C

oncerns over illegal immi-

gration and the spread of

international terrorism have

moved the asylum issue up the col-

lective and individual agendas of EU

member states. Asylum and illegal

immigration have become issues on

which governments can fall, extrem-

ist parties and views can prosper,

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’ 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 speak-

ing, 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 seek-

ers who arrive in Europe today are

captured up in broader and increasing

conflicts and widespread violations of

human rights and are thus in need of

protection.

Moreover, concern over national se-

curity has further heightened hostile

perceptions and xenophobic reac-
tions regarding irregular movements

of people.

States have to reconcile their legiti-

time 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 discre-
tion. 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 protec-
tion and promote solutions further

afield in regions from which refugees

originate. By reinforcing the protec-
tion 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 ac-

cess 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

only does it set a bad example but

it would also risk unravelling the

international refugee protection re-

gime 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 refu-
gee protection back at the centre of

asylum policy.

Raymond Hall is Director of

UNHCR’s Bureau for Europe

(hall@unhcr.ch). This article is

based on a speech given at the

Cicero Foundation’s International

Seminar on Refugee and Migration

Policy in the EU, November 2004.2

1. Asylum Levels and Trends in Industrialised

Countries, 2004, published 1 March 2005:

www

unhcr.ch

2. www.cicerofoundation.org/pdf/raymond_hall

unh.pdf