

Arriving in the Promised Land, or not?

A comparative case study of the type of welfare state and the level of restrictiveness in asylum policies

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Abstract

Comparative welfare state research has devoted little attention to asylum policies, even though the problems with the rising number of asylum seekers are increasing. Using data from the Asylum Information Data base for the UK, Ireland, Germany, France, Sweden and for Denmark from the newtodenmark.dk website, this thesis pursues to compare the level of restrictiveness in asylum policies across welfare regimes. This thesis examines the asylum policies in the countries by conducting a content analysis from the data. A distinction in this analysis is made for different areas of asylum policies based on the conditions relating to processing of applications and the determination of status and the conditions relating to the welfare of asylum seekers. The analysis showed that the asylum policies do differ for different welfare state regime types. The Social-Democratic welfare state turned out to be the least restrictive and the results for the Liberal and Conservative welfare state are close together. Another outcome of this thesis is that the selected countries are overall more restrictive in their policies on processing of applications and the determination of status than in their policies on the welfare of asylum seekers.

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1. Introduction

The title of this thesis refers to the current situation in France (Calais) and Hungary where thousands of refugees are waiting to cross the border to find a home in a country where the future looks bright. These countries form a transit zone to other destinations in Europe where there are said to be better provisions for refugees like Germany and the United Kingdom. But are these countries actually the best option for refugees? The rise in refugees coming to Europe has become an important issue on the political agenda and is one of the largest crises the European Union has faced. While there are European Directives on handling refugees, still many differences between countries on how they deal with this problem exist. Some countries like Denmark and the United Kingdom have responded to the increase of refugees with more restrictive asylum policies while other countries, like Italy, are demanding a solution that entails burden sharing and a central European solution to the problem. Because of this growing demand of countries to provide for more burden sharing and a fairer system the EU is working on policies to achieve this. They are dedicated to create asylum policies that are as equal as possible throughout the whole EU to provide a fair and equal process for refugees applying for asylum. The first policies on a joint asylum policy were created so that a refugee coming to Europe does not have to re-apply in another country after an unsuccessful application. To get to this goal it is tried to implement for example a Common European Asylum Policy. On the website of the European Commission it is stated that the Common European Asylum Policy should provide for "an area of open borders and freedom of movement, countries share the same fundamental values and states need to have a joint approach to guarantee high standards of protection for refugees. Procedures must at the same time be fair and effective throughout the EU and impervious to abuse." However to get to a Common European Asylum Policy it is necessary to map how the countries relate to each other in terms of their level of restrictiveness and what the driving forces are behind these differences. In this thesis I am going to look at the different types of welfare states and how asylum policies differ across them. This will result in more information on the current stance of asylum policies and it will give necessary knowledge on a possible influencer of asylum policy.

A research of Schuster that stems from 2000 shows the differences across seven European countries on their asylum policies. She argues that "Because there are such differences between these countries, the convergence around restricting entry and welfare and introducing temporary asylum is thrown into sharper relief. Throughout Europe, it is agreed that there is a problem of control: the states of the European Union fear that they cannot control who enters their territories, and asylum is seen as the reason. Regardless of political ideology, each accepts that control of one's borders is essential to state sovereignty (Schuster, 2000, p. 130)." She investigated the differences in asylum policies in relationship to new regimes of the countries on the left-right scale. Her conclusion was that the countries do differ a lot but this is not related to the regime of the country. Because it is now twelve years later, I want to see whether the policies of the countries still differ across Europe. Instead of looking at their government regime I will take a look into their welfare state regime type next to this I am also investigating different countries.

The research that has been done in this area of work has given some promising results that might also apply for this thesis. For example in the work of Sainsbury in which it is argued that the welfare state might have an effect on inclusionary or exclusionary immigration regimes. In her work it is shown that the US has a liberal welfare state regime but an exclusionary immigration regime after welfare policy concerns. In Germany, despite a welfare regime cherishing the principle of equivalence (corporatist), an exclusionary immigration regime also was created. In the Swedish case, with a social democratic welfare state regime, some acts have been adopted to have an exclusionary regime, but other acts have been created to erode these. It is concluded that non-citizens enjoy more entitlements in comprehensive welfare states like Germany and Sweden than in the incomplete welfare state of the US, but there are also substantial differences between the social rights of immigrants in Germany and Sweden, attributable to their welfare regimes. In contrast to the work of

Sainsbury, this research will look into the effect of welfare state regime on asylum policies instead of immigration policies. Regardless of the differences, in the light of the work of Sainsbury one would expect to also find a correlation between the welfare state regime and asylum policies. This thesis will add to the existing works of for example Sainsbury by focussing on European countries and explicitly on asylum seekers. This will give new insights for problems the EU currently faces and these answers can't yet be found in the existing literature.

The goal for this thesis is pointed at finding out how the asylum policies of the investigated countries differ and how this relates to their respective types of welfare state. It is investigated to what extent the countries that are investigated have either a restrictive or a non-restrictive regime concerning their asylum policies and after this I want to find out how these results relate to the type of welfare state. In the light of the already existing work the expected results for this conducted research is that the liberal welfare state regime type has restrictive asylum policies, the corporatist-statist type has neither restrictive nor non-restrictive asylum policies and the social democratic has non-restrictive asylum policies.

1.1 Research question

The goal of this research is to map the field of asylum policies in the light of the welfare state. It tries to determine the relation between the welfare state and asylum policies in various national settings and in the light of socio-economic developments such as European integration. The main research question therefore is:

“To what extent do different welfare states differ in their level of restrictiveness of asylum policies?”

To answer this question the differences of asylum policies in different welfare state regimes is examined. This is accomplished by comparing archetypical countries of welfare state regimes and examining their asylum policies. The cases for this research are the three different types of welfare state from Esping-Andersen, namely the Liberal, the conservative/corporatist and the social-democratic. The archetypical countries that are used are for the liberal welfare state regime the United Kingdom and Ireland. For the conservative/corporatist welfare state regime Germany and France are chosen. For the social-democratic welfare state regime Sweden and Denmark are chosen. Therefore this is a cross-sectional design study with a qualitative comparative case study.

The answer to the main research question is found by answering sub-questions. The first sub-question in this research is:

“What level of restrictiveness do the asylum policies of the UK, Ireland, Germany, France Denmark and Sweden have?”

I will try to find an answer to this question by analysing country report documents of the Asylum Information Database. The Asylum Information Database (AIDA) is a project of the European Council on Refugees and Exiles (ECRE). The project aims to provide independent and up-to-date information on asylum practice in EU Member States, in particular with regard to asylum procedures, reception conditions and detention. These reports will be used to answer the second sub-question. The expectation is that the UK and Ireland, as liberal welfare states, have restrictive asylum policies, Germany and France will have neither explicitly restrictive nor non-restrictive asylum policies and Denmark and Sweden will have non-restrictive asylum policies. When it is known that there might be a link between the type of welfare state and asylum policies it will lead to the second sub-question:

“Does the level of restrictiveness differ for different areas of asylum policies?”

This sub-question is answered by looking at different areas of asylum policies in the selected countries. These areas are the processing of asylum applications and the policies on welfare provisions. The expectation is that the liberal welfare state, represented by Ireland and the United Kingdom, is more restrictive in their welfare provisions policies than in their processing policies. The Conservative welfare state, represented by Germany and France, will both be in-between in both of their policies and the Social-Democratic welfare state, represented by Sweden and Denmark, is more restrictive in their accessing policies but more non-restrictive in their welfare provision policies.

“Is there a relationship between the type of welfare regime and asylum policies in the UK, Ireland, Germany, France Denmark and Sweden ?”

The answer to this question is sought in the analysis of the welfare state and the asylum policies in the units of analysis, UK, Ireland, Germany, France Denmark and Sweden. With the research of Sainsbury(2006) in mind a relationship between the type of welfare state and asylum policies is expected. A comparison between the two variables is made in the context of the type of welfare state.

The approach is to compare welfare state regime types of the archetypical cases by looking at the policies and decide by the definition of the UNHCR on restrictive and non-restrictive policies to which group each policy belongs. Then a comparison is made of the asylum policies of the archetypical cases by examining the country report documents of the Asylum Information Database.

This chapter has taken a closer look towards the literature that is available on this subjects and has given an outline for the research, it explained the research question and the sub-questions through which it tries to answer the main question. For the next chapter, chapter 2, the thesis discusses the existing theories that exist in this field of research. In that chapter the theories on the rise of the welfare state, the types of welfare states, the development of asylum policies and asylum policies and the welfare state are discussed. In the chapter that follows the methodology of the thesis is analysed. First an outline of the research is mentioned, second an explanation of the data collection will follow, third the discussion of the case selection is done, a clarification of the data analysis, and it will end with the limitations of the methodology.

2. Theory

This chapter of the thesis the background and theories are studied. First an examination of the welfare state is made by looking at its history and by elaborating on the theory of Esping-Andersen's three types of welfare state regimes. The chapter continues by looking at asylum policies development and the differences between certain types of policies. After this a study on what leading scholars have found about the relationship between welfare state regime type and asylum policies is presented and the discrepancies between them are elaborated.

2.1 Types of welfare states

The welfare state has been investigated a lot over the last years. This is not surprising when you look at the rapid growth in most countries during the 1960s and 1970s. "What once were night-watchmen states, law-and-order states, militarist states, or even repressive organs of totalitarian rule, are now institutions predominantly preoccupied with the production and distribution of social well-being (Gosta Esping-Andersen, 2013)." The welfare state took a flight after the 1970s with periods of growth and retrenchment. Social policies are increasingly seen as a part of a broader politico-economic settlement that can impact significantly on how a country's economy is functioning. Long before the financial meltdown of autumn 2008 revealed the fundamental limits of financial deregulation and reliance on regulation by market relations, policy makers in many countries recognised that neo-liberalism had reached its social policy limits. During this period in the mid-1990s new ideas about the social investment perspective began to spread. "The announced goals of the social investment perspective are to increase social inclusion and minimise the intergenerational transfer of poverty as well as to ensure that the population is well-prepared for the likely employment conditions of contemporary economies. Doing so will supposedly allow individuals and families to maintain responsibility for their wellbeing via market incomes and intra-family exchanges, as well as lessen the threats to welfare regimes and their programmes coming from ageing societies and family transformations (Hemerijck, 2012, p. 61)." The welfare state can be typified in various ways. A traditional view of Wilensky is "the essence of the welfare state is government protected minimum standards of income. Nutrition, health, housing and education, assured to every citizen as a political right, not as a charity (Wilensky, 1974, p. 1)." However Bonoli argues that there are nowadays new qualities of the welfare state. "They are expected to help and/or push non-working people back into employment, to complement work income for the working poor, to help parents reconcile work and family life, to promote gender equality, to support child development, and to provide social services for an ageing society (Bonoli & Natali, 2012, p. 3)."

The most known types of welfare states are from the work of Esping-Andersen. He states there are three types: the social democratic or institutional, the corporatist-statist and the liberal (Gosta Esping-Andersen, 2013). The liberal type of welfare state regime symbolizes individualism and the domination of the market. The working of the market is supported by the state in a manner that private welfare schemes are subsidized and by only giving the demonstrably needy social benefits. This type of welfare state regime is characterized by a low level of decommodification and there is little redistribution of incomes and the domain of social rights is narrow (Arts & Gelissen, 2002). Archetypical cases of the liberal welfare state regime are the United States, Canada and Australia (Gosta Esping-Andersen, 2013). The second type of welfare state regime is the conservative/corporatist. This regime embodies a balanced level of decommodification. It is a mixture of catholic social policy on the one side, and corporations and/or corporate interests on the

other. According to Arts and Gelissen this leads to three important consequences in terms of stratification. “First, the direct influence of the state is restricted to the provision of income maintenance benefits related to occupational status. Also labour market participation by married women is strongly discouraged, because corporatist regimes, influenced by the church, are committed to the preservation of traditional family structures. Another important characteristic of the conservative regime type is the principle of subsidiarity which means that the state will only interfere when the family’s capacity to service its members is exhausted (Arts & Gelissen, 2002, pp. 141-142).” Archetypical cases of the conservative/corporatist regime are Austria, France, Germany and Italy (Esping-Andersen, 2013). The last and third type of welfare state regime is the social democratic. “In this type of regime the level of de commodification is high, and the social-democratic principle of stratification is directed towards achieving a system of generous universal and highly distributive benefits not dependent on any individual contributions. Social policy within this type of welfare state is aimed at a maximization of capacities for individual independence. Women in particular –regardless of whether they have children or not – are encouraged to participate in the labour market, especially in the public sector. Countries that belong to this type of welfare state regime are generally dedicated to full employment (Arts & Gelissen, 2002, p. 142).” Archetypical cases of the social-democratic welfare state regime are the Nordic countries, or also often described as the Scandinavian model, so Denmark, Sweden and Norway (Esping-Andersen, 2013). Esping-Andersen’s work has provoked an extensive ongoing debate in the literature, about which principles should be used to classify welfare states, in which regimes particular countries belong, the number of different regime types, the methodology of regime construction and the nature of gender stratification within different types of welfare state (Bambra, 2007).

Even though scholars have argued to use other different measurements of welfare state some scholars still argue that the three types of Esping-Andersen are useful for certain types of research. welfare regime theory can function as a heuristic device to “classify institutional arrangements of welfare states at a very general and abstract level during the past three decades within the OECD world (Ferragina, Seeleib-Kaiser, & Tomlinson, 2013, p. 801).” Some scholars argue that the types of welfare state regime of Esping-Andersen do not fit in the real world. They say that it is most likely that there are hybrid forms like the Netherlands and Belgium. Even though they are ranked under the social democratic welfare state regime in real life they lie between the social-democratic and the conservative welfare state regime (Kammer, Niehues, & Peichl, 2012). There are even scholars that say the typology of Esping-Andersen does not fit to real life welfare states at all. In the work of Danforth it is argued that “Esping-Andersen’s typological framework is mostly ineffective in its ability to distinguish his three worlds of welfare. A rigorous, chronological analysis of welfare state data closely resembling those used in Esping-Andersen’s seminal work finds few traces of the liberal, conservative, and social democratic worlds that he first defined (Danforth, 2014, pp. 177-178).” The leading scholars in this area don’t agree on the theory of Esping-Andersen’s three types of welfare state regimes and to what extent they fit to the real world situation. Because this thesis uses archetypical countries from Esping-Andersen an evaluation of the welfare states of these countries is necessary to make sure they will fit to the welfare state regime types envisioned.

2.2 The development of asylum policies

When looking at the existing work of leading theories and scholars it is important to first explain the conceptualization of migration and refugees. The decision to migrate is a decision made

consciously even though it might happen under time and other pressures. The decision is therefore still taken to leave the country and move somewhere else. Therefore for the existing theories the insights of general literature on voluntary migration is also taken into consideration even though the reasons of asylum seekers might of another nature (Neumayer, 2005).

In the past decades more than six million people have applied for asylum in the EU. Two third of all asylum seekers are looking for refuge in the EU. This has led to passionate debates in the Member States on how to deal with these numbers of refugees. During the 80s and 90s asylum policy was a matter for the individual countries. In this time period this has mainly been a path towards ever tougher policies to restrict access to the border, to tighten up on the criteria for granting refugee status, and to circumscribe the terms and conditions under which an asylum seeker gets administered. Since this period the question has risen for a Common European Asylum System also known as the CEAS. Ever since asylum policies in Europe are characterized by a growing degree of harmonization and cooperation. However the European Union is still far way of a fully integrated asylum system (Hatton, 2015).

Across the Member States there are still different statuses, forms of residence and different rights and obligations attached to them. These differences arise in the member states because they assess the situations in the countries of origin according to different criteria. Currently, some asylum seekers can be recognized as a refugee in one Member State, while being rejected by another. Consequently to these differences, some of the Member States with a more tolerant asylum policy have to pay the price of a larger inflow. These differences undermine the confidence in the Common European Asylum System (Goudappel & Raulus, 2011). "Member States cannot take it for granted that equal cases produce equal results. The asylum seeker cannot rely on his or her asylum application being similarly successful in all Member States. Finally, among the citizens in our societies, the confidence in the asylum system, and with that the support for the protection of refugees, is being undermined (Goudappel & Raulus, 2011, p. 16)." This interplay is becoming a central factor in the making of an Common European Asylum System and is therefore a dominant theme within the Member States. In Tampere 1999, a five-year mandate was developed to harmonize policies around common practices. This was an important emphasis, since in all countries in Europe there is a considerable gap between policy statements and commitments, on the one hand, and practice on the other. This was the beginning towards a convergence to common asylum system. However this policy was limited by the fact that few EU countries have legislated immigration policy of any kind that would specify levels of permitted immigration. Even though it seems like the asylum policies in the European Union are converging, it is not an area of policies that is easily harmonized or developed into European Directives (Schain, 2009). In this thesis an analysis is made of the asylum policies of the different countries. Therefore a description of asylum policies is necessary. Koser (2000) indicates in his research that "First, a distinction can be drawn between policies that impact directly and those that impact indirectly upon the migration of asylum seekers. There is a range of policies aimed quite explicitly at preventing the arrival of asylum seekers in Western Europe in the first place. These include the growing list of countries from which visas are demanded; the promotion of so-called "safe havens"; the requirement that asylum seekers submit their applications at a consulate or embassy in their country of origin ("in-country processing"), and carrier sanctions.

Another such initiative is the designation of certain countries as "safe" and from which applications for asylum can therefore be considered to be unfounded. At the same time, other policies have resulted in increasing restrictions upon asylum seekers once they have arrived in a

European country, for example, concerning access to the refugee procedure or to refugee status, or access to state welfare. A supplementary aim of such measures is to make these receiving countries less than attractive destinations for asylum seekers, and so they can be considered to impact indirectly upon their migration (Koser, 2000, p. 94).” Hassan (2000) distinguishes also between pre-entry ‘containment’ and in-country ‘deterrence’. She emphasises the point that “containment refers to those pre-entry measures which prevent individuals from leaving and gaining entry to a state. The regionalisation of asylum in areas near to the country of origin is a typical feature here. The creation of ‘safe havens’ for asylum seekers from the time of the Gulf war and in the former Yugoslavia is illustrative of this process. Containment also covers the imposition of visa requirements, the use of carriers’ sanctions, in-flight checks and border control. Deterrence on the other hand “is a mixture of restrictive and punitive measures taken in the country of asylum (Hassan, 2000, p. 185).”

2.3 The welfare state and asylum policies

Comparative welfare state research has given little attention to the relationship between welfare state regime type and the effect of it on asylum policies even though the question for more knowledge on this subject is ever rising with the problems the EU is currently facing. In the research that has been done the focus lies mainly on the effect of immigrants or asylum seekers on the welfare state and not the other way around. The research of Brochmann & Hagelund (2012) acknowledges this in the relationship between the two. “On the one hand, the welfare state puts forward important premises for the kind of immigration policy that is possible to develop in the respective countries, while at the same time welfare policy has important consequences for immigrants’ everyday lives in the Nordic countries. On the other hand, the behaviour and actions of immigrants influence the welfare state, because immigrants both produce and consume welfare goods. To the extent that immigrants are perceived as representing cultural diversity, special needs or social marginalisation, they also challenge the work forms of the welfare state and the fundamental legitimacy of the community (Brochmann & Hagelund, 2012, p. 1).”

In other work the relationship between welfare state regime and policy outcome is being discussed. Brennenstuhl, Quesnel-Vallée and McDonough (2012) have done research to see in what extent the type of welfare state regime influences population health and health inequalities. They make a distinction between actual health differences across the countries and policy instruments. The result of this research shows that welfare state regime might not be an indicator for the actual result but in contrast to this welfare state regime might be a promising indicator for measurement of policy instruments (Brennenstuhl, Quesnel-Vallée, & McDonough, 2012). This research shows a relationship between types of welfare state and policy, which is the type of relationship this thesis is looking for. The nature of the relationship is not made clear in the existing literature. There are two viewpoints that are mutually exclusive and therefore it is not clear what type of welfare state leads to what sort of policies. One theory holds that social democracy leads to open and conclusive asylum and immigration policies while the other theory says liberalism leads to open and conclusive asylum and immigration policies.

For the first theory, the one that considers social democracy to bring about open and protective policies, a look into the existing literature on the subject is necessary. Fundamental in this area is the work of Sainsbury. In her research the relationship between welfare state regime and immigrants social rights is being discussed. She argues that the type of welfare regime is highly significant in determining the social rights of immigrants. The research was done in 6 countries by

comparing the rights to the welfare state regimes of Esping-Andersen. She concluded that there are major differences between the types of welfare states and the social rights of immigrants. Countries with a social democratic welfare state where most effective in reducing the poverty of immigrants and ensured an acceptable standard of living in comparison to the immigrants in liberal welfare state regimes in which immigrants were most likely to be living in poverty (Sainsbury, 2012). However this work almost solely focuses on immigrants that are already in the country. Therefore it denies a large field of work in the form of accession policies, who is allowed to enter the country and who is not, and focuses mainly on the rights received when they are in the country. The reason for this relationship between the two might lie in the ideology of social democracy. The ideologies that come with social democracy are solidarity, redistribution and a preference for public sector solutions. Even though it might not be entirely clear what social democracy is all about, scholars agree on some aspects like the element of reduced status and class differences between different societal groups, with a comprehensive welfare state being the key means for achieving this, and the expressed goal of lifting poorer groups (Giddens, 1998). "Social democracy positioned itself between equality and fairness, between collective and individual rights, between state expansion and using the market to limit the ills of capitalism and between redistribution and individual enhancement-inducing entitlements (Hinnfors, Spehar, & Bucken-Knapp, 2012; Thomson, 2000, p. 589)."

There is even more evidence for this standpoint seen in the work of Lahav (Lahav, 2004) and Ireland (Ireland, 2004). According to them, ideology matters when taking a position on asylum policies. They concluded that left-wing parties are more committed to cultural pluralism and political, economic and social equality. This leads to an opposition to discrimination against migrants. On the other hand the right-wing parties are driven by an obligation toward obedience of laws, social stability and nationalism to maintain a tough attitude to support restrictive migrant policies. Another reason that could explain the positive attitude from left-wing parties towards migrants is that they are seen as potential supporters of their regime. Messina (Messina, 2007) (Messina, 2007) found that ethnic minorities are more likely to vote for left-wing parties. Migrants do not immediately have effect on this but left-wing parties think they do when they are eligible to vote. Therefore they provide more political and economic opportunities for them. When looking at these existing theories, ideologies and researches of the leading scholars one could argue that a "comparatively vulnerable, exposed and by all accounts less well-to-do group such as refugees and immigrants (Hinnfors et al., 2012, p. 589)" are protected by the government by providing open and generous policies.

For the second theory, the one that sees liberalism as the root for open and conclusive asylum policies and investigation in the work of leading scholars is necessary. Contrary to the views of the scholars mentioned above Andrew Geddes (2003) believes that countries with a generous welfare state are more protective of their welfare state and therefore prevent migrants from entering their country. They will also be more preventive towards their social benefits programmes once an immigrant is allowed to enter and so the benefits are mainly reserved for the natives of a country. He says in his research "European welfare states have become an 'internal' method for the regulation of migration. By providing access to, or exclusion from welfare support, European states have sought to welcome some forms of migration while deterring others." In his view social policies have become a way to handle immigration (Geddes, 2003, p. 153). Other researchers recognize this view on the relationship between asylum policies and the type of welfare state. For example the research of Bommes and Geddes (2000). They make a distinction between the social rights of immigrants and policies. They argue that in elaborate welfare states the incorporation of new

immigrant minorities is more successful in terms of the granting of social rights. In contrast to this they argue that the price paid comes in the form of more strict immigration policies and even in some countries barriers to the acquisition of formal citizenship rather than the denial of social rights to newcomers or the erosion of mass support for the welfare state (Bommes & Geddes, 2003).

In the work of Spehar et al. (2013) this relationship is also confirmed. They argue that non-socialist parties are more often in favour of open and generous asylum and immigration policies than socialist parties. They explain this relationship by looking at the ideology of the non-socialist or liberal parties. "Quite consistently, open policies have been supported by referring to liberal principles about basic human liberties. As regards labour migration, a recurrent theme has been about market-led immigration rather than state planning as the norm. Likewise, arguments about more open policies have been sharply critical of social democratic, corporatist solutions involving tri-partite arrangements where the state, the unions and the employers strike bargains and reach political compromises(Hinnfors et al., 2012, p. 27)." This ideology was used to get to a standpoint for the non-socialist parties during the Bosnian refugee crisis. They argued that the 'individualism line' held that it would be unreasonable, inhuman and destructive for an individual to wait until the state had solved their affairs and therefore the individual responsibility lapsed (Spehar, Bucken-Knapp, & Hinnfors, 2013)

It is also argued by some scholars that even though some research say that left-wing parties are more in favour of open asylum policies, they do have more legitimate reasons for being more restrictive towards them than right-wing parties do. In the work of Bale et al it was found that left-wing parties respond to challenges from rising populist and extreme right-wing parties by taking a tougher position on asylum policies. Taking a tough position on foreign people has been a popular and successful strategic choice for right-wing parties in Europe. "They turned the issue of foreign people into a political one and utilized it for electoral strategies. They sometimes fuelled negative public opinions regarding foreign people, showed their toughness on the issue and tried to create an image as a better party to manage the issue(Kaye, 1994, pp. 144–159;125–145; 1999; Thränhardt, 1995, pp. 323–345)." The left-wing parties strategy of incorporating foreigners are also seen with regards to asylum seekers (Messina, 2007; Schuster, 2003). When considering these Ideologies, standpoints and researches of the scholars one could argue that Liberal welfare states would be more protective and open towards asylum seekers than social democratic welfare states.

The main characteristics of the Christian democratic welfare model, which is the same as the conservative welfare model, are highlighted in the research of Kersbergen (Van Kersbergen, 2003). He argues that the main characteristics of the Christian democratic welfare model are the occupationally-divided social insurance systems. "Both the principle of subsidiarity and the principle of solidarity form the base of Christian social teachings; they shaped the key features of the Christian democratic welfare state. There is a strong emphasis on the principle of solidarity, which emphasizes the duty of the government to help those in need. This, to a large extent, explains the high levels of social expenditure and the comprehensiveness of government welfare provision in a Christian democratic welfare regime, and its relative closeness to the social democratic welfare regime (Aspalter, 2011, p. 6)." The carrying-out of social provisions is mainly done by non-government organizations (NGOs) and church organizations (Aspalter, 2011). Because the conservative welfare state is based on income maintenance linked to occupational status asylum seekers challenged this welfare state because they come from countries where wages and social costs are lower and therefore undermine the welfare state by undercutting the work of the citizens (Geddes, 2005).

When looking at this information it shows that the conservative welfare states ideology should take care and protect asylum seekers, but just as well as the other types of welfare states, they do have their reasons to do not so. From the discrepancies in the theories of the leading scholars the question arises about who is right. The expectation is that a social-democratic welfare state is more open and generous in their welfare state than a liberal welfare state. The conservative welfare state is somewhere in between. This is expected because even though the theories are not conclusive previous research shows that overall the Social-Democratic is more open and generous towards immigrants and asylum seekers than the liberal welfare state is.

2.4 Concluding remarks

The welfare state is a complex and challenging concept that comes in many forms and sizes. It is characterized by the way it tries to provide a socially minimum living standard for those who can't provide for themselves. Even though a Common European Asylum System is in the making there are still differences between the member states of the European Union on how the Member States handle the rise in refugees coming to Europe. When looking at the existing literature on the asylum policies of different countries it is striking that there is a paradox in the viewpoints of the leading scholars. One camp argues that a social democratic welfare state would be more inclusive and open towards asylum seekers than the liberal welfare state does. The other camp argues exactly the opposite, namely that a liberal welfare state is more inclusive and open than a social democratic welfare state. For all three welfare states there are arguments that say the type of welfare state is inclined to protect asylum seekers but all of them have valid reasons to not do this. The research is not exclusive on the right conclusion, but when looking at the theories the expectation is that a social-democratic welfare state is more open and generous in their welfare state than a liberal welfare state. The conservative welfare state is somewhere in between. The reason why this is expected is because even though the ideologies of both camps can be explained in favour of open and generous asylum policies the research done before shows that the social democratic welfare state is most likely to carry out these viewpoints.

3. Methodology

This chapter provides an explanation of the research design of this thesis and the methods that are used. This research is comprised of a qualitative content analysis of different welfare states' asylum policies. The assumption is made that the content of the reports on asylum policies reflect the level of restrictiveness or non-restrictiveness. Next to this the way in which the coding scheme is developed and the analysis of the documents is conducted are explained in this chapter.

3.1 Research design

For this thesis a content analysis is used to analyse the data. A content analysis as a research method is a systematic and objective means of describing and quantifying phenomena. It is also known as a method of analysing documents.

The research design of this study is a qualitative comparative case study and the research questions are of a descriptive nature. This method is chosen because there are multiple cases being investigated namely the Liberal welfare state, the Social-democratic welfare state and the Conservative welfare state by looking at their representing countries which are the UK, Ireland, Germany, France Denmark and Sweden. These cases are compared on the area of asylum policy. The idea of this thesis is to create a framework by developing categories which are based on aspects of interpretation. In doing so it is necessary to formulate a definition combined with criteria that are part of this definition. These criteria are derived from the theory. A relationship is tried to find in determining the level of restrictiveness in asylum policies and linking this to the type of welfare state.

The case study is based on the concept of the welfare state regime types of Esping-Andersen, the liberal welfare state regime, the constructivist regime type and the social democratic regime type. He divides the welfare state regime type according to the level of de commodification. De commodification is the level to which citizens are entitled to social rights and to which degree citizens are immune to market dependency. To test what the differences are for these three types a selection has been made of two countries for each: The UK and Ireland representing the Liberal welfare state, France and Germany representing the Conservative welfare state and Sweden and Denmark representing the Social-Democratic. The selection has been made according to a most different systems design which focuses mainly on the differences and not on the similarities.

This study will analyse reports on asylum policies of the respective countries and it is investigated how these reports either represent a restrictive or non-restrictive asylum policy. The coding is done with the atlas.ti 7th edition program and this is done for both the manifest content as the latent content. The manifest content is often described as the visible, surface content (Babbie, 2015). The latent content is a method of analyzing a text on its underlying meaning (Babbie, 2015).

3.2 Data Collection

For the data used in this research the Asylum information database is used. The Asylum Information Database (AIDA) is a project of the European Council on Refugees and Exiles (ECRE). The project aims to provide independent and up-to-date information on asylum practice in EU Member States, in particular with regard to asylum procedures, reception conditions and detention. It intends to raise public awareness on the situation of asylum seekers, with a view to nurturing a more receptive political environment on the issue of asylum and migration. The database holds information for over 18 member states of the European Union. The information of the countries that are a part of the database is build up by the following subjects: statistics, overview of the legal

framework, overview of the main changes since the previous report update, asylum procedure, reception conditions and detention of Asylum seekers. The information that is provided by the Asylum Information Database is of qualitative nature, since this thesis is a qualitative comparative case study this fits well to the research design. For this thesis the yearly reports of AIDA for the UK, Ireland, Germany, France and Sweden is used. The reason why these documents are chosen is because they provide a consistent source of information; it provides the same information on most of the countries that are analysed which makes it less likely that a wrong conclusion is drawn because there are differences in the sources of the data from the units of analysis.

The reports for the UK, Ireland, Germany, France and Sweden have been published between December 2014 and April 2015. The information for the reports stems mostly from desk-based research, consultation with relevant stakeholders, interviews with field practitioners and lawyers, feedback from NGO's, statistics from authorities. For the information about Denmark the Asylum Information Database does not provide a yearly report. The information of Denmark's asylum policies is provided by the website of the Danish government, www.newtoDenmark.dk, which is profiled as the official portal for foreigners. Newtodenmark.dk is the official web portal about rules for entering and residing in Denmark. To be exact the data that is going to be analysed stems from the "Report by the Committee of Experts on asylum rules of other countries (Ministry of Refugee, 2009)". The report is established by a Committee of Experts of which the members were appointed by representatives of the Ministry of Refugee, Immigration and Integration Affairs (chairmanship), the Ministry of Foreign Affairs of Denmark, the Ministry of Justice and the Refugee Appeals Board. It was published in June 2009. This report is older than the other reports that are investigated. Still this report is used because the type of data is similar to the other documents. Therefore the balance has been made up in favour of the document of the Ministry, Immigration and Integration Affairs. In the Table below the documents that are going to be analysed are summed up, however indirect more documents are examined since most of the document in the table are reports that have made use of other documents. This means that other documents might be used in the analysis but those documents are not the ones that are analysed and are therefore not mentioned in the table below.

Table 3.1: Data Collection

Publisher	Title	Date of publication
AIDA	Country report- the United Kingdom	December 2014
AIDA	Country report – Ireland	February 2015
AIDA	Country report – Germany	January 2015
AIDA	Country report – France	January 2015
AIDA	Country report – Sweden	April 2015
Ministry of Refugee, Immigration and Integration Affairs	Report by the Committee of Experts on asylum rules of other countries	June 2009

3.3 Data Analysis

The data from the Asylum Information Database is put to a qualitative document analysis to investigate the relationship between the type of welfare state and asylum policies. The research is two folded because this will solve the dilemma by choosing between reliability, specificity and validity. The first method will look at the manifest content, which is also known as the visible, surface

content (Babbie, 2015). By investigating whether the most important words of both ideologies are being represented in the texts a conclusion is tried to reach on whether the country is either more restrictive or non-restrictive. This analysis is displayed in pie charts which will illustrate the level in which the documents are more into one or another category. Below further information is given on the labelling of the categories and the estimated contents they represent:

Table 3.2: Categories and contents represented by category based on level of restrictiveness policy

Category	Content represented by category
Restrictive asylum policy	Visa requirements, fines, returned, detention, no appeal, removal, fraudulent, safe country of origin, accelerated procedures, deported, discouraging, restrictions right to work, restrictions social welfare, restrictions legal assistance, restrictions right to education, imprisonment, deny recognition, restrictions health care, closed borders
Non-restrictive asylum policy	Recognition, human rights, open borders, protection, interview (first instance), information country of origin, impartiality, thoroughness, social welfare benefits, bond/bail systems, open reception centres, accommodation, humanitarian status, security, appeal, right to legal assistance, right to work, right to education, right to health care

The labelling of the categories are straight forward and derived from the UNHCR (UNHCR, 1997) text on the state of the world's refugees which argues about restrictive asylum policies and how the UNHCR think the policies could be changed for better protections of the refugee. The labelling is done on a nominal level. Some of the words might not seem correct to some, for example the safe country of origin concept for the restrictive asylum policy label. However, the reason it is put here is because the safe country of origin concept is sometimes misused by states to prevent refugees from coming to the country. By designating countries that are not safe as safe, the refugees are refused while the actual case might be that they do have a legitimate claim. States might label a country as safe to protect the diplomatic relationship for example. For the non-restrictive label one could say that bond or bail systems do not seem very open and welcoming. The reason why these are put in this category is because a restrictive policy would be to imprison the asylum applicant so he or she can't leave the reception or detention centres. An alternative to this is to work with bond or bail systems to prevent the asylum applicant from running away while still giving him or her possibility to get out of the centres.

The second method will use an analysis via a qualitative document analysis, which is the coding of the latent content to find the underlying meaning (Babbie, 2015). The data is analysed by marking exceptional statements in the data and putting them in a literature set. When these data are labelled I will try to find patterns in the data. The labelling of this part will also be two folded. By giving certain quotations two labels, the first labelling is based according to the labels in Table 2. A neutral category is added to this to make sure that quotations that might be important will not be missed while refrain from making a judgment. When these quotations have two labels it is possible

to draw a conclusion on the level of inclusiveness but also on in which area they might be more restrictive or non-restrictive. The labels for the policies are mentioned in the table below. The labelling stems from both a deductive and an inductive manner to make sure it fits to the text while it also fits to the theory. The labels don't have an extensive explanation because this is done according to the interpretation of the researcher in contrast to the method above which uses keywords to get conclusions out of a text. There is however in the table some content mentioned of what you have to think about when looking at the labels.

Table 3.3: second level labels qualitative content analysis

Category	Content represented by category
Conditions relating to processing of applications and the determination of status	Border procedures
	Access to legal advice
	Possibility to Appeal
	Safe country of origin
	Speeding up of processing
Conditions relating to the welfare of asylum seekers	Status determination
	Detention conditions
	Access to healthcare
	Employment
	Access to benefit
	Reception conditions

When the latent coding of the data is done the data is put in a literature set. The actual coding is done with the atlas.ti programme edition 7. By doing this a literature set is made. The validity is guaranteed because it will still be able to see which quotations led to which coding. The analysis will then take place after the data is being compressed in short and clear data which makes it easier to analyse and to give actual data. The advantaged of doing it in this way is that the context of the quotations is not lost. This methodology has shed a light on the approaches that need to be taken in order to answer the overarching research question and the two sub-questions. To conclude, four steps need to be taken in order to generate an answer to the general research question:

Table 3.4: Process Model for this research

Step 1	Counting words with atlas.ti in accordance with the coding scheme
Step 2	Atlas.ti is used to get information on the groundedness and density of the labels
Step 3	Coding 'blanc': quotations that are not picked up by the coding scheme are labelled manually
Step 4	The 'Blanc' coding is interpreted and summarized into a literature set
Step 5	An argument is made on the basis of the literature set and the data that comes from atlas.ti

3.4 Limitations

The selection of cases in comparative research is a major decision with important consequences not only for the external validity but also internal validity of macro-comparative

analysis. A major problem of medium-N comparison is thus the selection bias posed by the historically and politically given cases for quantitative analysis (Ebbinghaus, 2005). Another problem that might arise in context to the case selection of this thesis is the decision to investigate Denmark to represent the social-democratic welfare state. Denmark differs in comparison to the rest with respect to EU regulation. In the area of Justice and Home affairs Denmark has an opt-out for certain regulations which may lead to different outcomes in the results. A result of this difference in the main legislation is that Denmark is not taken into consideration in the Asylum Information Database, therefore a different source needed to be found. I decided to take a text that covers the same areas of asylum policies as the other texts but there might be differences in the approach of the text to look at these areas. This might be a major limitation to this research. Next to this there is also the danger of interpretation bias of the researcher. This is tried to limit by putting the whole quotations in the literature set. The choice for both a manifest and latent coding method creates a balance between reliability, specificity and validity.

3.5 Concluding remarks

This chapter can be concluded by stating that this research is conducted by using a content analysis in a qualitative comparative case study to find an answer to the research question “To what extent do different welfare states differ in terms of asylum policies?” The data for this research will come from several sources; these sources are the website of the Danish government, newtodenmark.dk and the Asylum Information Database (AIDA). The research is two folded and will look at the data in a latent and a manifest manner. The manifest analysis will use certain signal words (see table 3.2) to see how restrictive or non-restrictive the text is and by giving the percentage of restrictive or non-restrictive words in comparison to the total. The latent analysis is done by marking exceptional statements in the texts and creating a literature set. These steps are done with the programme atlas.ti. A conclusion of the data analysis will follow by looking for patterns in the level of restrictiveness or non-restrictiveness in comparison to their type of welfare state. After this an argument will follow in favour of the expected relationship or against it. Then the conclusion of this thesis will follow.

4. Data analysis

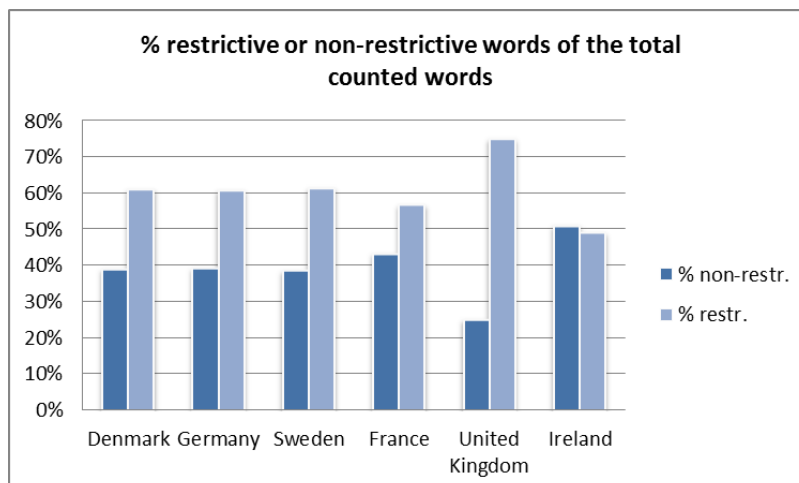
In this chapter the findings of the research that was executed as mentioned above are discussed. Because the research is two-folded this chapter is also comprised of two parts. The first part will give an outline of the results of the word counts of the documents. The second part will outline the findings of the latent coding and discuss how these findings should be interpreted especially with the research question and sub-questions in mind. First a discussion will take place on the relationship between the type of welfare state and the level of restrictiveness of their asylum policies. After this an investigation into the sub-question about which type of asylum policy is most strict and how this relates to the type of welfare state. In the end a conclusion will follow that stems from the analysis.

4.1 Overall restrictiveness of the countries by manifest analysis

In this part a discussion will take place on the results of the manifest coding. With the manifest coding it is tried to identify the essence of the content of the reports of the investigated countries. The analysis for this part was done by counting how often signal words that belong to a certain label are mentioned in the text. Table 4.1 shows the percentages of the counted words with either a restrictive or a non-restrictive labelling compared to the total counted words. When looking at these results it shows that there are two things that are an unexpected result. For Denmark, Germany, Sweden and France the results are very close together where one might not expect this because these countries are from two different welfare state regime types. These types are the Social-democratic and the Conservative welfare state. Of course there are explanations for the unexpected results such as that the typology of the welfare state regime types are conducted on other criteria than the welfare state because next to these criteria there can be similarities in other areas. A conclusion that could follow these results is that these types of welfare state don't differ much in terms of the restrictiveness of their asylum policies. However when looking at the results for Ireland and the United Kingdom, who have the same type of welfare state namely the Liberal, it shows that there is no similarity found between the two. Where the United Kingdom clearly has the most restrictive words of all countries Ireland actually is the only country which has more non-restrictive words than restrictive words in the text of all countries. Because the results are on the one hand very close together (France, Germany, Sweden and Denmark) while on the other hand they are very different (The United Kingdom and Ireland).

The conclusion that follows from this type of research is that there is no relationship between the type of welfare state and restrictiveness of asylum policy and that the United Kingdom has the most restrictive policies and Ireland the most non-restrictive.

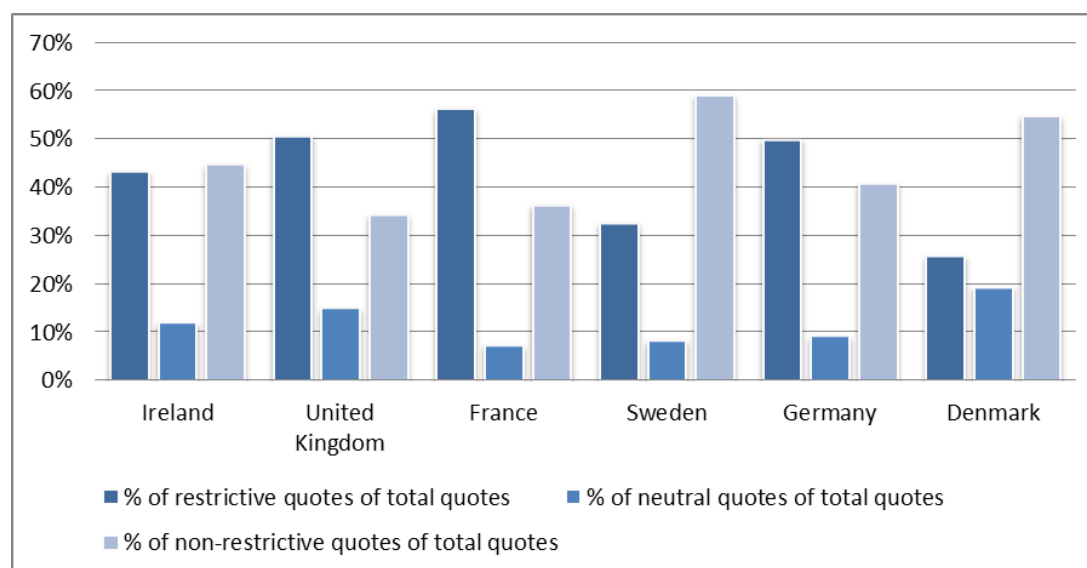
Table 4.1 the percentage of restrictive or non-restrictive words of the total counted words



4.2 Overall restrictiveness of the countries by latent analysis

In this part a discussion on the result of the latent coding will take place. Latent coding is the coding of the latent content to find the underlying meaning (Babbie, 2015). This analysis looks into the meaning of the text and is coded manually. When looking at the outcomes of the latent coding in a numerical way there are several ways for looking at it. When we look at the number of times a quote is coded with either a restrictive, ambiguous or non-restrictive coding it shows that Sweden and Denmark have the most non-restrictive quotes of the six countries. The most restrictive quotes are from France and the United Kingdom as is illustrated by the graphic below.

Table 4.2 the percentage of restrictive, non-restrictive and neutral codes



When we look at the conservative welfare state regimes, France and Germany, something very striking is seen. While Germany is, as expected, neither restrictive in their asylum policies nor non-restrictive, France turns out to be the most restrictive in its asylum policies. After France the United Kingdom is the next in having the most restrictive quotes in their asylum policies. The expectation was that the UK and Ireland would have the most restrictive regimes, France and Germany have neither explicitly restrictive nor non-restrictive asylum policies and Sweden and Denmark have the most non-restrictive policies. These outcomes actually confirm these expectations to a large extent but not completely. What is striking of the outcome is the place Ireland and France take in this list. France is the most restrictive and Ireland actually belongs to the three most non-restrictive countries of this list while the expectation was that it would be most restrictive. Now that the most striking features of the outcomes in comparison to the expectations are being discussed we will take a look at the rest of the countries, their outcomes and how these results can be explained.

4.2.1 The Liberal welfare state

For the Liberal welfare state the expectation was that the two countries that were chosen to investigate would be the most restrictive, however these expectations this not meet the results. The United Kingdom is, according to these results, the most restrictive of the six countries that are investigated. This confirms the expectation. Ireland on the other hand belongs to the middle group when looking at its level of restrictiveness, which does not confirm the results. The reason why

Ireland is not as restrictive as expected is mostly due to their non-restrictive standpoint in accessing policies. When we look at the welfare provision policies of the country it shows that Ireland is the most restrictive country in this area. To elaborate this outcome a closer look is taken into the exact policies that lead to this conclusion. Most of the non-restrictive outcomes are a result for the legal process. To start with Ireland provides for legal aid through the Refugee Legal Service. "The Refugee Legal Service (RLS) is a division of the state-funded Legal Aid Board, an independent statutory body funded by the State. To qualify for legal services in respect of their asylum application, the applicant's income (less certain allowances) must be less than €18,000 per annum. Applicants in Direct Provision (the state system of reception, accommodation and support) are generally eligible for legal services at the minimum income contribution, but may apply to have some of the contribution waived, at the discretion of the Legal Aid Board. Strictly speaking, there is a small fee to be paid of €10 for legal advice and €40 for representation, but this is invariably waived by the Refugee Legal Service(Irish Refugee Council, 2015, p. 28)."

Next to this in all application procedures it is possible for the asylum applicant to make an appeal about the decision taken. There is in a lot of cases free legal aid available when an asylum applicant wants to make an appeal. As is stated in the text: "Legal aid for appeals is available through the Refugee Legal Service(Irish Refugee Council, 2015, p. 24)." There is as well in almost all application procedures a possibility for the asylum applicant to have an interview taken. An interview gives space for a more detailed and thorough understanding of the position of the asylum seeker and is therefore non-restrictive of nature. "The legislation provides for a further substantive personal interview for all applicants, including those prioritised(Irish Refugee Council, 2015, p. 26)."

When looking at the welfare provisions of Ireland it shows that they are actually the most restrictive in this area. This is mostly due to the Direct Provision support system. "While persons receiving Direct Provision support are entitled to food, accommodation and a small financial allowance they are not entitled to access the mainstream welfare system because they are deemed not to be habitually resident. This exclusion from the social welfare system makes it difficult to make a comparison between the level of material support given to persons receiving Direct Provision support and the allowance given to Irish nationals or other persons deemed habitually resident. However, the communal nature of the accommodation, the small financial allowance and the fact that persons are given food, rather than allowed to cook their own food, indicates that Direct Provision is at the very least inferior to social welfare(Irish Refugee Council, 2015, p. 53)." Next to this system Ireland detains Asylum seekers generally in prisons, there is no access to the labour market for asylum seekers and there are no provisions in practice that take into account the needs of vulnerable persons and there are no special reception conditions. The relationship between the type of welfare state and the type of policies on which they are restrictive will later on be elaborated.

After France the United Kingdom has the next most restrictive asylum policies of the 6 countries. This follows the expectation that the UK would belong to one of the most restrictive countries with regard to asylum policies. When looking at the level of restrictiveness in either the welfare provisions or the policies on processing applications it shows that the UK is mostly restrictive in the area of the processing of applications. For example there have been reports of push-backs when refugees wanted to apply for asylum. "Possible instances of people being refused entry and removed before they have had a chance to make an asylum application ('push-backs') were suggested by the disclosure of the 'Gentleman's Agreement'. This provides that France must accept back people intercepted on landing in the UK who are considered to have made an illegal entry and

who have travelled from France and do not say that they wish to claim asylum, provided the return can be affected within 24 hours. The refusal of entry is not formally recorded. If an asylum claim is made, it ought to be dealt with in the UK, but the informality of this process necessarily entails a risk that an asylum claim is not noted or recognised as such (Asylum Aid, 2014, p. 16).” Another important factor that makes the United Kingdom restrictive in terms of asylum policies is that, next to the normal accelerated procedure, they also have the Detained Fast Track (DFT) procedure. The DFT procedure applies “where the Home Office consider that the claim is capable of being decided quickly. The whole DFT decision process is conducted in detention. In theory the two procedures are very different in that NSA implies that there is no merit, whereas DFT is based on speed. However, informally the DFT also appears to operate as an 'unfounded' procedure. In practice those cases channelled into the DFT are nearly all refused (a 95-99% refusal rate is given in published figures). Although the criterion is that the decision can be made quickly, the very low number of grants of leave in the DFT gives an impression which is shared by lawyers, NGOs and refugees that claims routed into the DFT are regarded as unfounded (Asylum Aid, 2014; Home Office Research and Statistics Directorate, 2012, p. 33).” When looking at the policies on welfare provisions there are also clear indicators that the United Kingdom has restrictive asylum policies.

A striking feature of the welfare state provisions of the UK is the following: “In practice asylum seekers are required to prove that they are destitute and this is strictly enforced. All assets which are available to them are taken into account, whether in the UK or elsewhere, if they consist of cash, savings, investments, land, cars or other vehicles, and goods held for the purpose of a trade or other business (Asylum Support Regulations 2000 SI 704 reg.6.) (Asylum Aid, 2014, p. 53).” This is a very liberal method to distribute welfare. In the Liberal ideology help is only provided for the demonstrable needy; which is exactly the case in this welfare provision. When an asylum applicant is eligible for financial aid this is not always sufficient. “The amount of support is not adequate to meet basic living needs. Section 95 support for a single adult was originally set at 70% of the social welfare payment for nationals which is calculated to meet only basic living needs. Once an asylum claim is refused and appeal rights exhausted, s.95 support stops, except for families with children. Asylum seekers then become absolutely destitute, with no entitlement to accommodation or money. One reason that the backlog of unresolved asylum cases has caused such public concern is that refused asylum seekers, who may still be trying to establish their claim, may spend years in destitution (Asylum Aid, 2014, p. 57).” All in all it is possible to conclude that the UK has overall relatively restrictive asylum policies.

For the Liberal welfare state it is clear that half of the results matched the expectation. The United Kingdom is one of the most restrictive countries but Ireland did not meet the expectation by belonging in the middle group of the selected countries.

4.2.2 The Conservative welfare state

The results of the countries of the conservative welfare state regime type also don't fit the expectation completely. Germany follows the expectation by belonging in the middle group in terms of restrictiveness. However France was expected to also be in the middle group but the reason why France is most restrictive in total is because France belongs both in the welfare provisions policies as well as in the policies on processing of applications to the countries that are most restrictive. For the processing their level of restrictiveness is mostly accounted for because of the lack of protection for vulnerable groups. “There is no system in place for the exemption from the application of the

accelerated procedure, even for vulnerable persons. Elderly or disabled people can also be channelled into an accelerated procedure (and are therefore given less favourable reception conditions)(Forum Réfugiés-Cosi, 2015, p. 39).” Also the Human Rights watch has noted that unaccompanied children are not treated as well as should be because the children that are held in waiting zones are subject to the same procedure. They argued that this “leaves children facing the risk that their asylum claims will not receive appropriate consideration or that their deportation is improperly expedited (Human Rights Watch, 2014)”. France also doesn’t have any specific mechanism in place for identifying asylum seekers in need of specific procedural guarantees and they don’t foresee any special treatment for vulnerable groups of asylum seekers.

Next to the provisions for vulnerable groups in France to processing of the application is also prone to some restrictive policies. Because there is no legal advisor or NGO standard present in the waiting zones, asylum applicants are expected to get hold of an advisor by phone(Forum Réfugiés-Cosi, 2015). “Many concerns have been raised about effective access to a telephone because the phones in the waiting areas are not free of charge. Several decisions by the Courts of Appeal have highlighted the irregularity of this procedure, due to the restrictions placed on exercising the right to communicate with a lawyer or any person of one’s choice. The fact that asylum seekers may have no financial means of purchasing a phone card is therefore a restriction on this fundamental right (Article L 221-4 of Céseda)(Forum Réfugiés-Cosi, 2015, p. 38).”

Besides the lack of phone services in some situations the access to legal assistance is also uneven depending on the type of reception conditions provided. “Asylum seekers in the most precarious situations, those without reception conditions, are offered fewer services than those accommodated in CADAs. This situation leads to unequal treatment between asylum seekers accommodated in CADAs, who receive support and in-depth assistance, and asylum seekers housed in emergency facilities, which are without direct support and are sometimes located far away from the regional orientation platforms. Furthermore, these platforms do not have the same capacity as CADAs, and greatly limits the services provided to these persons (Forum Réfugiés-Cosi, 2015; Touraine, 2013, p. 25).” France is not only restrictive in their policies on the processing of applications but also in their welfare provisions. In the report it says that the “reception centres are clearly not sufficient for the French scheme to provide access to housing to all the asylum seekers who should benefit from it in accordance with the Reception Conditions Directive (Forum Réfugiés-Cosi, 2015, p. 56)”. Whether there is sufficient access to health care in France varies from one city to the other. This is also true for psychiatric or psychological counselling to which access remains difficult in practice because many professionals refuse to receive non-French speaking patients as they lack the tools to communicate non-verbally and / or funds to work with interpreters.

Also there is an insufficient provision of financial needs due to the system that distributes the finances. “The fact that the allowance is provided only to adults causes inequalities between households of asylum seekers as the same amount will be granted to a single man and to a single parent with three under aged children(Forum Réfugiés-Cosi, 2015, p. 58)”. As a last point which leads to the classification of France’s asylum policies to be strict is that “French legislation excludes asylum seekers from the granting of all family related welfare benefits as the residence permits provided to asylum seekers are not listed in the permits that give eligibility to these benefits(Article 512-2 of the social security code). Asylum seekers are also not eligible to receive the social welfare allowance, the so-called Active Solidarity Income (RSA- Revenu de Solidarité Active), an allowance granted to individuals over 25 years old who do not have resources or have very low income(Forum

Réfugiés-Cosi, 2015, p. 59).” When considering this information about the policies of France it is clear that its policies are mostly restrictive in nature.

The outcomes for Germany confirm the expectation of not having explicitly restrictive nor non-restrictive policies. Nevertheless, Germany has some interesting/ unexpected results as well. What is striking for the asylum policies of Germany is their border procedure. “The law states that asylum-seekers shall apply for asylum at the border (Section 18 II Asylum Procedures Act and Sections 14 and 15 Residence Act.). However, entry to the territory is regularly refused at the border if an asylum-seeker does not have the necessary documents for legal entry. Therefore most applications are lodged by asylum-seekers who have already entered the territory. Under these circumstances the law obliges asylum-seekers to “immediately” report to a branch office of the Federal Office for Migration and Refugees (Federal Office)(Informationsverbund Asyl und Migration, 2015, p. 16). “In practice, difficulties with registration have been reported in connection with the refusal of entry at the borders. Occasionally, it has been reported that asylum-seekers were arrested by border police in the immediate vicinity of a branch of the Federal Office before they could apply for asylum. If the border police decide to refuse entry, they often detain asylum-seekers in order to deport them to the neighbouring “safe third country”. In such cases, an application filed in detention is usually neither considered, nor referred to the Federal Office(Informationsverbund Asyl und Migration, 2015, p. 17).” This is clearly a restrictive asylum policy in the area of processing of applications. Because they are an in-between country with regard to their level of restrictiveness they also have some positive policies which mainly come in the form of appeals and free legal advice from NGO’s and welfare organisations. In almost all procedures there is the possibility to make an appeal and a legal representative is present.

For the welfare provisions an important role is laid out for the financial aid which is mostly restrictive in nature. “The court considered the benefits to be insufficient because they had not been changed since 1993 and they had not been calculated in a comprehensible manner in the first place(Federal Constitutional Court, decision of 18 July 2012 – 1 BvL 10/10, 1 BvL 2/11 - asyl.net, M19839.)(Informationsverbund Asyl und Migration, 2015, p. 55).” In contrast to the most restrictive countries Germany has provisions to protect vulnerable groups during the application which accounts for an important share on their non-restrictive policies. “Special needs should be taken into account as part of the admission procedure to the initial reception centres, and social workers or medical personnel in the reception centres can assist with applications for specific medical treatment. However, there is no systematic assessment procedure for vulnerable persons(Informationsverbund Asyl und Migration, 2015, p. 62).”

For the Conservative welfare state it can be said that, as well for the Liberal welfare state that the results meet half of the expected outcomes. Germany belongs in the middle category, as expected, but France is actually the most restrictive country of all the countries investigated. This was not expected since France in theory should belong to the middle group.

4.2.3 The Social-Democratic welfare state

As already mentioned at the beginning of this chapter the results for the social-democratic welfare state do fit to the expectation. As expected those two countries have the most non-restrictive policies of all countries and the least restrictive policies. In their country reports some of the striking features are, among others, that Sweden doesn’t make use of the safe country of origin concept which most countries do make use of. This is a very non-restrictive policy because it makes it

possible for all nationalities to apply for asylum in Sweden while in other countries this is restricted to the countries that are on the list of safe country of origin. Next to this the provisions for vulnerable groups are extensive. "The legal framework with regard to the needs of vulnerable asylum seekers is part of the 1994 Law on the Reception of Asylum Seekers (LMA). The LMA provides the legal framework and briefly mentions the provision for the needs of vulnerable groups. The issue of special needs of vulnerable asylum seekers is mainstreamed in the training of caseworkers (Caritas Sweden, 2015, p. 29)." For their financial aid they are also covered by the government. In contrast to most other countries in Sweden the asylum applicant has private accommodation. There are also no restrictions in law or practice to the freedom of movement of asylum seekers within Sweden, the only thing that constrains their freedom of movement is the placing in certain housing (Caritas Sweden, 2015).

For Denmark it is a bit harder to compare because they have an opt-out within the European Union for the area of Justice and Home Affairs which means they are not bound by the same EU regulation as the other countries. Something that was striking during the investigation of the asylum policies of Denmark was that "if the case is processed according to the normal procedure, any rejection of asylum will mean that the case is automatically brought before the Refugee Appeals Board (Ministry of Refugee, 2009, p. 13)." This is not the case for all countries. Next to this asylum seekers in Denmark have freedom of movement and may come and go as they wish. Also the accommodation for vulnerable groups has an important role in Danish regulation. "The Immigration Service has made an agreement with the Asylum Department of the Danish Red Cross and Jammerbugt Local Authority on operating a number of second-stage accommodation centres and special centres for single women, unaccompanied minors and residents in need of intensive care located throughout Denmark (Ministry of Refugee, 2009, p. 19)."

To conclude this part of the chapter it is possible to say that the level of restrictiveness of asylum policies does differ per different welfare state. Most of the countries follow the expectation that the Liberal welfare state has the most restrictive asylum policies, the Conservative welfare state has neither explicitly restrictive nor non-restrictive asylum policies and the Social-Democratic welfare state has the most non-restrictive asylum policies. This is at least the general trend that is shown from the analysis. An exception to this is France and Ireland. In this line of reasoning they seem to have switched places. A possible explanation for this might be that the conservative welfare state lies close to the liberal welfare state in some ideologies. The conservative welfare state ideology as well as the liberal welfare state ideology believes in little interference by the state. The difference between the two is that the Liberal ideology holds that the individual is responsible while in the conservative ideology non-state actors are responsible. This could be an explanation little interference of the state in these countries.

4.3 Level of restrictiveness in different areas of asylum policy.

In this part of the chapter a discussion will take place on the results of the analysis with respect to the different areas of asylum policy. The areas that are investigated are the policies on the processing of applications and the policies on the welfare provisions. The expectation is that the liberal welfare state is more restrictive in their welfare provisions policies than in their processing policies. Germany and France will both be in-between in both of their policies and Sweden and Denmark is more restrictive in their accessing policies but more non-restrictive in their welfare provision policies.

Table 4.3 the percentage of restrictive and non-restrictive quotes on welfare provisions

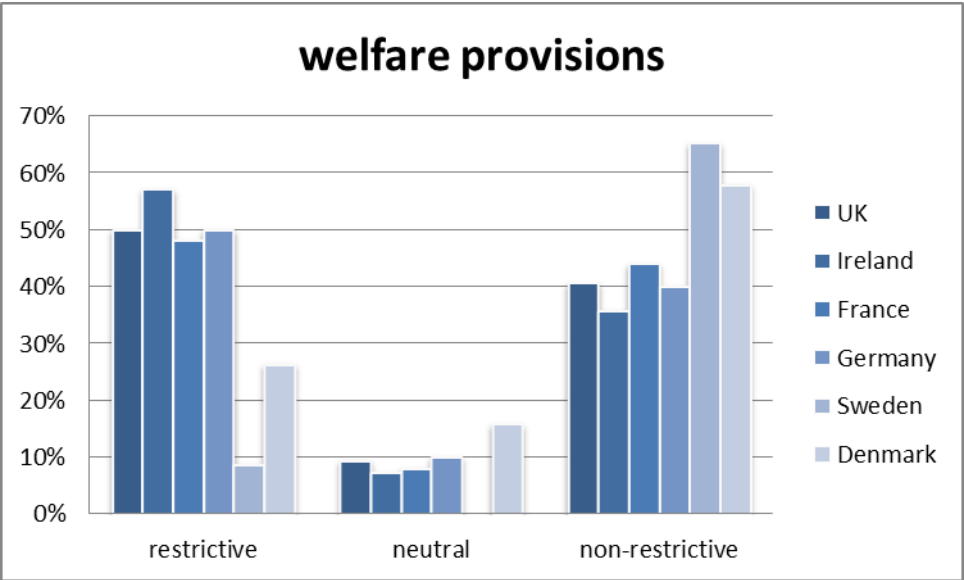
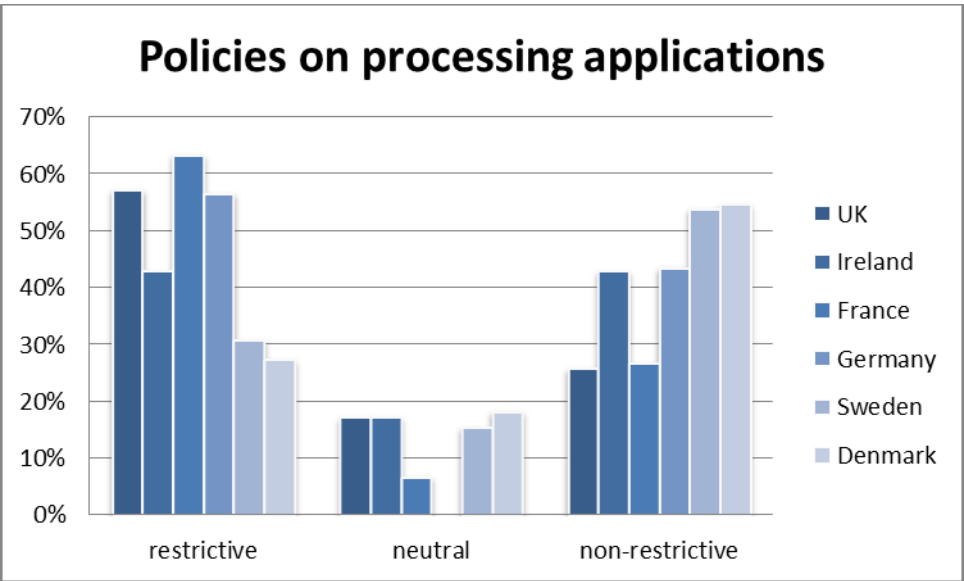


Table 4.4 the percentage of restrictive and non-restrictive quotes on the processing of applications



The tables above show that the UK policies on processing applications are mostly restrictive. When comparing this to the policies on welfare provisions the policies are essentially restrictive but not as restrictive as the policies on processing applications. For Ireland this relationship is clearer. The policies on the processing of applications are almost equally restrictive as well as non-restrictive. However the policies on welfare provisions show that Ireland is substantially more restrictive in this area. When these two countries are taken together a trend shows that how more non-restrictive on policies on the processing of applications the more restrictive they are on welfare provisions. This is

in line with the ideology of Liberalism that holds that welfare provisions are kept to a minimal, but that everyone is equal by not receiving welfare provisions. Therefore there is less at stake for the state and less restrictive policies on processing applications are maintained. When investigating the conservative states one sees that France is very restrictive in the policies on the processing of applications while being more in-between in the policies on welfare provisions. This is similar to the comparison of those policies of the UK. Germany belongs in both areas of policy to the in-between group. It is neither explicitly restrictive nor non-restrictive. Germany follows in this the expectations while France is closer to the Liberal welfare state regime in these instances. This is the same conclusion as the one from the general comparison of each country. For the social-democratic it shows that in comparison with the policies on welfare provisions the policies on processing applications are more restrictive. Although it needs to be noted that overall the policies are still both mostly non-restrictive. The explanation for this situation can come from the ideology of social democracy that provides large welfare distributions for vulnerable groups. Since asylum seekers are a vulnerable group they might be a burden to this system and therefore extensive welfare states would have more restrictive policies on processing applications. As can be seen this might be true, but overall also on the policies on processing applications the Social-Democratic welfare states are still non-restrictive. Because the countries that are being investigated are all welfare states this argument could apply to all types.

What is a noticeable result is that the biggest difference in restrictiveness on both policies is seen in Sweden. Even though Sweden is in both areas one of the most non-restrictive, they are a lot more restrictive on the processing of applications than that they are on the policies on the provision of welfare. This is also seen the other way around, they are a lot more non-restrictive on their welfare provisions than that they are on their policies on the processing of applications. This result actually confirms the argument of Bommers and Geddes (Bommers & Geddes, 2003) which holds that extensive states are more generous in their welfare state provision once they are a citizen of the country but would prevent them from entering. Compared to the levels of restrictiveness of the other countries it is seen they are not more strict but there is a tendency seen in favour of the argument of Bommers and Geddes (2003). This effect can also be seen the other way around. The biggest difference is seen in the reversed relationship in Ireland. In Ireland they are more restrictive on their welfare provisions than that they are on their policies on the processing of applications. This is in accordance with the ideology of liberalism which argues that there is no real distinction between citizens or non-citizens in their welfare provisions because there are almost no welfare provisions. This means that the borders are open but once you get in you are not entitled too much. This provides for an answer to the third sub-question of this thesis.

To conclude this part of the chapter it can be said that a tendency is found towards a trade-off between the level of restrictiveness on welfare provisions and the level of restrictiveness on policies on the processing of applications can be found. However this trade-off is not very clear but it is mostly seen in Ireland and Sweden. It is also seen that in general the policies on the processing of applications are more restrictive than the policies on welfare provisions.

4.4 Concluding remarks

At the end of this analysis several conclusions can be made. The first conclusion is that there is no clear connection found between the welfare state and the level of restrictiveness of asylum policies by doing a word count analysis of the texts. For the second part of the analysis the

conclusion can be formed that the different welfare state regime types do differ on the level of restrictiveness of their asylum policies. The Social-Democratic countries clearly have the most non-restrictive asylum policies, while there is also a tendency found in the Liberal welfare state to be more restrictive and the Conservative countries to have neither of them explicitly. For the conservative welfare state and the Liberal countries the outcomes aren't as clear as for the Social-Democratic one, but still a trend is noted.

For the third part of the analysis, the comparing different aspects and domains of asylum policies and their level of restrictiveness, there is also no clear relationship found. However it is shown that there is a tendency towards welfare states that are having, in comparison, more restrictive policies on the processing of applications have less restrictive policies on the welfare provisions. Welfare states that have more restrictive policies on their welfare provisions have less restrictive policies on the processing of applications. These results confirm the previous research done by Sainsbury (Sainsbury, 2012) and form an argument for the theories of Lahav and Ireland (Ireland, 2004; Lahav, 2004) who argued that ideology matters when taking a position on asylum policies and that left-wing parties are more committed to cultural pluralism and political, economic and social equality. This leads to an opposition to discrimination against migrants. The results are in sharp contrast with the theories of Geddes (Geddes, 2003) who had argued that countries with a generous welfare state are more protective of their welfare state and therefore prevent migrants from entering their country. The results of this thesis prove his theory wrong. In the next chapter a conclusion of this research will follow as well as a discussion on its validity.

Main findings

- The results of the manifest analysis suggest that the levels of restrictiveness are close together except for the United Kingdom who has a clearly restrictive result.
 - Through the manifest analysis no pattern is found between the welfare state and asylum policies.
 - Through the latent analysis a tendency is found for a connection between the welfare state and asylum policies.
 - France and Germany switch places in the outcome as compared to the expected results.
 - The Social-Democratic welfare state fit to the expected relationship of being most non-restrictive
 - Welfare states are generally more restrictive in their policies on processing of applications than they are on policies on welfare state provisions.
 - Countries that are more non-restrictive in their welfare provisions are in comparison more restrictive in their policies on the processing of applications. Countries that are more non-restrictive in their processing of applications are more restrictive in their policies on welfare provisions.
-

5. Conclusion

This thesis has started with stating the current situation in the European Union with floods of refugees wanting to go to countries that they believe will provide them the best chances to access the country and the best welfare provisions. In this thesis I wanted to find out whether those refugees, that mainly want to go to the United Kingdom and Germany, are true for wanting to go to these countries. By comparing the level of restrictiveness on asylum policies I found out which the best countries are for an asylum seeker to go to. By connecting this to the welfare state regime type I also provide for a possible explanation of these results.

This thesis started with the expectation that the Social-democratic welfare state would have the most non-restrictive asylum policies, the conservative welfare state would have neither explicitly restrictive nor non-restrictive asylum policies and that the Liberal welfare state would have the most restrictive asylum policies. This expectation was formed because previous research on the types of welfare state and social rights for immigrants has proven that the expectation of this thesis should be correct. This is in contrast to leading scholars and how they argued about the underlying reasons why a welfare state regime type would be either more restrictive or non-restrictive. The answers to the sub-questions that were given in the data analysis will lead to the answer to the overall research question: **“To what extent do different welfare states differ in their level of restrictiveness of asylum policies?”** The answer to this question is found in the answers to the different sub-questions.

From the manifest analysis of the text no pattern is found between the welfare state and the level of restrictiveness. The results are very close together which could imply that there are not many differences in the level of restrictiveness. However for the United Kingdom a clearly restrictive result came from the analysis.

From the results of the latent analysis it is possible to state that the liberal welfare state has much more restrictive asylum policies than the social-democratic and with this a part of the expectation has come true. However France and Ireland have a different position on their level of restrictiveness than was expected. The results of the latent analysis showed that Ireland is a lot less restrictive than expected and France a lot more restrictive. When comparing their results of the latent analysis with the expectation they have switched places. Therefore it can be said that the social-democratic is the most non-restrictive welfare state in their asylum policies. But it is not possible to make any conclusions about the liberal and conservative welfare state being either more or less restrictive than the other.

From the analysis on the level of restrictiveness on the area of asylum policy the results showed that welfare states are generally more restrictive in their policies on the processing of applications than that they are in their policies on welfare state provisions. To come to this conclusion a content analysis was used with a two-folded approach. First a manifest coding was done with a word count as a result that had a restrictive or a non-restrictive labelling. The second approach was done by a latent coding. This is a more qualitative approach to label certain quotations (that can be found in the appendix) with either a restrictive or a non-restrictive coding and next to this also a coding of which sort of policy it concerns.

The conclusion of this thesis is in contrast with the theories of van Kersbergen, Spehar et al. and Geddes who argued that either the Liberal or the Conservative welfare state would be most non-restrictive. This thesis does fit to the theories of Sainsbury, Lahav and Giddens who all argued that the Social-Democratic welfare state would be the most non-restrictive of the welfare state regime types. Their main argument is that extensive welfare states are based on an ideology to take care of

the most vulnerable groups which is confirmed in this thesis according to the results. The main argument of the opposition is that extensive welfare states would be more protective towards their provisions and therefore would have more restrictive entrance policies. This argument in general is not true when compared to the other countries. However Ireland and Sweden show a clear trade-off between their level of restrictiveness on their policies on welfare provisions and their policies on the processing of applications. This means that the arguments of the opposition, that welfare states that have more open borders have stricter welfare provisions and that welfare states that have closer borders are more generous in their welfare provisions, might hold some truth.

When looking at recent articles in the European Journal of Social Sciences it shows that only a couple of months ago the three types of welfare capitalism celebrated its 25 year anniversary. In one of the articles an argument is made by Esping-Andersen "that the Scandinavian welfare regime has been, comparatively speaking, substantially more effective in equalizing the opportunity structure. And it has accomplished this feat primarily by enhancing the mobility prospects for those with humble social origins(Gøsta Esping-Andersen, 2014)." This argument is in line with the findings in this thesis in which the results also show that Scandinavia enhances the prospects of asylum seekers which are in these societies people with 'humble origins'(Gøsta Esping-Andersen, 2014, p. 9). This article shows that the typology of Esping-Andersen is still relevant in the current days and therefore provides for a good argument of the relevance of this thesis since it is build mainly upon this theory.

The conclusion mentioned above that has followed from the analysis might have certain implications for policy makers. Since the European Union is trying to get a Common European Asylum Policy that provides for the same rules and legislations throughout the EU on asylum policies it is important to know the current position of the countries and to which extent they differ. This thesis provides a clear overview of the current situation in the level of restrictiveness of some European countries. The connection with the type of welfare state provides for an understanding of the results and the ideologies on which the asylum policies might be based. To get to common asylum policy for Europe the priorities of the countries should be closer together because as is shown in the results the countries differ much in the field of asylum policies.

There are several limitations to this research that should be taken into account when interpreting the results and should be considered in further research. The data used is of a second-hand nature which means it does not stem directly from the source that created the policy. Therefore the manifest coding of the data is not a correct fit because for this type of analysis the words chosen by the creator of the policy is an important factor. Next to this there should be given more attention to the process that might lead to the outcomes. Even though a link between the type of welfare state and the level of restrictiveness of their asylum policies is now established it is necessary to provide more knowledge on the way the relationship works. An important point of discussion to keep in mind when looking at the outcomes of this thesis is the result of Denmark. Denmark is the only country of the six for which a different source is used and the document is older than the other documents that are investigated and this might lead to other results than is true in reality. Therefore for future research it is recommended that the texts that are used should stem directly from the source and only from one source. Next to this an explanatory research needs to be conducted on the relationship between the type of welfare state and the level of restrictiveness of the asylum policies instead of a descriptive research.

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Appendix

The United Kingdom

Access to territory		
	-	<p>Possible instances of people being refused entry and removed before they have had a chance to make an asylum application ('push-backs') were suggested by the disclosure of the 'Gentleman's Agreement' discussed on pages 30-32 (in the section on Border Procedure). This provides that France must accept back people intercepted on landing in the UK who are considered to have made an illegal entry and who have travelled from France and do not say that they wish to claim asylum, provided the return can be effected within 24 hours. The refusal of entry is not formally recorded. If an asylum claim is made, it ought to be dealt with in the UK, but the informality of this process necessarily entails a risk that an asylum claim is not noted or recognised as such.</p>
Processing of application and determining status		
	-	<p>There is no appeal on asylum grounds against a decision that a person may be returned to another country on the First List – i.e. through the Dublin regulation, and no appeal against a decision in the Dublin procedure may be made on the grounds that the asylum seeker would be sent to another country in breach of their rights under the European Convention on Human Rights (ECHR) or in breach of the Refugee Convention.</p>
	-	<p>No personal interview takes place in the Dublin procedure.</p>
	-	<p>In practice, the shortage of publicly funded legal advice and the limitations of judicial review as a remedy mean that poorly based refusals may go unchallenged, with the asylum seeker resorting instead to making another set of further submissions.</p>
	-	<p>The second accelerated procedure is a detained fast track procedure (DFT) where the Home Office consider that the claim is capable of being decided quickly. The whole DFT decision process is conducted in detention. In theory the two procedures are very different in that NSA implies that there is no merit, whereas DFT is based on speed. However, as described below, informally the DFT also appears to operate as an 'unfounded' procedure.</p>
	-	<p>In practice those cases channelled into the DFT are nearly all refused (a 95-99% refusal rate is given in published figures). Although the criterion is that the decision can be made quickly, the very low number of grants of leave in the DFT gives an impression which is shared by lawyers, NGOs and refugees that claims routed into the DFT are regarded as unfounded.</p>
	-	<p>Legislation allows for a safe country of origin concept.</p>
	-	<p>Where applications are certified as clearly unfounded this may be on an individual basis, but is more often on the basis that the applicant is from a</p>

		country designated in law as safe. In these cases there is no appeal against refusal from inside the UK, and the applicant may be detained.
	-	There is no specific mechanism to identify adult asylum seekers who need specific procedural guarantees.
	-	As stated above in relation to the Dublin procedure, there is no provision for a personal interview in safe third country cases
	-	Where an asylum claimant comes from a designated country, the UK Visas and Immigration caseworker is obliged to certify the case as clearly unfounded unless satisfied that the individual case is not clearly unfounded. The consequence of the certificate is that an appeal against refusal may only be made from outside the UK (See appeal - accelerated procedures)
	-	The only admissibility procedure in the UK is the safe third country procedure, either removal to an EU country using the Dublin regulation, or another safe third country. There is no screening for admissibility on the basis of the merits of the case .
	-	The most common reason for a claim to be certified as clearly unfounded and thus routed through the NSA procedure is that the asylum seeker comes from a country which is considered to be safe, although a significant number of applicants from countries considered to be safe have their claim individually certified as unfounded.
	-	There are no schemes for legal assistance at the ports, and so no regular presence of legal advisers
	-	There is no established system in the UK for prioritising the cases of people who are particularly vulnerable or whose case appears at first sight well-founded, although prioritising manifestly well founded claims is under consideration, in the developing practice of the Asylum Casework Directorate
	-	The only system for expediting decisions is the Detained Fast Track, discussed below as an accelerated procedure, and this generally results in refusal.
	-	In practice a Dublin decision (i.e. a decision that the Dublin regulation applies) normally entails a decision that the asylum claim will not be considered in the UK. Lawyers say that the UK rarely applies the humanitarian clause of the Dublin Regulation, and that the only exception which the UK regularly makes to issuing a certificate in Dublin cases is where the applicant has a spouse, parents or children
	-	Thus the provisions on eligibility for legal aid need to be read in the context of limited availability of representatives in practice
	-	Given the limited availability of publicly funded representation in practice these time limits are short and asylum seekers may resort to sending in the

		appeal forms without legal representation.
	-	Legal assistance is not provided at the Asylum Screening Unit or at the port of entry. Free legal assistance (funded as described above) is limited to advising the asylum seeker before and immediately after their asylum interview.
	+ -	Asylum seekers are entitled to have a legal representative with them at the personal interview, but there is no public funding for this for adults except in the Detained Fast Track, or in the case of lack of mental capacity, and so few are able to do so in practice.
	+ -	Free legal assistance is available to asylum seekers as part of the state funded scheme of free legal aid in restricted areas of legal practice for people who have not sufficient resources. Although the immigration rules provide that asylum seekers shall be allowed 'an effective opportunity' to obtain legal advice, access to this is not guaranteed.
	+ -	There are no other procedural guarantees in law for vulnerable adult applicants relating to decision making or application process, except that they should not, according to policy, be detained.
	+ -	Appeals against refusals in accelerated procedures can be suspensive or non-suspensive because there are two different systems. In the NSA the appeal is non-suspensive; in the DFT no removal will take place until the appeal is decided, but the appeal takes place in a building adjoining the detention centre, and detention is maintained until the case is concluded or removed from the DFT.
	+ -	Firstly where the claim is certified by the Home Office as clearly unfounded, there is no in-country appeal. These are called NSA (non-suspensive appeal) cases. The majority of cases certified in this way are of applicants from a deemed safe country of origin, but cases are also certified as clearly unfounded on an individual basis.
	+ -	There is no appeal on asylum grounds against a safe third country decision. However, an appeal may be made on the grounds that the person would be sent by that third country to another country in breach of their rights under the European Convention on Human Rights (ECHR)
	+	There is no specific time limit for asylum seekers to lodge their application.
	+	Medical evidence may be submitted but the initiative for obtaining a report comes from the applicant or their lawyer. There is no legal provision which requires the provision of a report for the purposes of the asylum claim.
	+	The procedure for identifying unaccompanied children is governed by guidance and case law. At the screening stage, where a person appears to an immigration officer or the Home Office caseworker to be under 18, policy

		guidance is that they are to be treated as a child. In case of doubt, the person should be treated as though they are under 18 until there is sufficient evidence to the contrary.
	+	The immigration rules provide that asylum applicants should be informed 'in a language they may reasonably be supposed to understand and within a reasonable time after their claim for asylum has been recorded of the procedure to be followed, their rights and obligations during the procedure, and the possible consequences of non-compliance and non-co-operation. They shall be informed of the likely timeframe for consideration of the application and the means at their disposal for submitting all relevant information.'
	+	Unlike in the regular procedure, fast track detainees are entitled to have a publicly funded legal adviser present at their initial interview.
	+	There are no special rules or restrictions applying to legal assistance in the safe third country procedure. As with applicants who are subject to the Dublin procedure, in principle an asylum seeker subject to a third country decision has the same opportunity as any other asylum seeker to obtain access to free legal representation.
	+	Before a Dublin certificate is issued an asylum seeker has the same opportunity as any other asylum seeker to obtain access to free legal representation
	+	There is a right to appeal from an initial asylum decision under the regular procedure.
	+	Applicants are entitled to a personal interview, and this is standard practice
Welfare provisions		
	-	Once an asylum claim is refused and appeal rights exhausted, s.95 support stops, except for families with children. Asylum seekers then become absolutely destitute, with no entitlement to accommodation or money.
	-	Access to mental health services is not guaranteed, and indeed is often lacking.
	-	free hospital treatment is not generally available to asylum seekers who are not on s.95 or s.4 support. Hospital doctors should not refuse treatment that is urgently needed for refused asylum seekers who are not receiving s.95 or s.4 support, but the hospital is required to charge for it.
	-	The amount of support is not adequate to meet basic living needs. Section 95 support for a single adult was originally set at 70% of the social welfare

		payment for nationals which is calculated to meet only basic living needs.
	-	Delays in getting an appointment at a legal surgery mean that in practice they may face removal before they can obtain an appointment, although some centres operate a priority system for people who have removal directions.
	-	One reason that the backlog of unresolved asylum cases has caused such public concern is that refused asylum seekers, who may still be trying to establish their claim, may spend years in destitution.
	-	In practice asylum seekers are required to prove that they are destitute and this is strictly enforced. All assets which are available to them are taken into account, whether in the UK or elsewhere, if they consist of cash, savings, investments, land, cars or other vehicles, and goods held for the purpose of a trade or other business
	-	There is no transparent mechanism for review of asylum support rates to ensure that they meet essential living needs, and the government's present position is that no increase can be expected.
	-	As discussed in the section on Criteria and restrictions to access reception conditions, there is no choice of accommodation, and families may be separated if they are not claiming asylum together. For instance where the father of a child is not an asylum seeker or is not part of the same asylum claim as the mother, mothers are placed in accommodation without their partners.
	-	Lighting is not always sufficient, since it may in some centres be turned off. As far as our information goes, rooms are generally lockable, but the fact of sharing with a stranger removes some of the benefit and practicality of this.
	-	In further education and higher education the UK maintains different provisions for 'home' students and 'overseas' students. Regulations permit universities to charge higher fees to overseas students than to home students.
	-	In addition to financial difficulties, language, interrupted education due to experiences as a refugee, and incompatibility of educational systems and qualifications may all be barriers to access to further and higher education.
	-	Asylum seekers are not generally allowed to do paid work. The limited exception is that they may apply to the Home Office to be given permission to enter employment when their claim has been outstanding for a year.
	-	Detention during the asylum decision-making process is not usual. Most asylum seekers whose claim has not yet been decided are at liberty on a

		status known as temporary admission. The main exception is in the detained fast track (see section on accelerated procedures) where asylum seekers are detained throughout the asylum decision-making process.
	-	In practice inadequate levels of support, destitution and the charging regime impede and discourage access to healthcare.
	-	National legislation does not distinguish between different procedures in terms of detention. By definition during the accelerated procedure of the Detained Fast Track asylum seekers are detained. In practice asylum seekers are often detained in the accelerated procedure with non-suspensive appeal (NSA procedure) and very often in the Dublin procedure. In the regular procedure asylum seekers are not usually detained at the beginning of the procedure, but may be at later stages after their claim is refused if removal is being considered.
	+ -	In the centres food is provided at fixed times. There is little choice but sometimes people who make their needs known will be given food that is more suitable for them. Pregnant women have said how difficult it is to cope with fixed mealtimes, especially if they are not well during their pregnancy.
	+ -	Asylum seekers live among the rest of the population and have no restrictions on their freedom of movement except that imposed by lack of resources and the requirement to stay at the allocated address. That they stay at the address is monitored by routine visits by the housing providers, and by the requirement to report regularly (anything from twice weekly to every two months) at a regional Home Office reporting centre.
	+ -	Movement is not restricted to defined areas, but temporary admission, which is the usual status of asylum seekers, is usually conditional on residence at a particular address, and there is a requirement to keep the Home Office informed of any change of address
	+	When asylum seekers are detained, they are detained in immigration removal centres, usually under the same legal regime and in the same premises as other people subject to immigration detention.
	+	In all procedures for determining a first claim, where asylum seekers are not detained, if they are destitute they are entitled to accommodation and/or a weekly sum of money. While the assessment of their eligibility for support is going on, they may be paid a temporary sum .
	+	Education is compulsory for children from 5 to 16. This includes asylum-seeking children, who attend mainstream schools local to where they live under the same conditions, formally, as other children in their area. However, destitution may affect their access to education.

	+	Detainees may have visits during visiting hours.
	+	A detainee can apply for bail at any time, although if they are detained while their application is being considered they must have been in the UK for seven calendar days.
	+	Contract terms between the Home Office and the private companies provide that there shall be access and facilities in initial accommodation for nominated third parties (including NGOs, UNHCR, legal advisers).
	+	There is no mechanism laid down by law to identify vulnerable groups or persons with special reception needs, although there is policy that instructs caseworkers to assess whether the asylum seekers have any special medical needs that will affect dispersal.
	+	They are not detained in prisons purely in order to process an asylum claim or to remove them after they have been refused asylum
	+	In England, there is free hospital treatment to asylum seekers with a current claim, those refused asylum seekers who are receiving s.95 or s.4 support and unaccompanied asylum seeking children.
	+	Access to legal assistance is subject to the same means test as for immigration and asylum legal aid generally.
	+	Policy is that vulnerable people are unsuitable for detention, and that they should only be detained exceptionally, or when their care can be satisfactorily managed.
	+	The Detention Centres Rules provide that there must be a medical team in each detention centre, and that each detainee must be medically examined within 24 hours of arrival.
	+	Women and children are detained separately from men except where there are family units.

Ireland

Access to territory

	+	There were no reports of push backs or refoulement. A person who arrives in Ireland seeking entry may be refused leave to land. If that person then seeks to claim asylum they should be permitted to enter for that purpose.
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Processing application and determining status

	-	In the past, some applicants have been unaware that they fall under the Dublin Regulation and do not make additional submissions. Anecdotal evidence also suggests that in the past some applicants are served with notice of a decision under the regulation and the transfer order simultaneously, thus precluding them from seeking assistance to challenge the decision. This also means that they are not ordinarily informed that a request has been made to take charge or take back. Detention may also occur at the same time in order to give effect to the removal to the third country
	-	In cases where Ireland has agreed to take back an asylum seeker under the Regulation, the person may be detained on arrival and have difficulty in accessing the asylum procedure (possibly for a second time).
	-	There is no free legal assistance at first instance in the border procedure
	-	Where the assessment cannot establish an exact age, young people are not generally given the benefit of the doubt. If someone seems over 18, even by a day, there is typically a decision to move the young person into adult accommodation
	-	There is no legal aid available to advise people who are seeking to be admitted to the procedure. The Refugee Legal Service will only be available after the application for asylum has been registered by the Office of the Refugee Applications Commissioner (ORAC)
	-	Persons seeking Ministerial consent to make a subsequent application for asylum have been told that they are not entitled to accommodation and financial support until the application is accepted on the grounds that they are not actually an asylum seeker.

	-	In 2000, following an increase in the numbers applying for asylum in the 1990s, a decision was taken to withdraw social welfare from asylum seekers and to provide for their basic needs directly through a largely cash-less system. This became known as Direct Provision (DP).
	-	Where it appears to the ORAC that an applicant is a national or has a right of residence in a designated safe country then the applicant is presumed not to be a refugee unless they can show reasonable grounds for the contention that they are a refugee. Their application will be given priority and may be dealt with by the ORAC before other applications. There is no appeal against a designation that a person comes from a designated safe third country
	-	The Refugee Legal Service provide legal assistance to asylum seekers who are detained. Jesuit Refugee Service Ireland noted in June 2011 that visits and assistance by Refugee Legal Service Section 17 of Statutory Instrument No. 344/2000 - Refugee Act, 1996 (Places and Conditions of Detention) Regulations, 2000.78 solicitors to detained asylum seekers seemed inconsistent. No NGO provides routine legal assistance to detained asylum seekers
	-	A person can be refused leave to land at a port or border and then subsequently make an application for asylum. In 2012 a total of 2397 non-nationals were refused leave to land, 158 of those persons were subsequently permitted to enter the State having made an application for asylum
	-	Section 85(a) provides guidance on identification of unaccompanied children only once the applicant is recognised as a child. In practice in Ireland, interviews and age assessment tools are used to assess age and no statutory or standardised age assessment procedures appear to be in existence.
	-	There is no mechanism for the identification of vulnerable people, except for unaccompanied children
	-	The only way to challenge a decision refusing admittance in to the asylum procedure would be by way of judicial review to the High Court but there is often no way that a passenger is aware of this or has the knowledge and means to contact a legal representative before removal. Judicial review is not an appeal but an application

		for review of the decision leading to the decision to refuse admission to the procedure. This is different to a person who is allowed to make an asylum claim as, if refused, there would be a right of appeal (albeit possibly limited) to the Refugee Appeals Tribunal
	+-	There is no time limit in law for ORAC to make a decision on the asylum application at first instance
	+-	At the appeals stage, the applicant may obtain free legal assistance; however, the short time frame for preparation of the appeal presents practical obstacles
	+-	Applicants under the accelerated procedure fall under the same rules for legal assistance as those who are not under the accelerated procedure. Practical obstacles in giving legal assistance in the accelerated procedure could include that the legal representative has difficulty in assisting the applicant in the shorter time period.
	+-	they have four working days to make an appeal and that appeal shall be determined without an oral hearing. The appeal is suspensive
	+-	This means that if an applicant falls within the above categories, their application will be given priority and will be dealt with by the Commissioner before other applications.
	+-	RLS services are provided in relation to the asylum procedure itself so matters outside the application (e.g. those related to reception conditions) are not covered by their legal advice and assistance. As with any other person, it is open to an applicant to apply to the Legal Aid Board for legal services in other matters; however, applicants may face substantial waiting lists.
	+	The Refugee Act provides that a person arriving at the frontiers of the State seeking asylum shall be given leave to enter the State by the immigration officer concerned. This is on a temporary basis and does not entitle the person to apply to vary their leave. It is simply to admit them to proceed with their asylum claim. Persons to whom such temporary residence is granted is entitled to remain in the state until (a) they are transferred under Dublin III Regulation; (b) their application is withdrawn; (c) they receive notice that their application for protection has been refused by the Minister.

	+	An applicant has 15 working days to appeal from a decision of ORAC under the Dublin III Regulation in accordance with section 6 of S.I. No. 525 of 2014.
	+	Where an asylum seeker is detained, they must be informed, where possible in a language that they understand, that they shall be brought before a court as soon as practicable to determine whether or not they should be committed to a place of detention or released pending consideration of the asylum application.
	+	The immigration officer informs the person that they may apply to the Minister for Justice and Equality for protection and that they are entitled to consult a solicitor and the UN High Commissioner for Refugees. Where possible this is communicated in a language that the person understands.
	+	Applicants may approach an NGO called SPIRASI, which specialises in assessing and treating trauma and victims of torture, to obtain a medical report.
	+	Section 17(7) of the Refugee Act 1996 (as amended by Statutory Instrument No. 51/2011 - European Communities (Asylum Procedures) Regulations 2011) sets out that a person who wishes to make a subsequent asylum application must apply to the Minister for permission to apply again. The application must set out the grounds of the application and why the person is seeking to re-enter the asylum process. The application is made in writing and there is no oral interview. The Minister shall consent to a subsequent application being made when new elements or findings have arisen or have been presented by the person concerned, which makes it significantly more likely that the person will be declared a refugee, and the person was capable of presenting those elements or findings for the purposes of their previous application for a declaration
	+	An applicant who is subject to the Dublin Regulation may access legal information through the Refugee Legal Service. Technically this is not completely free legal representation as there is a small amount to be paid but it is often waived .
	+	The Refugee Legal Service (RLS) is a division of the state-funded Legal Aid Board, an independent statutory body funded by the State. To qualify for legal services in respect of their asylum application, the applicant's income (less certain allowances) must be less than €18,000 per annum. Applicants in Direct Provision (the

		<p>state system of reception, accommodation and support) are generally eligible for legal services at the minimum income contribution, but may apply to have some of the contribution waived, at the discretion of the Legal Aid Board. Strictly speaking, there is a small fee to be paid of €10 for legal advice and €40 for representation, but this is invariably waived by the Refugee Legal Service</p>
	+	<p>The Refugee Appeals Tribunal (RAT) was established on 4 October, 2000 to consider and decide appeals against recommendations of the Office of the Refugee Applications Commissioner (ORAC) that applicants should not be declared to be refugees. This legislation makes provision for both substantive appeals and accelerated appeals. It also provides for appeals of determinations made by ORAC pursuant to the Dublin Regulation.</p>
	+	<p>An immigration officer grants leave to enter the state following an interview at the border. Section 8 of the Refugee Act 1996 states that a person, who arrives at the frontiers of the State, seeking asylum in the State or seeking the protection of the State against persecution or requesting not to be returned or removed to a particular country or otherwise indicating an unwillingness to leave the State for fear of persecution, shall be interviewed by an immigration officer as soon as practicable after such arrival.</p>
	+	<p>Legal aid for appeals is available through the Refugee Legal Service.</p>
	+	<p>The legislation provides for a further substantive personal interview for all applicants, including those prioritised, after the submission of the written Questionnaire.</p>
	+	<p>The legislation states that “a detainee shall have reasonable access to a solicitor of his or her choice and shall be enabled to communicate with him or her privately”</p>
	+	<p>All cases are processed even for example where the country of origin is deemed ‘safe’. There are no specific time limits.</p>
Welfare provisions		
	-	<p>Asylum seekers are prohibited from working under Section 9 (4)(b) of the Refugee Act 1996. Section 15 of the Social Welfare and Pensions (No.2) Act 2009 states that an individual who does not have a ‘right to reside’ in the State shall not be regarded as being</p>

		habitually resident in the State. As asylum seekers do not have a right to reside in Ireland they are therefore excluded from social welfare
	-	Under Section 13 of the Social Welfare (Miscellaneous Provisions) Act, 2003 asylum applicants are specifically excluded from receiving rent supplement.
	-	While persons receiving Direct Provision support are entitled to food, accommodation and a small financial allowance they are not entitled to access the mainstream welfare system because they are deemed not to be habitually resident. This exclusion from the social welfare system makes it difficult to make a comparison between the level of material support given to persons receiving Direct Provision support and the allowance given to Irish nationals or other persons deemed habitually resident. However, the communal nature of the accommodation, the small financial allowance and the fact that persons are given food, rather than allowed to cook their own food, indicates that Direct Provision is at the very least inferior to social welfare.
	-	The report also recorded parents stating that they often had no control of the physical conditions of the room, with inadequate heating, poor insulation and general lack of cleanliness and safety reported. The report noted that children often had no privacy and had no access to a safe space for play; the spaces allocated were often dirty or not appropriate with insufficient toys for the number of children using the area.
	-	There are no provisions in practice that take into account the needs of vulnerable persons and there are no special reception conditions.
	-	Concerns regarding overcrowding were also expressed by residents in a study by the NGO Nasc (an Irish word meaning 'link'), with persons of different religious faiths often accommodated in the same room.
	-	Asylum seekers are detained in regular prisons.
	-	More generally, the CPT observed that several of the prisons visited remained overcrowded with poor living conditions, and that they offered only a limited regime for prisoners
	-	There is no access to the labour market for asylum seekers in

		Ireland. Section 9 (4) of the Refugee Act 1996 (as amended), states that an applicant shall not seek or enter employment or carry out any business before the final determination on their application. Anyone who contravenes this provision is deemed guilty of an offence and is liable on summary conviction to a fine not exceeding £500
	-	Overcrowding of rooms was recorded as being prevalent with whole families – adults and children of varying ages – sharing one bedroom. The report stated that this could lead to familial disputes and increased incidents of abuse,
	-	There is no automatic access to third level education (education in Universities and Colleges), or vocational training.
	-	Freedom of movement is not restricted but the Reception and Integration Agency (RIA) house rules require residents to seek permission if they are going to be away from their accommodation overnight
	-	In practice freedom of movement is restricted due to the very low level of financial support given to asylum seekers which means that, unless transport to and from a centre is free and at a suitable time, it is often too costly to travel out
	-	The Irish Refugee Council for example has been refused access to some centres but given access to others
	-	The Department of Health has recently stated that there are no plans to exempt asylum seekers from prescription charges, despite claims they adversely impact asylum seekers and that some people spend all of their weekly allowance of 19.10 euro on prescription charges.
	-	There is no legislation on reception conditions in Ireland, nor are there any provisions to identify or assess special reception needs of vulnerable people. The one exception is unaccompanied children, who are not accommodated in reception centres until after they turn 18.
	+/-	There is no law regulating access to reception centres. In practice access is granted on a discretionary basis and anyone wishing to visit must apply to Reception and Integration Agency (RIA) or get permission from the centre management. Residents may invite guests into the centres, but they are confined to the communal

		areas.
	+/-	Detention is not widely used for asylum seekers in Ireland. There are no detention centres for asylum seekers and irregular migrants. Asylum seekers are detained within the general prison population, at a Garda Síochána (police) station or another designated place of detention.
	+	Access to health care is free for asylum seekers living in Direct Provision and therefore has no legislative basis. Once in Direct Provision, they receive medical cards which allow them to attend a local doctor or general practitioner who are located in or attend the accommodation centres. A person with a medical card is entitled to prescribed drugs and medicines but must pay a charge for prescribed medicines and other items on prescription from pharmacies.
	+	Persons issued with a deportation order which is not yet effected, continue to be housed in RIA accommodation.
	+	The legislation further states how a detainee shall be treated when detained
	+	Detention is not used on a regular basis in Ireland, except in the following circumstances
	+	Anyone applying for asylum, who does not have the means to support themselves can access support and accommodation through a section of the Department of Justice known as the Reception and Integration Agency (RIA).
	+	A detainee shall have reasonable access to a solicitor of his or her choice and shall be enabled to communicate with him or her privately.
	+	There is no specific provision relating to health care for detained asylum seekers and they would have access to the same health care as the general prison population.
	+	Legislation provides for principles which are required to be regarded when a person is detained. Applicable provisions include that due respect shall be had for the personal rights of detainees and their dignity as human persons, and regard shall be had for the special needs of any of them who may be under a physical or mental disability. Secondly that when a detainee has family in the state, regard shall be had for the right of the detainee to maintain

		reasonable contact with the other members of that group, whether other members of the group are also detained or not. Thirdly that information regarding a detainee shall not be conveyed to the consular authorities of the state from which the detainee claims to be fleeing, and contact shall not be made with those authorities, except at the express request, or with the express consent, in writing of the detainee
	+	There have been no reports of asylum seekers not being able to access material reception conditions due to a lack of capacity or space in the system.
	+	Asylum seeking children can attend local national primary and secondary schools on the same basis as Irish citizen children
	+	Specialised treatment for trauma and victims of torture is available through an NGO called SPIRASI which is a humanitarian, intercultural, non-governmental organisation that works with asylum seekers, refugees and other disadvantaged migrant groups, with special concern for survivors of torture
	+	Families are generally accommodated together in the same accommodation centre. There have been no reports of members of the same family being required to live in different accommodation centres

France

Access to territory		
	-	<p>Even though this is exceptional, there are occasional reports of people simply being refused entry at the border. For example, in January 2014, the press reported that two young Guineans were denied entry to French territory upon their arrival (in Marseille) on a cargo ship from Dakar. ANAFE reported that the border police had refused to register their asylum application and refused their admission to the territory. These young Guineans were then taken back to the ship, without having been placed in the waiting zone and without benefiting from the "clear day" notice period (24 hours during which the person cannot be returned). This refoulement ended dramatically as these two boys jumped into the sea to escape this forced return and one of them drowned</p>
Processing application and determining status		
	-	<p>Access to legal assistance is therefore uneven depending on the type of reception conditions provided. Asylum seekers in the most precarious situations, those without reception conditions, are offered fewer services than those accommodated in CADAs. This situation leads to unequal treatment between asylum seekers accommodated in CADAs, who receive support and in-depth assistance, and asylum seekers housed in emergency facilities, who are without direct support and are sometimes located far away from the regional orientation platforms. Furthermore, these platforms do not have the same capacity as CADAs, and greatly limits the services provided to these persons.</p>
	-	<p>There is currently no system in place for exemption from the application of the accelerated procedure -even for vulnerable persons. Elderly or disabled people can also be channelled into an accelerated procedure (and are therefore given less favourable reception conditions</p>
	-	<p>In addition, as the telephone in certain waiting zones is not free of charge, contact with NGOs or even UNHCR is not easy. Several decisions by the Courts of Appeal have highlighted the irregularity of the procedure for administrative detention in a waiting zone, due to the restrictions placed on exercising the right to communicate with a lawyer or any person of one's choice. The fact that asylum seekers may have no financial means of purchasing a phone card is therefore a restriction on this fundamental right.</p>

	-	Unaccompanied children held in waiting zones are subject to the same procedure. According to Human Rights Watch, this system “leaves children facing the risk that their asylum claims will not receive appropriate consideration or that their deportation will be improperly expedited”
	-	In any case, having been determined to be above 18 as a result of an age assessment procedure has a dramatic impact on the young asylum seeker’s ability to benefit from fundamental rights. The age assessment procedure does not entail the granting of new documentation. This means that the person might be considered alternatively as an adult or a child by various institutions.
	-	The legal framework does not foresee the use of medical reports when examining asylum applications. However, applicants often present medical certificates from specialised centres. According to some doctors, all too often, their certificates are not taken into account (OFPRA often dismisses them as evidence, without seeking a second opinion).The medical report is paid for by asylum seekers via the state supported medical insurance (CMU or AME)
	-	Placement under an accelerated procedure often results from the use of the safe country of origin concept, from evaluations carried out by the prefectures that the applications are abusive (suspected falsification of identity) and from the frequent use of the accelerated procedure for asylum requests lodged from administrative detention centres.
	-	In France there is no specific mechanism in place for identifying asylum seekers in need of specific procedural guarantees. French law does not presently foresee any special treatment for vulnerable groups of asylum seekers
	-	The lack of suspensive effect of the appeal in the accelerated procedure can have serious consequences when a return decision is taken by the prefecture following a negative decision from OFPRA on the asylum application
	-	In theory, asylum seekers channelled into an accelerated procedure have the same rights with regard to access to legal assistance as those in a regular procedure. In reality, asylum seekers placed under an accelerated procedure have difficulties accessing reception conditions where legal assistance is available.
	-	Finally, the requirement to write the asylum application in French is a serious constraint. For asylum seekers who do not benefit from any support through the procedures and who may face daily survival

		concerns, the imposed period of 21 days (or 15 days for the accelerated procedure) is very short
	-	No legal adviser is present during the OFPRA interview (the only exception for the presence of a third party is the presence of legal representatives for unaccompanied children).
	-	There is no permanent legal adviser or NGO presence in the French waiting zones. Asylum seekers must therefore try to get hold of an adviser by phone from the waiting zone. Many concerns have been raised about effective access to a telephone.
	-	Apart from cases where applicants under a Dublin procedure have access to reception facilities through the emergency scheme, usually they only have access to the legal assistance provided by the orientation platforms. Access to legal aid can be obtained upon conditions of low income. Applicants must request this allowance at the office for legal aid of the relevant administrative court (Tribunal Administratif). This office can ask for further information and a short account of the legal and de facto reasons why the asylum seeker thinks the contested decision is unlawful or unfounded and may, for instance, lead to a violation of their fundamental rights. Access to legal aid can be refused if the arguments are deemed unfounded.
	-	The Dublin procedure is applied to all asylum seekers above 14 years old without exception (as per the Regulation).
	-	The notion of safe countries of origin was introduced in French Legislation by the Law of 10 December 2003. By law, a country is considered safe "if it ensures respect for the principles of freedom, democracy and the rule of law, as well as human rights and fundamental freedoms".
	-	Asylum seekers under the Dublin procedure are not eligible for a temporary residence permit like other asylum seekers. They do not benefit from an examination of their application for asylum by OFPRA and therefore they do not have a personal interview on the substance of their application for asylum in France in the framework of this procedure. The merit of their asylum claim will be examined if France is designated as the responsible State at the end of the process.
	-	No system in France is currently provided for giving priority to some applications (e.g. vulnerable persons). There is an informal possibility to ask for a quick summon to a hearing before the CNDA but this is granted on a case-by-case basis in exceptional circumstances. As a

		general rule, NGOs often lack resources to provide the yet very crucial specific support for these vulnerable persons
	+ -	The modalities and the degree of legal assistance provided to asylum seekers in the first instance (OFPRA level) depend on the type of reception conditions they enjoy.
	+ -	A specific border procedure to request an admission into the country on asylum grounds is provided by French legislation, for persons arriving on French territory through airports or harbours. Nobody is exempt from the application of this procedure. Unaccompanied children are also subject to these provisions.
	+	In administrative detention centres (CRAs), French law strictly regulates the access of asylum seekers to NGOs. Some NGOs have a quasi-permanent presence (5-6 days a week) in CRAs as part of their mission to provide information to foreign nationals, and to help them to exercise their rights as outlined in Article R. 553-14 of CESEDA.
	+	French law does not lay down strict time limits for asylum seekers to lodge an application for asylum after entering the country. In practice, the late submission of an asylum application can be considered as an abuse of asylum procedures and can result in the treatment of the application under the accelerated procedure
	+	Following the rejection of their asylum application by the Director General of OFPRA (French Office for the Protection of Refugees and Stateless People), the applicant may challenge the decision to the National Court of Asylum (CNDA)
	+	The appeal process for a border procedure differs significantly from appeals in a regular asylum procedure. When the request for asylum made at the border is rejected, the foreign national is considered to be "not admitted" into French territory. They then have 48 hours (during which they cannot be returned) to make an appeal to the Administrative Court to overturn the decision. This appeal has suspensive effect.
	+	There have been some local initiatives for many years to set up assessment centres for unaccompanied children.
	+	French legislation provides for systematic personal interviews of applicants. Four limitative grounds are set in the law for omitting a personal interview: a) OFPRA (French Office for the Protection of Refugees and Stateless People) is about to take a positive decision on the basis of the evidence at its disposal; b) The applicant is a national of a country for which the provision in article 1.C(5) of the Geneva

		Convention has been implemented (cessation clause); c) the evidence submitted in support of the application is manifestly unfounded; d) medical reasons prohibit the conducting of the interview. In practice, OFPRA rarely omits interviews (for first applications at least). In 2013, 94% of all asylum seekers were summoned for an interview (the rate for interviews actually taking place is 79%)
	+	The border procedure is very different from the asylum procedure on the territory. All asylum seekers subject to a border procedure are interviewed by the border division of OFPRA (French Office for the Protection of Refugees and Stateless Persons, the French determining authorities) which provides the Ministry of Interior with an opinion on whether their application is well-founded or not
	+	As unaccompanied children do not have any legal capacity, they must be represented for any act under all asylum procedures (including Dublin)
Welfare provisions		
	-	The number of reception centres is therefore clearly not sufficient for the French scheme to provide access to housing to all the asylum seekers who should benefit from it in accordance with the Reception Conditions Directive. As of 31 December 2013, 15.000 asylum seekers were on a priority waiting list to obtain a place in a CADA reception centre, amounting to an average waiting period of 12 months.
	-	Only those who have a temporary residence permit and who have a pending asylum claim are eligible to stay in reception centres. Asylum seekers under a Dublin procedure are excluded for now from accessing these centres.
	-	There is currently no mechanism in France dedicated to the identification and care of vulnerable groups and persons with special reception needs
	-	As a general rule, difficulties and delays for an effective access to healthcare vary from one city to the other in France
	-	National legislation does not guarantee any specific provision for access to care related to mental health issues. Asylum seekers can theoretically benefit from psychiatric or psychological counselling thanks to their health care cover (AME or CMU). However access remains difficult in practice because many professionals refuse to receive non-French speaking patients as they lack the tools to communicate non-verbally and / or funds to work with interpreters.
	-	Asylum seekers under an accelerated procedure or Dublin procedure are not eligible to the CMU because they do not have a temporary

		residence permit.
	-	The fact that the allowance is provided only to adults causes inequalities between households of asylum seekers as the same amount will be granted to a single man and to a single parent with three underaged children.
	-	Applicants cannot however choose which reception centre they will be offered a place
	-	Barriers to an effective access to education are varied. Beyond the issue of the level of language, there are also a limited number of specialised language training or initiation classes and limited resources dedicated to these schemes.
	-	In reality, asylum seekers have very limited access to the labour market, due to a number of constraints.
	-	According to a recent report from the CNCDH, access to education remains a concern for unaccompanied children, in particular those who are not taken charge by the competent public service and have to care for themselves.
	-	Finally, French legislation excludes asylum seekers from the granting of all family related welfare benefits as the residence permits provided to asylum seekers are not listed in the permits that give eligibility to these benefits. Asylum seekers are also not eligible to receive the social welfare allowance, the so-called Active Solidarity Income (RSA- Revenu de Solidarité Active), an allowance granted to individuals over 25 years old who do not have resources or have very low income.
	+/-	The number of reception centres is therefore clearly not sufficient to provide access to housing to all the asylum seekers who should benefit from it in accordance with the Reception Conditions Directive. No phenomenon of overcrowding in each of the centres is observed but the overall reception capacities are stretched.
	+/-	Nuclear families can usually stay together during the asylum application process, but in practice it happens that families who have to rely on emergency shelters cannot stay together as rooms for men and women are sometimes separated in these shelters.
	+	In France, there is no policy of automatic administrative detention (called 'retention' in French) of asylum seekers. French law does not allow the authorities to detain asylum seekers for the purpose of the asylum procedure. In 2012, 1.140 third country nationals have lodged an asylum application while in administrative detention.

	+	Legal assistance for persons held in administrative detention (including asylum seekers) is provided by law.
	+	Asylum seekers going through the regular procedure are entitled to housing and an allowance. They can receive the temporary waiting allowance (ATA) if they are not accommodated in a reception centre, or the monthly subsistence allowance (AMS) if they are housed in reception or transit centres. They are entitled to healthcare through a system of universal healthcare (couverture maladie universelle- CMU). The payment of the temporary financial allowance stops one month after the notification of a negative decision by the CNDA.
	+	Access to the labour market is allowed only if the first instance determination authority (OFPRA –French Office for the Protection of Refugees and Stateless Persons) has not ruled on the asylum application within one year after the registration of the application and only if this delay cannot be attributed to the applicant.
	+	In practice, places in CADA reception centres are in fact mostly allocated to the most vulnerable asylum seekers (families with young children, pregnant women, and elderly asylum seekers)
	+	Living conditions in regular reception centres for asylum seekers are deemed adequate, and there are no official reports of overcrowding in reception centres
	+	None of these centres are closed centres. Asylum seekers can go outside whenever they want. The 2011 Circular encourages staff working in CADA centres to organise cultural activities to mitigate the inactivity of the persons accommodated there. Leisure activities such as sport activities or excursions are sometimes organized.
	+	Asylum seekers under the regular procedure, like any other third-country nationals below a certain income level, have access to healthcare thanks to the universal healthcare insurance (CMU) system. Asylum seekers are exempted from the 3 months residence requirement applied to other third country nationals
	+	While no provision of the Education Code covers the particular case of children of asylum seekers, the law provides that they are subject to compulsory education as long as they are between 6 and 16 years old in the same conditions as any child.
	+	In France, reception centres for asylum seekers are not closed centres. They are accessible to visitors of the family accommodated in the centres and to other stakeholders within the limits set by the rules of operation (usually subject to the preliminary notification of the

		manager). Many reception centres are managed by NGOs, whose staff is therefore present on a daily basis.
	+	Asylum seekers benefit from freedom of movement in France (except for persons who introduced an asylum application in an administrative detention centre or who are under house arrest; see Chapter “Detention of asylum seekers”).

Germany		
Access to territory		
	-	The law states that asylum-seekers shall apply for asylum at the border. However, entry to the territory is regularly refused at the border if an asylum-seeker does not have the necessary documents for legal entry. Therefore most applications are lodged by asylum-seekers who have already entered the territory. Under these circumstances the law obliges asylum-seekers to “immediately” report to a branch office of the Federal Office for Migration and Refugees (Federal Office).
	-	In practice, difficulties with registration have been reported in connection with the refusal of entry at the borders. Occasionally, it has been reported that asylum-seekers were arrested by border police in the immediate vicinity of a branch of the Federal Office before they could apply for asylum. If the border police decides to refuse entry, they often detain asylum-seekers in order to deport them to the neighbouring “safe third country”. In such cases, an application filed in detention is usually neither considered, nor referred to the Federal Office.
Processing application and determining status		
	-	There is no special procedure at land borders: If asylum-seekers are apprehended at the border (defined as a strip of 30 kilometres at land borders and a strip of 50 kilometres at sea borders) without the necessary documents, they are denied entry and the border police initiates a “removal” to the neighbouring country.
	-	The law does not set a time limit for the Federal Office to decide on an application
	-	Applications of asylum-seekers from safe countries of origin shall be considered as manifestly unfounded, unless the applicant presents facts or evidence which justify the conclusion that they might be persecuted in spite of the general situation in the country of origin.
	-	Both the safe third country concept and the safe country of origin concept are incorporated in the German constitution (Grundgesetz) and

		further defined in the Asylum Procedure Act
	-	In case of a rejection of an asylum application as “manifestly unfounded” it is possible to apply for legal aid under the same conditions as described for the regular procedure under “legal assistance”. However, because of time constraints and because many of these cases are likely to fail the “merits test”, it is unusual for legal aid to be granted in “manifestly unfounded” cases.
	-	The appeal does not have suspensive effect and a deportation to a safe third country or to a country responsible for the asylum procedure must not be suspended by an interim measure ordered by an administrative court.
	-	Manifestly unfounded” decisions are generally subject to restrictions in legal remedy, but in the airport procedure the law has placed even stricter time-frames on the procedure: Thus, if an application is rejected as “manifestly unfounded” in the airport procedure, a request for an interim measure must be filed with an administrative court within three calendar days. The necessary application to the court can be submitted at the border authorities.
	-	Legal assistance is not systematically available to asylum-seekers in Germany. Welfare organisations and other NGOs offer free legal advice services which include basic legal advice (sometimes as projects with funding from the European Refugee Fund). In some initial reception centres welfare organisations or refugee councils have regular office hours or asylum-seekers can easily access the offices of such organisations close to the centres. However, such advice services are not always
	-	A common course of action is that detention is ordered against persons who are apprehended at the border while trying to enter Germany illegally. In such cases, the filing of an asylum application does not necessarily lead to termination of detention.
	-	There is no consistent practice for interviews in Dublin procedures.
	-	From the point of view of asylum-seekers, there is no clear separation between the Dublin procedure and the “normal” asylum procedure. As a result, many asylum-seekers are not aware of on-going Dublin procedures or about the outcome of these procedures until the transfer actually takes place. It still happens that “Dublin decisions” and the attending deportation orders are handed out on the day of the Dublin transfer, although practices are inconsistent at the moment: In at least five of Germany's sixteen Federal States the responsible authorities have issued regulations according to which asylum-seekers generally have to

		be informed in advance about a possible Dublin transfer.
	+	asylum applicant. Only in exceptional cases the interview may be dispensed with.
	+	<p>The appeal procedure in cases of “inadmissible” applications (i.e. “Dublin cases”) has been described in the above section.</p> <p>The appeal procedure in cases of applications which are found “to be disregarded” (“unbeachtlich”) is identical to the procedure in “manifestly unfounded” cases: Appeals have to be submitted to the court within one week (seven calendar days) together with a request to the court to restore suspensive effect. The latter request has to be substantiated.</p>
	+	There have been no reports of “Dublin returnees” facing difficulties in accessing an asylum procedure.
	+	<p>Legislation does not explicitly refer to the use of medical reports in asylum procedures. The Federal Office for Migration and Refugees (Federal Office) is generally obliged to clarify the facts of the case</p> <p>and to compile the necessary evidence. As a general rule, applicants are not expected to provide written evidence, but are only obliged to hand over to the authorities those certificates and documents</p> <p>which are already in their possession and which are necessary “to substantiate his claim or which are relevant for the decisions and measures to be taken under asylum and foreigners law, including the decision and enforcement of possible deportation to another country”</p>
	+	In the appeal procedure following an airport procedure, the preconditions for legal assistance are identical to those of the regular procedure
	+	The airport procedure is the only procedure in Germany in which asylum-seekers are entitled to free legal assistance.
	+	Airport procedure: The “procedure in case of entry by air” is legally defined as an “asylum procedure that shall be conducted prior to the decision on entry” to the territory.
	+	In the airport procedure, the border police may conduct a preliminary interview which includes questions on the travel route and on the reasons for leaving the country of origin.
	+	It is possible to lodge an appeal against a Dublin decision at an administrative court.
	+	Appeals against rejections of asylum applications have to be lodged at a regular Administrative Court.

welfare		
	-	The court considered the benefits to be insufficient because they had not been changed since 1993 and they had not been calculated in a comprehensible manner in the first place
	-	There is no requirement in law or another mechanism in place to systematically identify vulnerable persons in the asylum procedure (with the exception of unaccompanied minors).
	-	Material reception conditions can be reduced to the point that only "irredeemably necessary" benefits are granted if persons have entered Germany solely for the purpose of receiving social benefits or if they have been responsible for the failure of removal procedures.
	-	Accordingly, conditions are dependent on whether an applicant has been in a prison or in a detention facility for the purpose of removal at the time of his or her application.
	-	For example, compulsory education ends at the age of 16 in several Federal States, therefore minors in those states do not have the right to enter schools when they are 16 or 17 years old.
	-	A further obstacle for asylum-seekers in accessing the labour market consists in the "residence obligation". Permission to travel to their workplace shall generally be granted where it is located outside the municipality to which an asylum-seeker had been allocated. Nevertheless, the residence obligation creates a serious obstacle to get in contact with potential employers in the first place
	-	However, the Federal Association for Unaccompanied Refugee Minors has noted that the procedure for taking unaccompanied minors into care is not enforced consistently.
	-	Freedom of movement of asylum-seekers is restricted by the so-called "residence obligation" for asylum-seekers (legally: "geographic restriction"). Section 56 of the Asylum Procedure Act stipulates that asylum-seekers' residence permits (Aufenthaltsgestattung) shall be limited to the town or district in which their place of accommodation is located. Therefore, the law does not allow asylum-seekers to leave the municipality to which they have been allocated on their own initiative. Instead, they have to apply for a permission to do so.
	-	The Asylum Seekers' Benefits Act states that asylum-seekers and the other groups subject to this law are granted benefits which are significantly lower than "standard" social benefits, i.e. social benefits usually granted to German citizens or to foreigners with a secure

		residence status.
	-	The term "necessary treatment" within the meaning of the law has not conclusively been defined but is often taken to mean that only absolutely unavoidable medical care is provided. However, the wording of the law suggests that health care for asylum-seekers must not be limited to "emergency care" since the law refers to acute diseases or pain as grounds for necessary treatment.
	+-	As of December 2012, asylum-seekers are not allowed access to the labour market for a period of one year. In addition, they are not allowed to work on a self-employed basis for the whole duration of their asylum procedure, since the permission to pursue self-employment is dependent on a regular residence title, to which the asylum seeker's residence permit/Aufenthaltsgestattung does not belong. After the waiting period of one year has expired, access to the labour market is granted in principle, but only with severe restrictions:
	+-	Specialised treatment for traumatised asylum-seekers and victims of torture can be provided by some specialised doctors and therapists and in several specialised institutions (Treatment Centres for Victims of Torture/Behandlungszentren für Folteropfer). Since the number of places in the treatment centres is limited, access to therapies is not always guaranteed.
	+	The law restricts health care for asylum-seekers to instances "of acute diseases or pain", in which "necessary medical or dental treatment has to be provided including medication, bandages and other benefits necessary for convalescence, recovery, or alleviation of disease or necessary services addressing consequences of illnesses."
	+	general, unaccompanied minors who are not immediately refused entry or returned after having entered Germany illegally, are taken into care of the youth welfare office (Jugendamt) in the municipality in which they have had the first contact with authorities or in which they have been apprehended.
	+	If an asylum application is lodged by persons in detention, applicants shall immediately be given an opportunity to contact a lawyer of their choice, unless they have already secured legal counsel.
	+	Asylum-seekers are generally not detained as long as their application is not finally rejected and they have an asylum seeker's residence permit. In cases of applications which have been rejected as inadmissible or manifestly unfounded, a deportation order may take effect regardless of legal remedy, unless a court grants an interim measure suspending such a deportation.
	+	The law places an obligation on authorities to provide general information on rights and obligations of asylum-seekers

	+	<p>Special needs should be taken into account as part of the admission procedure to the initial reception centres, and social workers or medical personnel in the reception centres can assist with applications for specific medical treatment. However, there is no systematic assessment procedure for vulnerable persons</p>
	+	<p>UNHCR is entitled by law to visit foreigners, including those in detention and in airport transit zones. Any restriction of access to reception centres for UNHCR would therefore be considered illegal.</p>
	+	<p>As a matter of principle, the right and the obligation to attend school extends to all children who reside in Germany, regardless of their status. However, since the education system is within the responsibility of the Federal States, there are some important distinctions in laws and practices.</p>

Sweden		
Access to territory		
	+	There have been no reported problems for asylum seekers regarding the registration of their claim in practice.
Processing application and determining status		
	-	The official language of Sweden is Swedish and therefore all decisions are only written in Swedish
	-	The Migration Court of Appeal has made it clear that the burden of proof lies with the applicant to establish their stated age as probable, with the aid of supporting documents, where available
	-	he Aliens Act does not contain any guidelines for medical examinations and there are no routine or standard procedures to refer victims of trauma to a medical examination. The matter is under investigation by the Migration Agency but so far there are no institutionalised procedures.
	-	Despite all these efforts more needs to be done by all actors to make relevant information available in reality at the appropriate time for all asylum seekers taking into account their specific needs
	-	However, appeals against decisions taken in the accelerated procedure have no suspensive effect. In the meantime, the applicant can be removed by the police, in which case the appeal, if ever made, is abandoned. In fact, many applicants refrain from appealing and leave voluntarily in order to avoid forced removal and being issued with a re-entry ban
	-	Sweden interprets the Dublin Regulation rules rather strictly and respects the hierarchy established by the Regulation. The Swedish Aliens Act refers to the Dublin Regulation rules but not in detail since the Regulation has direct effect is Swedish law.
	-	When an asylum application has been rejected and the decision is final and non-appealable, there is a possibility for newly arising circumstances to be considered under the grounds of "impediments to enforcement". Such new circumstances may give rise to a residence permit on humanitarian grounds or practical obstacles to removal, or, if such a permit cannot be granted, lead to a re-examination of the initial case.

	-	In Dublin cases, there is no legal counsel appointed at first instance (except for unaccompanied children), so the asylum seeker must either appeal alone or seek the support of friends or NGOs. The appeals procedure is not different from the appeal system that applies in the regular procedure
	+ -	Free legal assistance is provided to asylum seekers throughout the regular procedure and at all appeal levels and is funded by state budget. However in Dublin cases and manifestly unfounded applications normally no free legal assistance is provided.
	+ -	There are no specific time-limits laid down in law within which a claim must be made. In reality, however, if a late claim is made, the applicant must put forward reasons for the delay during the asylum interview, but still risks having their credibility called into question for not having sought protection earlier.
	+ -	The law makes no express reference to "accelerated procedures". However, under the Aliens Act, there is a basis for handling manifestly unfounded claims in an accelerated procedure. The Migration Agency may issue an enforceable return order, which is not suspended pending appeal, "if it is obvious that there are no grounds for asylum and that a residence permit is not to be granted on any other grounds."
	+ -	The Aliens Act states that there is no automatic obligation to provide legal counsel in manifestly unfounded cases. However, if the court is of the opinion that the case is not manifestly unfounded, then the court orders suspension of the expulsion order and legal counsel will be appointed.
	+	A refusal decision by the Migration Agency can be appealed before the Migration Court and has suspensive effect under the regular procedure. In manifestly unfounded cases, the appeal has no suspensive effect.
	+	A personal interview is mandatory, as per a guideline decision of the Migration Court of Appeal. There are no differences in the way the interview is carried out compared with the regular procedure apart the absence of a legal representative present. Occasionally, some NGOs or friends can assist with appeals but they are rarely present at the oral interview
	+	According to a guideline decision by the Migration Court of Appeal, all Dublin cases are subject to a personal interview conducted by the Migration Agency through an interpreter but without the presence of legal counsel.

	+	In general administrative procedure law, there is a further ground for leave to appeal "if reason exists for an amendment of the conclusion made by the county administrative court"
	+	The Migration Court can appoint legal counsel in Dublin appeals but does take into account whether the grounds for appeal raise issues that could lead to a change in the decision. The difficulties with regard to access to legal assistance in the regular procedure are also applicable here
	+	The Swedish asylum procedure operates on the principle that any evidence can be admitted in support of an asylum claim. Therefore, the law does not expressly refer to the possibility of a medical certificate in support of the applicant's statement regarding past persecution or serious harm. As a result of the RC v Sweden ruling of the European Court of Human Rights, however, Sweden has been reminded of the obligation on its authorities to carry out a medical examination if there is an indication from an initial non-expert medical report that the applicant could have been a victim of torture.
	+	Swedish legislation and regulations allow for a personal interview in all asylum cases. All interviews, whether within the ambit of the regular or accelerated procedure, are carried out by the authority that is responsible for taking decisions on the asylum applications
	+	The safe country concepts are not applicable in Sweden. It is worth noting, however, that applications from specific countries of origin such as the Western Balkan states are treated as "manifestly unfounded" claims .
	+	Asylum applicants are not detained when they are being notified that another country is responsible for assessing their asylum application
	+	Free legal aid is provided for public counsel to make an application for leave to appeal. If leave is granted, then further legal aid is provided.
	+	All unaccompanied children have the right to be represented by a guardian as soon as they have lodged an asylum claim. The law also requires that legal counsel be appointed promptly. Guardians need to be persons of high moral character and may come from different social background
	+	Asylum seekers in the regular procedure have free legal aid and are usually called to a meeting with the lawyer to prepare the appeal to the Migration Court. The reasons for the first instance rejection are explained and the applicant has an opportunity to provide new evidence or arguments to support his or her case.
	+	The legal framework with regard to the needs of vulnerable asylum seekers is part of the 1994 Law on the Reception of Asylum Seekers

		(LMA). The LMA provides the legal framework and briefly mentions the provision for the needs of vulnerable groups. The issue of special needs of vulnerable asylum seekers is mainstreamed in the training of caseworkers.
Welfare provisions		
	-	The number of persons detained because of inability to identify themselves is minimal, whereas the number of Dublin detainees who may still have an appeal pending is a little higher. In practice many applicants in Dublin procedures abscond before an attempt to remove takes place.
	-	Persons who have been victims of torture or are otherwise vulnerable are not excluded from being detained, despite international recommendations to exclude them.
	-	Furthermore, the processing of manifestly unfounded cases, especially from applicants originating from the Balkans, has been streamlined into the accelerated procedure (see Accelerated Procedures below). Consequently, applications submitted by asylum seekers from other, non-prioritised nationalities can be put on temporary hold by the Migration Agency, thereby causing a prolongation of the timeframe between lodging an asylum application and the actual interview.
	-	However, applicants lodging a subsequent application do not have access to the full set of material reception conditions.
	-	Adults do not have general access to the education system as asylum seekers.
	-	However, the relatively low level of basic allowance means that most asylum seekers cannot buy new articles but turn to second-hand stores to provide for their clothing and other needs. It must be noted that the allowance for asylum seekers is considerably lower than the allowance for Swedish nationals in need of social assistance, which covers similar areas of support. The following table relating to the amount of the monthly social welfare allowance as of April 2015 illustrates this difference:
	-	Overall, this means that asylum seekers are very much in charge of their daily activities and are able to cook for themselves but are also responsible for cleaning their individual accommodation, buy their own food and so forth. In that respect, the level of financial allowance available to asylum seekers could raise difficulties in practice.
	-	While there are no reports on restrictions on leisure or religious activities, there are also complaints about the lack of organised activities during the asylum procedure. In some centres, pro bono

		organisations offer different activities and opportunities to learn Swedish in informal ways.
	+	There is no difference in time-limits in for lodging appeals under the accelerated procedure compared to the regular procedure (see Regular Procedure: Appeal). The same time-limit of 3 weeks after the decision is notified applies.
	+	Asylum seekers can be exempted from a work permit if they are able to establish their identity through original documents or authorised copies. If they are not able to do this at the time of application for asylum, they can do so later and in that case another decision will be made on their right to work.
	+	There are no restrictions in law or practice to the freedom of movement of asylum seekers within Sweden. However if accommodation is requested from the Migration Agency, asylum seekers are not free to choose their place of residence
	+	Asylum seekers receive information with regard to the reception system for asylum seekers in Sweden, including with regard to housing and allowances at the initial interview at the Migration Agency when they lodge their asylum application. Such information is provided by the reception officer of the Migration Board. The following information is provided.
	+	After 3 days in detention, an asylum seeker has access to free legal assistance on detention matters only. Prior to that date, other persons such as a private lawyer, a person with a power of attorney, possibly from an NGO, and the applicant may request a review of the detention order.
	+	In Sweden, all asylum applicants have access to the benefits of the reception system. If they have their own resources, they must use these first, as the provision of reception conditions is conditional upon lack of sufficient resources.
	+	Every asylum seeker has the right to a free medical examination. They are entitled to emergency or urgent medical and dental care.
	+	Supervision is an alternative measure that may be used instead of detention
	+	Children also have the right to lessons in their own mother tongue on a regular basis if there are more than 5 pupils with the same language in the area.
	+	Since most asylum seekers live in private flats, there is no problem of

		access for any interested groups or individuals. The Swedish Law on the Reception of Asylum Seekers (LMA) provides that information should be provided to all asylum seekers on organisations providing assistance to asylum seekers.
	+	The needs of vulnerable asylum seekers are taken into account in designating suitable accommodation and where needed they are placed in the vicinity of institutions that can provide expert care
	+	Asylum seeking children have full access to the Swedish school system and they are to a great extent integrated in regular schools.
	+	During the asylum process and until the asylum seeker leaves Sweden or is granted a residence permit, they are entitled to necessary medical care as provided by the LMA. This law is also applicable to asylum seekers who are granted temporary protection under Chapter 21 of the Aliens Act – in the event of a mass influx of displaced persons – but ineligible for registration in the population registry.
	+	There have been no reports of overcrowding in the detention centres.
	+	Conditions in detention centres should be as close as possible to those at regular reception centres, run by the Migration Agency. The only difference should be that the detainees are in a closed building and therefore have certain restrictions to their freedom of movement. Coercion or limitations in freedom of movement should not exceed what is necessary based on the grounds for the deprivation of freedom

Denmark

Access to territory

Processing application and determining status

	-	During the initial stage, asylum seekers may be detained while the matter of whether the case should be processed in Denmark is assessed, the purpose being to ensure the possibility of rejection, transfer or return to another country. An asylum seeker may also be detained if he or she without reasonable cause fails to appear for an interrogation by the police or the Immigration Service at the premises to which he or she has been summoned.
	-	The cases cannot be appealed to other administrative authorities.

	-	Cases are processed under this procedure solely based on the applicant's nationality where this in itself gives cause to suppose that the applicant Page 13 does not meet the criteria for asylum or protection in Denmark. These cases are immediately transferred for processing, and applicants do not fill out application forms but are referred for interviews with the Immigration Service.
	+ -	The Immigration Service will then hold an interview with the asylum seeker, where the applicant can specify his or her motives for seeking asylum. However, this does not apply to cases processed under the expedited version of the manifestly unfounded procedure.
	+ -	Because of The Danish reservation in the area of justice and home affairs, Denmark is not bound by EU asylum rules.
	+ -	Quota refugees - disregarding urgent cases and persons with special treatment needs - must also meet the supplementary selection criteria on the quota refugee's possibility of settling in Denmark and benefitting from the residence permit. In this respect, emphasis is placed on the quota refugee's language skills, educational background, work experience, family situation, network, age and motivation. An overall assessment of the supplementary criteria is made, and families are assessed together
	+	A special procedure exists for processing cases regarding unaccompanied minor asylum seekers. For instance, this procedure entails that all unaccompanied minor asylum seekers are given a personal representative, who assists the child and participates in, e.g., asylum interviews at the Immigration Service and when the case is processed in the Refugee Appeals Board.
	+	In addition, the examinations are meant to ensure a better information basis for the Immigration Service to screen the individual quota refugee for housing in a local authority and for the local authority to prepare the relevant refugee's settlement in the local authority. The Immigration Service thinks that the medical examinations contribute information important in assessing whether a person should be comprised by the twenty-or-more category and in screening quota refugees for housing in a local authority.
	+	Under section 9b(1) of the Aliens Act, residence permit may be granted on humanitarian grounds to an alien registered as an asylum seeker in Denmark if major humanitarian considerations speak decisively in favour of this. The applicant must be in such a position that major humanitarian considerations conclusively substantiate

		the granting of a residence permit.
	+	On application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention Relating to the Status of Refugees (28 July 1951). Furthermore, section 31(2) of the act specifies that an alien falling within section 7(1) may not be returned to a country where he or she risks persecution on the grounds set out in Article 1 A of the Convention Relating to the Status of Refugees (28 July 1951), or where the alien will not be protected against being sent on to such country.
	+	If the case is processed according to the normal procedure, any rejection of asylum will mean that the case is automatically brought before the Refugee Appeals Board.
	+	The asylum seeker is granted legal counsel to safeguard his or her interests during processing before the Refugee Appeals Board.
Welfare provision		
	-	Asylum seekers are not generally covered by the Danish healthcare system and do not have access to the same services as Danish citizens.
	-	Generally, asylum seekers do not have access to the Danish labour market.
	-	If an asylum seeker is granted unfunded accommodation, the host bears all costs of maintaining the asylum seeker.
	-	During the initial stage, the asylum seeker must assist with necessary tasks at the accommodation centre (cooking, cleaning, etc.).
	-	An adult asylum seeker who does not participate in the planned education programme is considered to have breached the contract that all asylum seekers over the age of 18 must enter into with the accommodation centre, for which reason his or her supplementary allowance will be reduced.
	+/-	Like other citizens, asylum seekers may participate in leisure time activities in, e.g. at sports clubs. Expenses for leisure time activities outside the centre will to some extent be covered for children staying at accommodation centres. For further information on the contract the asylum seeker must make with the accommodation centre, see section 3.2.6.5 below.

	+-	he basic allowance is DKK 47.35 per day per adult. If the asylum seeker lives together with his or her spouse, registered partner or partner, the basic allowance is DKK 37.49 per day per adult. If the application is still at the initial stage where it remains to be decided whether the case should be processed in Denmark, the supplementary allowance is DKK 7.90 per day. The supplementary allowance requires that the person concerned comply with the terms of the contract with the centre. During the initial stage, caregiver allowance for the first and second child is DKK 55.25 per child per day. If the asylum seeker lives at an accommodation centre with a free meal scheme, the caregiver allowance is DKK 7.90 per child per day.
	+-	The Immigration Service usually covers the expenses of maintaining an asylum seeker staying in Denmark. However, this does not apply if he or she is married to or the civil partner of a person with a residence permit in Denmark. In this case, the spouse/partner must provide for the asylum seeker.
	+	Generally, asylum seekers must live at an accommodation centre while their asylum case is being processed. However, in special cases and for certain groups of asylum seekers, permission for private accommodation, funded or unfunded, annex accommodation and accommodation in a special house outside the accommodation centre may be applied for and granted, subject to application
	+	<ul style="list-style-type: none"> • Cash allowances (or free meals, if the applicant is covered by the free cafeteria service) • housing at an accommodation centre • necessary healthcare and any social assistance • school for children • school and activation of adult asylum seekers • transport to and from interviews with authorities, hospitals, etc.
	+	Rejected asylum seekers cooperating in their departure may also take classes in Danish if this fundamentally impacts on the asylum seeker's possibility of acquiring skills that can help him or her finding a job or start his or her own enterprise in the country of origin.
	+	Minor asylum seekers are offered the same healthcare services as Danish citizens. The Immigration Service covers necessary healthcare

		expenses of adult asylum seekers.
	+	However, the asylum seeker can still use the healthcare services offered at the accommodation centre to which he or she is connect
	+	However, the regions are obligated to provide emergency healthcare to all – including asylum seekers.
	+	During the initial stage, adult asylum seekers must participate in an introductory course covering information about the Danish asylum system and instruction in Danish language and culture.
	+	Asylum seekers may come and go as they wish.
	+	Education is compulsory for minor asylum seekers, who will follow a training programme that corresponds in content and scope to the education offered to bilingual pupils in Danish primary and secondary education.
	+	Families comprised by the food allowance programme with children under the age of 18 also receive a child package per child every two weeks. The child package includes fruit, soft drinks and some candy.
	+	The Immigration Service has made an agreement with the Asylum Department of the Danish Red Cross and Jammerbugt Local Authority on operating a number of second-stage accommodation centres and special centres for single women, unaccompanied minors and residents in need of intensive care located throughout Denmark.