on the 'Dublin Regulation'
"MultiLevGov"	Focus on multi-level governance issues, incl. cooperation and/or conflicts between different levels
"LocalGov"	Particular focus on the role or involvement of sub-state/local levels of government
"NonStateActors"	Focus on the role or involvement of non-state actors, incl. civil society organisations as well as private actors (private sponsorship, acts of solidarity, etc.)

"PolitDiscourse"	Main focus on politicisation & discourse, incl. media coverage, government discourse, parliamentary/policy debates & public opinion
"Resettlement"	Main focus on resettlement
"Return"	Main focus on migrant return, incl. deportation, "voluntary" return, and the 'Return Directive'
"Integration"	Main focus on the integration of asylum seekers and/or recognised refugees
"MigrantAgency"	Main focus on the agency and choices made by migrants themselves, incl. destination selection, "asylum shopping" & onward movement within Europe
"PolicyRec"	Any concrete policy recommendations, best practice examples, reform suggestions, or future scenarios