Bachelor Thesis

Refugee Policies in the European Union:

Why do asylum recognition rates vary across Member States?

A case study of Bulgaria and Hungary

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I hereby confirm that the present assignment is solely my own work and that if any text passages or diagrams from books, papers, the Web or other sources have been copied or in any other way used, all references – including those found in electronic media – have been acknowledged and fully cited.

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1 INTRODUCTION

> *"From a normative viewpoint, asylum claims should be assessed purely with regards to the merits of the claim.*" (Neumayer 2005: 43)

1.1 Research question

These days we are facing the heaviest humanitarian catastrophe since the end of World War II (UNHCR 2015a: 5). The United Nations Refugee Agency (UNHCR) annual Global Trends Report released that by the end of 2014 almost 60 million people worldwide were forcibly displaced as a result of persecution, conflict, human rights violations or generalized violence (ibid: 2). One might expect little variation in recognition rates across the European Union (Noll 2000: 233) as all member states are parties to the Geneva Convention (UNHCR 2015b: 2 ff.), the European Convention on Human Rights (Council of Europe 2016), and the United Nations Convention against Torture (United Nations 2015: 1 ff.); therefore they "are subject to the same formal obligations with respect to the treatment of asylum claims" (Neumayer 2005: 57). In reality, however, substantial differences in the interpretation by the single countries of their formal obligations can be observed (ibid). The two extreme cases are the recognition rates of Bulgaria and Hungary, which are both poor Eastern European countries (Eurostat 2016a). But with regard to the current refugee crisis there seem to be tremendous differences in their policies. While in 2014 in Bulgaria the rate of recognition of asylum applicants was at 94% of all first instance decisions, only 9% of first instance decisions resulted in positive outcome for applicants in Hungary (Eurostat 2015a: 4). Existing studies on the topic have not been able to provide an applicable explanation to the phenomenon. Therefore, in the course of my Bachelor thesis I want to examine the cases of these two samples to find out *what are the reasons behind the great variance across EU member states' recognition rates?*

1.2 Relevance of the research question

If the 59.5 million displaced persons in 2014 were a nation, they would make up the 24th largest in the world (UNHCR 2015a: 2). But while the topic continues to "make the headlines in the European press and the numbers of persons [seeking asylum in Europe] reach unprecedented levels, a true European response is lacking" (AIDA 2014: 8). The majority of the asylum seekers in Europe are taken by the same few countries (primarily Germany, Sweden, France and Italy) (Eurostat 2015a: 1). Less popular asylum destination countries resist against more general harmonization and burden-sharing efforts (Neumayer 2004: 156).

The question why there is such an immense variance across member states' asylum recognition rates is mainly relevant for two reasons. Firstly, the EU is an institution that is based on the idea of mutual benefits and shared responsibilities (IDEA 2009: 36). Hence, it appears unacceptable that some member states reject to bear the burdens of this crisis. Secondly, very unequal recognition rates represent a frontal assault on the ethical standards of fairness and nondiscrimination (Neumayer 2005: 44). Since the Dublin Convention obligates asylum seekers in the EU to lodge their asylum claim in the country of first entry, restrictions on choosing the preferred asylum destination country subject applicants whose claims are equally merited to the danger of unequal treatment contingent on where they file their application (ibid). Especially, when people had fled from genuine persecution in their origin country, rejecting their claim and forcing them to return, may draw additional attention to them and increase the risk of being imprisoned, tortured or killed (ibid: 48). Such discriminatory treatment violates the spirit, if not the letter, of the Geneva Convention relating the Status of Refugees from 1951. The restrictions on the choice of asylum destination country introduced in the Dublin Convention can only be justified if asylum seekers can broadly expect equal and fair treatment (ibid: 63). Historical refugee data suggest that in 2014 the year-to-year net increase in the number of refugees is almost unprecedented in the United Nations Refugee Agency's existence (UNHCR 2015: 9). In the face of the civil war in Syria, the *Islamic State's* terror in the Middle East, and the various conflicts and poor economies in Africa, this is not likely to change soon (Kirişci 2015). Therefore the question of varying asylum recognition rates has to be approached urgently.

1.3 Approach

1.3.1 State of research

The state of research on asylum recognition rates mainly consists of six works. Holzer, Schneider and Widmer (2000a) analyzed the handling of asylum applications in different Swiss cantons from 1988-1996. Holzer and Schneider (2002) focused on the determinants of asylum recognition rates from 1983-1995 for Western European, EU, and fifteen OECD countries. Vink and Meijerink (2003) examined the effect of the amount of asylum applications on recognition rates in 15 European states from 1982-1995. Neumayer (2005) also focused on the determinants of recognition rates in Western Europe from 1980-1999. Kate (2005) analyzed the determinants of recognition rates in 17 sample countries around the globe in 2002. Mori (2005) investigated the impact of three variables on the 2003 worldwide recognition rates by a sample of 145 countries. As the theory section will reveal, there is hardly any agreement among these authors and not all important aspects are taken into consideration. Besides, their results are not applicable to today for a number of reasons.

The first of these studies only focused on a single country, the following three on Western Europe. Their results cannot strictly be taken as representative for all European countries, especially since we see that recognition rates in 2014 varied strongest from one Eastern European country to another. Furthermore, all four of these studies investigated a time period from 14-36 years ago. Many factors which eventually had an influence on the current refugee situation and asylum policies in the destination countries arose after these periods of time. E.g. the attack of the World Trade Center in 2001 and following Islamic extremists' attacks have caused fear of Islamic terrorism and created a mistrustful attitude towards Islam (Adamson 2006: 165). Some scholars even note explicitly that "transnational terrorism has culminated in policy securitization with expansive restrictions on migration" (Avdan 2014: 445). As most of today's asylum seekers come from countries with a majority of Muslim population (Eurostat 2015a: 1; ARDA 2015), this plays an important role. Later on, in 2008, Europe was hit by the Global Financial Crisis which led to vast politics of austerity (Cáslavka/Henn 2012: 5). Many European countries have still not fully recovered from the crisis (ibid.); hence, this, too, is likely to have had an impact on countries' willingness to welcome foreigners (Zetter 2009: 2). Another, if not *the*, incident that shaped the face of the current refugee situation has been the 'Arab Spring' which began in 2011 (Kingsley 2015); again, mainly Muslims are today fleeing its consequences. All of these events have obviously not been considered in the first three studies. Mori's und Kate's investigations are carried out in the scenario after 9/11 but do not account for the mentioned incidents that determined the circumstances afterwards. Furthermore, both their studies' results are shaped by conditions in non-European countries, which may not be representative for the EU's member states. So, in summary, the state of research, firstly, does not offer one consistent result and, secondly, is based on very old studies that were carried out in a considerably different scenario than the current crisis and examined other countries than those object to this study. Thus, to understand today's asylum policies, and the varying recognition rates, in the EU, an investigation of the current scenario is necessary.

1.3.2 Structure of the thesis

The aim of the thesis is, thus, to draw up hypotheses about the determinants of asylum recognition rates, as a way to develop an explanation for the observed variance of recognition rates across EU member states by analyzing the examples of Bulgaria and Hungary. Therefore, in the theoretical part the results of the existing studies will be discussed and on their basis the analytical framework of the thesis will be developed. The following section will explain the methodology; the choice of the research design, time period and the method of data collection. Afterwards, the comparative analysis will be carried out according to the framework elaborated in the theory part. It will be concluded, that the conditions in the applicants' countries of origin have a certain impact on origin-specific recognition rates,

especially warfare in the origin country leads to higher chances of recognition. Though, recognition rates are shaped, too, by factors that lie outside the merit of their claim but within the conditions in destination countries; population density, financial contributions to the United Nations Refugee Agency, a high number of accepted Dublin-take-back requests and, especially, the number of applications the destination is receiving and the success of far-right parties and their governments' ideology are negatively related to recognition rates. Finally, a short reflection on the results will follow, fields of further research will be pointed out and the practical implications of the answer found will be discussed.

2 THEORY

In this section the state of the art will be examined in detail. It will be elaborated what has been found in the existing studies on determinants of asylum recognition rates and pointed out where there is agreement or disagreement between the scholars. Their arguments will be discussed and it will be examined whether they shall be regarded in this investigation. Furthermore, this discussion will be complemented by aspects mentioned by other scholars, who did not necessarily target the exact research question of this study, but whose arguments will help to evaluate the main authors' findings with regard to the purpose of this study. On this basis, a theoretical framework will be elaborated that will guide the analysis, which factors are to be analyzed and how they may be categorized.

Since, according to Holzer, Schneider and Widmer (2000a: 269), the preconceptions about certain origin countries influence the chance of recognition, Neumayer (2005: 50) and Kate (2005: 3) analyze how origin-specific recognition rates vary according to the conditions in the applicants' countries of origin. Neumayer (2005: 59) finds the gross domestic product per capita in origin countries not to be significant for the variation across origin-specific recognition rates. However, Kate (2005: 12) does find a negative relationship between GDP p.c. in origin countries and recognition. As there is no uniform opinion among authors about the impact of this factor, the GDP p.c. in origin countries shall be considered as a potential determinant in the analysis. Furthermore, the life expectancy in the countries of origin reflects aspects of poverty, war and poor government services such as education and health care, and inequitable resource distribution, whereas the number of refugees generated by the country accounts for other origin-specific conditions that cause flight (ibid: 10). Both aspects are found to be related to recognition (ibid: 11 f.).

There is accordance among scholars that human rights violations and few or non-existent political and civil rights are positively associated with origin-specific recognition rates (Kate 2005: 11; Neumayer 2005: 43). Though, Kate (ibid) finds the positive correlation between poor political rights and recognition in Europe to be weaker than the positive correlation with few civil rights, for which they will be investigated separately. Neumayer (2005: 64) says that state failure and domestic war are insignificant to recognition rates. However, this result might originate from the fact that he measures both factors as one composite variable. Studying them separately, both turn out significant (Kate 2005: 11 f.). Furthermore, ethnic war (violent conflict between minorities (national, ethnic, religious or other) in an attempt to improve their status) is more strongly related to origin-specific recognition rates than revolutionary war (violent conflict between political challengers and the government) (ibid: 11), for which they shall be analyzed separately in this study, too. Though Kate (2005: 12) does not find interstate war and genocide/politicide ("when the authorities […] exterminate members of a target group in response to a perceived threat to their rule or

interests" (ibid: 10)) to be significant factors, according to Neumayer (2005: 43), they both are positively related to origin-specific recognition rates.

Holzer et al. (2000a: 260) consider demographic aspects of the asylum population, too, for they argue that the typical refugee is a young, single, male. As a consequence, they find female married asylum seekers have higher chances of recognition (2000a: 268 f.). Age is related to recognition, too, though, in a negative way (ibid). Kate (2005: 12), however, says that none of these factors are important for recognition. Some authors additionally point out that host states discriminate on the basis of medical conditions, literacy aptitude, mental competence and education, in order to allow those into their country who will be a benefit for the labour market or at least are likely to become self-reliant and not be a burden to the state (LeMay 2004: 1; Butterwegge 2009: 78; Kavuro 2013).

Regarding destination countries' burden, it is argued that states become more restrictive when the number of applications is high (Vink/Meijerink 2003: 309 ff.) and has been high in past years, too (Kate 2005: 16) – though, according to Neumayer (2005: 59), past applications are insignificant. Vink and Meijerink (2003: 304) point out that the number of applications per capita gives a more realistic image of the share taken by each country (its relative asylum burden). However, neither Neumayer nor Kate take into consideration that, in fact, except for the administrative costs, it is actually rather the number of past asylum seekers *recognized* p.c. than the number of received applications that reflect the asylum burden: in case of rejection, the latter have only caused short-term administrative costs for the destination country, whereas those who have been granted protection in the past have cost far more. With regard to the past recognition rates, in turn, two contrary relationships are imaginable: high past recognition rates could be seen as reflectors of a country's tradition in asylum policy and the country could follow its previous trend (there is some support for this argument among Kate's findings (2005: 25)), or the perception could emanate that the burden shouldered is already too high.

Since asylum seekers tend to go to countries where chances of recognition are higher (Vink/Meijerink 2003: 297; Toshkov 2013: 3), several authors claim, governments use their influence on the assessment of asylum claims to deter potential future asylum seekers via low recognition rates (Hassan 2000: 184; Holzer/Schneider 2002: 38; Neumayer 2005: 48; Kate 2005: 16). Though not all refugees are well informed about each country's asylum policy and decide where to apply according to it (Thielemann 2004: 7), the deterrent effect of low recognition rates has been proven by empirical studies (Neumayer 2005: 49). Subsequently, it is argued, destination countries will follow each other in implementing restrictive policies, aligning their asylum recognition rates closely to that of their neighbours (Brücker/Schröder 2011: 315; Kate 2005: 17).

Holzer et al. (2000a: 252) find that recognition rates are higher in small and large Swiss cantons than in medium sized ones. While this result leaves it unclear which effect

national population size has, other authors argue that countries with a larger population can host larger numbers of entrants with little backslash (Gibney 1999: 177; Vink/Meijerink 2003: 304). An alternative criterion to measure a country's capacity to shoulder the asylum burden is its population density (Vink/Meijerink 2003: 304). Though Mori's study results indicate no significant relationship between population density and recognition (Mori 2005: 22), her former argument, that a state with a low population density should be more likely to accept a higher refugee inflow, whereas in those states with less spatial room policy makers will enact try to prevent overcrowding (ibid: 13 ff.), still seems considerable for this study.

In Swiss cantons a high proportion of foreigners had a negative impact on recognition rates (Holzer et al. 2000a: 268). In Kate's (2005: 22) study neither the actual size of the foreign population, not their share of foreigners among the country's total population is found to have an impact on recognition rates. As there remains uncertainty about this criterion, it shall be considered in my research. However, some countries that have been built upon the foundation of immigrants (e.g. the USA) may be less likely to react negatively to a high proportion of foreigners in their country (Gibney 1999: 176) than those countries which have in a short time suddenly received a high number of foreigners (Kate 2005: 18). Furthermore, measuring just the share of foreigners residing in a country leaves aside aspects of cultural identity (Gibney 1999: 176; Boswell 2000: 544; Boswell 2003: 623 f.; Müller 2010: 46). According to Soroka et al. (2003; as cited in Kate 2005: 18), foreigners from a distinct cultural heritage are more likely to "erode a society's sense of social solidarity". Kate (2005: 20 ff.) does not find this relationship between the percentage of the 'culturally distinct'[1] foreign population and recognition rates. However, in her study the culturally distinct population is operationalized as the number of non-Westerners, but the countries whose recognition rates she examines are partly not Western countries themselves (e.g. Japan, Australia) (ibid: 1). So, applying a different method of measurement, the culturally distinct foreign population will, despite Kate's findings, be subject to this study.

Closely related to the issue of cultural identity is religion (Kilp 2011: 197). Since 11 September 2001 inner security has increasingly become the center of attention (Butterwegge/Hentges 2009: 8) and concerns that immigration may be linked to organized crime, terrorism and Islamic fundamentalism are playing an ever more important role (Boswell 2003: 623). As countries in the Middle East and Central Asia are associated with radical Islam and political violence (Crisp 2003: 9), Kate (2005: 18) finds that governments in European countries try to appease their electorates via low recognition rates when a proportionally high number of asylum seekers emanating from predominantly Muslim countries is applying. This negative relationship may well have increased during the following twelve years after her study was conducted, as Islamic terrorism has continued, so that it is

[1] She actually calls them 'ethnically distinct' but how she operationalizes the term rather accounts for cultural than ethnic differences.

worth repeated examination. Furthermore, large numbers of economic migrants, who are not refugees, try to gain access to EU states via the asylum channel (Loescher/Milner 2003: 598). Therefore, unsurprisingly, "the line between economic migrant and asylum seeker progressively blurs in the public mind" (ibid) and "[s]killed migrants and the foreign spouses of citizens arriving legally under migration programs are likely to receive a warmer welcome than asylum-seekers" (Kate 2005: 18), who are largely viewed as 'bogus refugees', abusing the asylum and social security systems (Hatton 2009: 183). Subsequently, Kate (2005: 22) finds the proportion of refugees to other migrants negatively correlated to refugee recognition rates but positively to recognition for humanitarian reasons. Additionally, Holzer and Schneider (2002: 46) point out that educated residents (e.g. in the service sector) are more open to refugees than people working the agricultural/industrial sector as they are less afraid of losing their job to foreign competitors. Unregarded by studies until now and reflecting the educational background, the population's distribution into working sectors will be subject to this study.

Since the authorities' behaviour towards asylum seekers is likely to reflect the citizens' attitude (Holzer et al. 2000a: 260) political conditions account to the greatest possible extent for the public opinion. Beginning with the most basic interface between politics and the public, Mori (2005: 23) does not find a relationship between democracy and recognition rates. However, the states' democracy level shall still be considered, for it would indicate to which extent a government's foreign policies could be linked back to the populations' attitude (cf. Baum/Potter 2008: 39). In the presence of far-right parties center parties tend to take a more restrictive stance (Money 1997: 698) in order to receive their share of votes, too (Holzer/Schneider 2002: 46 f.). Though Neumayer (2005: 64) finds no evidence for the thesis that recognition rates are negatively related to right-wing populist parties' electoral success, there are reasons to regard this factor again; as mentioned, the current refugee crisis has reached the most disastrous extent since the Second World War, hence, the attention drawn to the topic by the media and the general public is considerably higher and the debate more polemic than it was during the period analyzed by Neumayer. Today, in European countries it wouldn't be incredulous to expect asylum policies to be one of the most dominant criteria when the public evaluate the ruling abilities of their governments. The electoral success of far right parties, thus, may well influence asylum recognition rates today and will be a criterion in my research. Though, the national parliaments are the only bodies whose composition directly reflects the electorate's preferences, it is the governments that hold the states' executive power. As it is argued that national governments adopt restrictive policies in an attempt to gain control over the number of (potential) asylum applicants via low recognition rates (Rosenberger/König 2012: 537), the political orientation and the right-wing proportion of national governments shall be investigated as well.

As Toshkov (2013: 7) points out, "electorates often turn against immigrants, creating incentives for politicians to adopt anti-refugee rhetoric and tighten admission standards" when economic conditions are deteriorating. While the most common indicator of welfare, the GDP per capita in destination countries (Holzer et al. 2000b: 1189), according to Neumayer (2005: 59) and Kate (2005: 23), has no statistically significant impact on the general[2] recognition rates, Mori (2005: 24) finds that destination countries with a higher GDP p.c. tend to have lower recognition rates. So, research on this factor's influence in 2014 is necessary. Closely related to the destination countries' GDP is the question of how much of it the countries have already sacrificed for purposes of refugee aid. A high contribution to the United Nations Refugee Agency might incur displeasure among the population (especially in times of economic hardship) and/or evoke the perception that with these financial contributions the responsibility has been shifted to another instance. Therefore, the expenditure on refugee aid rendered to the UNHCR will be taken into account. Furthermore, it is repeatedly argued that residents' fear losing their jobs to asylum seekers can lead to a more restrictive attitude (Boswell 2003: 624; Holzer/Schneider 2002: 18). As a consequence, when unemployment rates in destination countries are high, states may claim that they do not have sufficient resources to assist asylum seekers (Kavuro 2013). Neumayer's findings support this thesis (2005: 61), Kate's do not (2005: 23). Since there is no accordance about this criterion, it shall be assessed newly.

In turn, global aging caused by "subreplacement" fertility regimens is spreading (Jackson et al. 2010: 1). That is, patterns of childbearing that would eventually result, all else being equal, in indefinite population decline (Eberstadt 2009)[3]. Since many authors claim that immigration policy is based on the economic utility of the newcomers (see above), it could be estimated that countries with a more urgent need for population replacement may adopt a more liberal asylum policy in order to sustain the country's productivity (Kate 2005: 23; Schwelien 2004: 203). Surprisingly, Kate (ibid) does not find this kind of relationship. Yet, the thesis is consistent with Holzer et al.'s (2000a: 268) findings that younger applicants, who have better chances of learning the host country's language and adding long-term value to the internal labour market, have higher chances of recognition, thus, the need for population replacement in destination countries will be investigated in this study.

Additionally, a series of legal and administrative aspects must be considered: a new factor appearing on the scene emerges from the Dublin Regulation: if asylum seekers fail to present themselves to the application interview within ten days of being invited, including because they have left the country, their application is suspended for three months. This timeframe is exceeded in many transfers under the Dublin Regulation. (UNHCR 2014: 5)

[2] Granting any kind of protection status, see methodological part.

[3] To keep the population of Europe as a whole stable, the annual immigration volume needs to double; to prevent an eventual decline in the size of the "working-age" population (age 15 to 64), Europe's net immigration will have to nearly quadruple. (Eberstadt 2009)

Furthermore, even if applicants return in time, they are not automatically considered by authorities but must re-apply. These applications are then considered subsequent applications and often the asylum seekers have to show new, additional elements in support of their claim. (UNHCR 2012: 8) Therefore, the number of 'Dublin take back applicants' shall be investigated in this study. Noll (2000: 236) considers that the main determinant of recognition rates is domestic refugee law. But legal rulings have less impact on administrative practice and the vast majority of decisions on asylum applications is made by bureaucrats (Sztucki 1999; as cited in Kate 2005: 28). Sztucki argues that courts display more 'convention fundamentalism' than bureaucrats (ibid); therefore, it shall be investigated whether recognition rates are higher when decisions are made by courts. Finally, as not only the nature and complexity of an asylum claim determine how long the case takes to be processed, but also "the structure and the functioning of the asylum system in each Member State[, t]he current stock of pending cases is […] key information when considering the pressure on the asylum system of the Member States" (EASO 2015: 17 f.) and shall therefore be regarded, too.

In this chapter the results of leading studies have been presented, accompanied by a theoretical discussion of their arguments. It can be concluded that a large number of factors play a role in determining asylum recognition rates. With regard to the single factors, though, there is no accordance among studies' results and scholars often argue controversially. This may be due to the fact that these studies target different periods of time and partly different sample countries. Therefore, it is inevitable to newly conduct research on asylum recognition rates' determinants, especially in the face of the exceptional situation of today's refugee crisis. However, it has been pointed out that mainly five key areas are assumed to shape asylum recognition rates: the conditions in the applicants' origin countries, the characteristics of the asylum population, the burden it places on the destination countries, the social, political and economic conditions in the destination countries and legal and administrative factors. Hence, these will be the theoretical categories along which the analysis will be carried out, as will be explained further in the next chapter.

3 METHODS

In this chapter the methodological framework for the analysis will be elaborated. The selection of the cases will be explained, i.e. why they provide a suitable basis to answer the research question. In the following section it will be justified which data will be gathered and how it has been collected. Afterwards the method of data analysis will be presented: grounded in the insights from the theory part, the analytical scheme for examining the gathered information to derive an answer to the research question and the steps of the following analysis will be explained.

3.1 Case selection

The cases selected for this study are the first instance recognition rates of Bulgaria and Hungary in the year 2014. Bulgaria's recognition rate in 2014 was the highest and Hungary's the lowest among all EU member states. Being the two extreme cases within the EU, they are the ones that are to the greatest possible extent suited to provide an explanation of today's determinants of asylum recognition rates. Furthermore, this study will focus on first instance recognition rates for on the one hand, analyzing as well the determinants of the EU-highest and -lowest recognition rates of final decisions on appeal in detail would be beyond the scope of this thesis and, on the other hand, the final recognition rates are not much different from the first instance rates, so that anyway no significantly distinct results could be expected. As in 2013 there were still almost 200,000 less persons applying for asylum in the European Union, with the 2014 figures reflecting the strongest year-to-year increase (+43%) since EU-level data collection began (EASO 2015: 13), the challenges faced by asylum policies in 2014 appear to be rather different to those faced in the previous years. Therefore, the analysis shall focus on the year 2014 only, so as to obtain a result as up to date and precise as possible[4].

3.2 Method of data collection

Since in practice, many applications are not decided upon during the period they are submitted, the actual recognition rate (the share of successful asylum applications) cannot be calculated (UNHCR 2002: 58). This study will, therefore, follow the UNHCR (ibid) practice of comparing national practices by dividing the number of positive decisions by the total number of decisions taken during a period (the share of successful decisions). Some of the authors referred to in the theory part distinguish between the recognition rates for the different protection statuses granted. To keep within reasonable bounds, if not specifically indicated, this study refers to the recognition rate as the share of *any kind* of protection granted (refugee status, subsidiary protection or allowance to stay for humanitarian reasons). In the absence of

[4] Figures from 2015 are not available before March 2016.

an internationally agreed methodology for calculating recognition rates (UNHCR 2015a: 30), for the means of international comparability, data on recognition rates will be taken from Eurostat instead of relying on national sources. For the same reason, Eurostat will be the source for as much of all further information as possible.

Aspects for which Eurostat data is unavailable will, as far as possible, be analysed on the basis of data from one source for all/both countries. This will primarily be the case when investigating the conditions in the asylum seekers' countries of origin, as these are non-EU states, and for some of the social, economic and especially political conditions in the destination countries. Data on these factors will be taken from the World Bank, the UNHCR, the federal German Society for International Cooperation (GIZ), the Purdue Scale of Political Terror, Freedom House, the World Factbook and the Center for Systemic Peace, as these are big renowned institutions that provide cross-border information; for fact-based, unjudged information on political conditions like the parliamentary election results and the parties composing the government, the national websites are considered reliable sources, too. If not further specified (below or in the appendix), data will regard conditions in 2014, since the factors' influence on recognition rates in 2014 shall be investigated. In the following, further methodological explanations on single factors will be made where necessary.

The origin countries' literacy rate and the gross enrollment ratio in tertiary school (measuring education) are only available from 2011 to 2013, and, unfortunately, only for three countries. Still, both factors in these countries vary so strongly that they cannot be expected to have changed significantly until 2014. As these three countries make up only 38 % of applicants in Hungary and 85 % in Bulgaria, their impact will be evaluated according to the origin-specific recognition rates. Since the perception of the asylum burden is assumed to primarily depend on the number of asylum seekers residing in the destination country, regardless of which instance made the decision, the number of recognized past asylum seekers p.c. refers to the total number of positive decisions in both instances from 2008 to 2013, divided by the population of 2014, as this is the year in which the past burden's impact shall be estimated. As discussed beforehand, there is no sense in measuring the culturally distinct foreign population as 'non-Western' foreigners. Over the long time that the EU has been existing, its geographical, religious and partly linguistic closeness, EU-citizenship can rather be associated with a similar cultural heritage (Horga/Brie 2010: 155), so that this criterion will be regarded to as the share of non-EU-citizens among the foreign population. Unfortunately, there is no individual information about the asylum seekers' religion. To get as close to the proportion of Muslim asylum seekers as possible, in this study the number of applicants from the top five origin countries will be counted proportionally[5] to the percentage of Muslims in the countries.

[5] e.g. if 1000 Syrians applied and in Syria there are 87% Muslims, then 870 applicants will be counted as Muslims

The electoral success of right-wing parties will be measured by the percentage of seats they achieved in the parliament (which is the same as the percentage of votes in Hungary) as those parties who received votes but did not pass the 4 % threshold (NABG 2014a) to gain entry in the Bulgarian parliament are hardly determinant for policy outcome. The need for population replacement will be measured primarily by two factors: firstly, the demographic situation of the countries, precisely, the percentage of people over 65 years, and secondly, by their fertility rates. Unfortunately, most recent data available on fertility rates is from 2013 but figures of previous years reveal that since 2010 the maximum variation has been of 0.1 children (Eurostat 2016h), hence, data from 2013 may be considered as a sufficient indicator. Additionally, since the need for population replacement comprises the need for labour force (replacement), the countries' labour force as the % of the population shall be regarded, too. As first instance decisions are made by bureaucrats and final decisions on appeal by courts (EASO 2015: 17), to estimate the decision making body's impact, the recognition rate of final decisions on appeal will be considered. Detailed information on the sources used is provided in the appendices.

3.3 Method of data analysis

The analysis will be carried out as a comparative case study along the criteria elaborated in the theory part. The theory part has revealed that there are five key areas that play a role in determining national asylum recognition rates – the conditions in the applicants' countries of origin, the characteristics of the asylum population applying in a destination country, the burden it places on the destination country, the social, political and economic conditions in the destination country and legal and administrative factors – hence, these will be the main groups of factors that will be analyzed. The order of analysis stems from the underlying subquestion: do the recognition rates in both countries differ due to the applicants' claims' merits or other factors? If the origin-specific recognition rates for the main applicant groups (which cover (more than) 90 % of all applicants) in Bulgaria and Hungary do not correspond to the conditions in their countries of origin (i.e. the merit of their claims), the reasons for the discrepancy must be caused by other factors. It will be examined whether individual characteristics of the applicants account for the variance. Since no information on individual cases is available, the characteristics of the asylum population as a whole applying in each destination country will be compared. In case no substantial differences are found within the asylum population seeking protection in Bulgaria and Hungary, the reasons for the discrepancy of their recognition rates must be grounded in the different conditions in the destination countries. Hence, these will have to be examined, too. The two destination countries will be compared with regard to the asylum burden they are facing, their national social, political and economic situation and different legal and administrative conditions.

Since their recognition rates differ so fundamentally (from 9 to 94 %), it will be inferred that aspects that turn out to be equal or almost equal in both countries, do not account for the variance in recognition rates, whereas conditions that turn out considerably distinct in Bulgaria and Hungary will be regarded to have an impact on recognition rates. The impact will be estimated according to which extent the analyzed aspects are consistent with the origin-specific recognition rates or the variance of the destination countries' recognition rates respectively. This qualitative method of data analysis is chosen in order to allow for a closer look at single factors and to enable to identify more subtle relations, contractions or paradoxes, as well as the possible interplay among the analyzed conditions. Observations will be evaluated vis-á-vis other scholars' findings and, finally, prepare the path to a practical conclusion in terms of policy implications on the national and European level.

In this chapter the methodological background for the analysis has been explained. The key insights generated can be summarized as follows: the cases selected are Bulgaria's and Hungary's first instance asylum recognition rates in 2014. Wherever available, figures used will be taken from Eurostat, otherwise, when investigating conditions in the asylum seekers' countries of origin and some of the social, economic and especially political conditions in the destination countries international institutions or national bodies will be sources. This data will be analyzed and compared, step by step, on the basis of the categories elaborated in the theory chapter, parting from the conditions in the origin countries, to characteristics of the asylum population, the burden they place on destination countries, the latter's social, political and economic conditions, to, finally, the legal and administrative factors.

4 ANALYSIS

As already mentioned in the beginning, in 2014 out of 7,435 asylum claims decided upon in Bulgaria, 94 % were recognized at the first instance (Eurostat 2015b: 4). In Hungary protection was only granted to 9 % of the 5,445 cases decided upon (ibid). In this section the two countries will be compared on the basis of the characteristics elaborated in the theoretical part in order to find out where this discrepancy emerges from. It will be investigated whether the differences are grounded in different conditions in the applicants' origin countries, individual differences of the asylum seekers or whether differences in the destination countries – i.e. different asylum burdens, different social, political and economic situations and different circumstances with regard to legal and administrative aspects – are the main reasons. Differences between the two countries will be highlighted and linked back to their recognition rates, as explained in the previous chapter. In the end, the results will be evaluated and assumptions about the determinants of EU countries' recognition rates will be derived in order to create an explanation for the extraordinary variance of recognition rates across member states.

4.1 Conditions in origin countries[6]

If the conditions in the applicants' origin countries were the key determinants of recognition rates, as it should be (for they embody the claim's merit), then the origin-specific recognition rates in both destination countries would be the same for each nationality. If there were no similarity at all, conditions in origin countries could not be a relevant factor. Three nationalities are among the five main groups of applicants in both destination countries: Syrians, Afghans and Iraqis. There is, in fact, some similarity in origin-specific total recognition rates for these three countries – in Bulgaria as in Hungary, Syrians have the highest chance of recognition of these, Iraqis the second and Afghans the lowest of these – so that the conditions in origin countries are assumed to matter at least to a certain extent and are worth further examination. Unfortunately, in the case of Bulgaria, the conditions in the origin countries of the group of stateless applicants cannot be identified. However, without these, the results still account for 90% of the total applicants in both destination countries.

Both Bulgaria and Hungary reward the two origin countries (for which data is available) with the highest GPD p.c. with the highest origin-specific recognition rates and the two or one (for which data is available) with the lowest GDP p.c. with the lowest origin-specific recognition rate. This result is contrary to both existing studies that examined the origin countries' income level: while Neumayer did not find any relationship between the

[6] If not further specified, all data used for the analysis can be found in the appendices with the number of each sub-section (e.g. sub-section 4.1 -> Annex 1).

origin countries' GDP p.c. and origin-specific recognition rates, Kate found a negative relationship (see above). On the one hand, it could signify that destination countries try to shield themselves from economic migrants by rather accepting applicants from wealthier countries. On the other hand, the exact order of recognition rates is not consistent with that of the GDP p.c.: Syrian applicants face the highest chance of recognition but are only the second wealthiest – and actually, they will probably have been even less wealthy in 2014 since the latest available figure for Syria's GDP p.c. is from 2007 and it has to be estimated that the real GDP p.c. had considerably decreased until 2014, as the war has caused great losses (SCPR 2015: 6). Furthermore, due to missing data, this relationship is observed solely on the basis of four countries' origin-specific recognition rates in Bulgaria and only three in Hungary. Though, this relationship's validity is unclear and, hence, the impact of other conditions in origin countries, related to issues of safety, must be regarded first before drawing a clear conclusion.

In both destination countries recognition rates are highest for the applicant group from the country that generated the highest number of refugees per capita (Syria), which is consistent with Kate's result; but Kate missed to set the number of refugees generated by a country in relation to the country's total population. Of course, a number of x refugees generated by a country indicates a more dangerous situation in that country, when these x refugees make up 50 % of the population, than if they represented 'only' e.g. 10 %. Regarding to the number of refugees generated *per capita*, this study's results show that recognition of the rest of applicants (not Syrians) is not consistent with the order of the most/least refugee p.c. generating origin countries. And hence, it is to assume that, if the conditions in origin countries matter, it must be the specific causes for people's flight that determine recognition rates, not just their consequences (the number of refugees). For the level of human rights violations as well as political rights and civil liberties a similar principle applies: the origin countries in the worst conditions face the highest chances of recognition and those better off, the lowest. However, within this tendency, there are substantial differences: the level of human rights violations is equal in Afghanistan and Pakistan, though, Pakistani applicants have a recognition rate of 0 % in Bulgaria whereas Afghans face a 23 % chance of recognition. On the other hand, applicants from Afghanistan, where political rights and civil liberties are missing to the same extent, only have about half the chances of recognition as Iraqi applicants in both Bulgaria and Hungary. For these reasons, human rights violations, political rights and civil liberties only indicate a tendency of recognition rates (the worse the conditions the higher the recognition rate) but are not considered determinants of the latter.

Except for Afghanistan, ethnic war is perfectly reflected by origin-specific recognition rates in Hungary. Afghanistan faces zero ethnic but serious revolutionary war (Taliban against the government); its recognition rate is medium-low. This shows that, refuting the former argumentation of the theory section, ethnic and revolutionary war should not be considered

separately but as a composite variable that is correlated to recognition. In Bulgaria, though, countries where warfare is worse have higher chances of recognition, too, but at the same time differences within this trend are strong: e.g. in Pakistan there is war, too, but Pakistani's recognition rate is 0 %. This indicates that further factors must be investigated as well. Adverse regime change (unfavourable changes in the style of governance), genocide/politicide and interstate war cannot be identified as determinants of recognition rates because they are (nearly) non-existent in all compared countries (in Iraq the 'Islamic State' committed genocide to Yazidis and Christians but the magnitude was still low in 2014) but still origin-specific recognition rates differ considerably. Nevertheless, this does not mean that these factors are now proven irrelevant in general. It is obviously not possible to prove the impact of something that is non-existent. However, the fact that ethnic and revolutionary wars apparently have an impact on recognition rates and that their single impact cannot be distinguished indicates that most probably interstate war influences recognition rates the same way, when it takes place on the grounds of the origin country.

In the case of adverse regime change, the influence on recognition rates is likely to depend on how 'unfavourable' the changes in the style of governance are. The former results allow for the presumption that adverse regime change to the extent of human rights violations and political and civil liberties restrictions would have some limited impact on recognition rates. If the regime change reaches the extent of politicide, it may, on the one hand, be supposed that it would enhance the chances of asylum recognition for people's lives were similarly threatened. On the other hand, politicide targets a special group so that affected refugees would have to prove that they belong to this group whereas warfare in the origin country is a threat to (almost) every citizen's life. This logic is assumed to be applicable to genocide, too, though it might be slightly easier for refugees threatened by genocide since there will probably less governmental efforts to hide it from the international public. Again, it has to be reminded that these latter considerations are not assumptions directly derived from the data but from the assumptions that have been derived beforehand from the data. The data examined gives no prove for these arguments but simply provides the ground for the logic of these arguments.

Finally, life expectancy is positively correlated to origin-specific recognition rates. This, on the one hand, contradicts the fact that applicants in whose origin countries the conditions are worse (e.g. due to war) are more likely to be recognized. On the other hand, it is to a certain extent consistent with the tendency of higher recognition rates for applicants from wealthier countries. Since a low life expectancy at birth is not a criterion that qualifies for asylum but rather reflects aspects of poverty, war, education etc. (Kate 2005: 10) – which have now been or will be investigated in the following – life expectancy itself is not considered a relevant factor. So all in all, it can be highlighted that data has revealed that the human rights, political rights and civil liberties situation indicate a tendency for recognition

rates and that ethnic and revolutionary warfare is the factor with the highest explanatory potential. Though, it is supposed that interstate war on domestic ground has a similar impact, as well as adverse regime change, dependent on its extent; on whether it presents a threat to refugees‘ lives (as in the cases of genocide or politicide) and how easily applicants can prove this threat to their own lives. Regarding the impact of the origin countries’ GDP p.c. it can so far only be said that it is by far no determinant of origin-specific recognition rates, but a final statement shall depend on the interplay with other observations, to be made in the following sections.

4.2 Characteristics of the asylum population

As the conditions in origin countries do not fully correspond to the variance in origin-specific recognition rates, individual characteristics of the applicants in Bulgaria and Hungary will now be assessed. Asylum seekers in Hungary and Bulgaria were characterized by nearly the same age and gender distribution. Thus, age and gender of applicants does not account for the difference in the countries’ recognition rates. Unfortunately, there is no data available on the applicants’ marital status. Nevertheless, it is supposed that marital status has no significant impact on recognition rates, for it is neither primarily relevant in terms of labour market utility nor population substitution. Furthermore, there is no information available on applicants’ medical conditions and mental competence that is precise enough as to allow for any conclusions. Literacy rates and the percentage of people with university education do not reflect the proportion of origin-specific recognition rates: among the origin countries where comparable data is available, Syrians who are the most educated, face the highest chances of recognition in both Bulgaria and Hungary, but Pakistani applicants have a origin-specific recognition rate of less than 4 % in both destination countries, although they are on average twice as literate and educated as Afghans, who have a more than seven times higher chance of recognition in both countries (Annex 2; Eurostat 2016b). Though this observation is based on data of only three origin countries, the differences or the inconsistency with their origin-specific recognition rates proportion is so high, that it is, nevertheless, hypothesized that education-related aspects do not influence the chances of recognition.

These results are quite surprising since Holzer et al. found age and gender determinant and several authors emphasize the importance of the applicants’ utility for the labour market, which clearly depends on literacy (and education) (see above). Apparently, Holzer et al.’s argument that those asylum seekers who are most likely to be economic migrants (young, single males) have the lowest chance of being recognized is not applicable. With reference to the former sub-section, it seems that little importance has to be attached to the vague consistency of origin-specific recognition rates with the origin countries’ GDP p.c., for destination countries do not primarily seem to worry about economic migrants, or at least not

on the basis of such superficial criteria. As no determinants of asylum recognition rates have been found among the characteristics of the asylum population, differences in the burden they place on Bulgaria and Hungary will be scrutinized in the following section.

4.3 Destination countries' asylum burden

In 2014 Hungary received almost four times more asylum applications than Bulgaria, which were more than three times more applications per capita than in Bulgaria. Hungary had already been receiving way more applications in the six year before: nearly three times more in absolute numbers and the double amount of applications per capita compared to Bulgaria. Additionally, the change has been much stronger in Hungary. While in both countries the number of applicants had been steadily rising for the last three years, in Hungary it had increased by 9 times from 2012 to 2013 and more than doubled until 2014; in Bulgaria the number 'only' rose by 5 times from 2012 to 2013 and only by ca. 50 % until 2014. It is therefore hypothesized that a higher number of applicants decreases the destination country's recognition rate, especially when the number of applications has recently undergone a drastic increase. Furthermore, the absolute number of applications is considered to be even more influential than the number in relation to the country's population, as it is the absolute number that is even more higher in Hungary than in Bulgaria. This might be due to how applicants are perceived: very rarely their number is being viewed in relation to the destination country's population, as shows the example of Germany, which during the last years attracted more media attention for receiving most applicants (in absolute numbers) than Sweden which received the highest numbers in the EU in relation to its population.

During the six years before 2014 Bulgaria had already accepted about one third more asylum seekers than Hungary had in the same period, which were more than the double amount per capita in Bulgaria than in Hungary. Hence, a higher burden already shouldered during previous years does not lead to a lower recognition rate. On the one hand, it can be observed that both countries follow a tradition: Bulgaria's recognition rate has almost the whole time been (a bit) higher than Hungary's; on the other hand, there was a turning point in both countries' recognition rates in distinct directions in 2013. Consequently, it is deduced that the countries' tradition of generosity (or isolation, respectively) influences future recognition rates, though not to the extent of the variance from 9 % to 94 % in 2014, i.e. further factors must play an important role, too.

Unfortunately, recognition rates of non-EU neighbouring states (Macedonia, Serbia, Turkey and Ukraine) are not available. However, it can be estimated that recognition rates in Ukraine, Serbia and Macedonia were low, whereas Turkey's recognition rate might have been

considerably higher.[7] Thus, Bulgaria and Hungary have two mutual neighbours of which one has an EU-average recognition rate and one probably a very low one. Both have two neighbours with (probably) low rates and one with probably a high rate. Additionally, Hungary has borders with two countries that have low to average but still considerably higher recognition rates than Hungary. At least all neighbouring countries for which exact data is avaible have recognition rates higher than in Hungary and lower than in Bulgaria, so that there can be neither a 'race to the bottom' nor a 'race to the top', as had been argued in the theory part. Recognition rates of neighbouring countries are, therefore, hypothesized to be uninfluential on domestic rates. Domestic conditions will thus be examined in the following section.

4.4 Social, political and economic conditions in destination countries

Hungary has about 1.7 million more inhabitants than Bulgaria and a 62 % higher population density. Though, a bigger population might theoretically absorb larger numbers of entrants, this example shows that the applicability of this argument is limited by a high population density. As a result, the population size itself is considered to be irrelevant whereas a high population density has a negative impact on recognition rates. The share of foreign population has neither changed significantly in either one of the countries nor was it significantly distinct in 2014, so that it cannot account for the discrepancy between Bulgaria's and Hungary's recognition rates. However, again, it has to be taken into consideration that what is not existent cannot be measured. In both destination countries lived hardly any foreigners at all (< 1.5 %) and that had not changed (< 0.4 %) since 2008. As a result, it can only be observed that the (change of the) proportion of foreign population does not account for the different recognition rates in 2014. It would rather be necessary to observe these factors in future years. Whether they have an impact on recognition rates in general, may only be guessed dependent on whether in the further course of the analysis substantial differences regarding aspects of xenophobia are found.

In Bulgaria the proportion of 'culturally distinct' foreigners among the total foreign population is much higher than in Hungary. It would be strange to assume that because there are more culturally distinct foreigners, Bulgaria wants to receive even more, but at least Bulgaria seems to be more tolerant towards them. The same applies to the proportion of asylum seekers among foreign residents, which is higher in Bulgaria, too. The vast majority of asylum seekers in both countries are Muslims, so that Bulgaria is probably more tolerant towards them, too. Nevertheless, the share of Muslims among asylum seekers does not

[7] as i. Ukraine was one of the main sources of refugees in 2014 (UNHCR 2015a: 15), ii. Refugees originating from Serbia (and Kosovo) increased by 62 % from 2013 to 2014 (ibid: 28), iii. Macedonia hosted only 1,768 refugees while 7,791 asylum applications were still pending (ibid: 52), iv. Turkey hosted 1,6 million refugees (ibid: 10).

account for the varying recognition rates, for it is almost equal in both destination countries. Neither does the distribution of the population into working sectors, as it, too, hardly differs. Subsequently, it is supposed that Hungary is to a certain extent more xenophobic than Bulgaria. Hence, the observations made regarding the proportion of foreign population in the destination country, rather than refuting the factor's impact, are believed to generally have a negative impact on recognition rates, though not proved in the examined cases.

Since Bulgaria's democracy level is 10 % higher than Hungary's, it could be estimated that asylum recognition rates in Bulgaria reflect slightly more the attitude of a wider share of the population than in Hungary. However, in parliamentary elections in 2014 in Hungary the far-right Fidesz party repeatedly (Freedom House 2015c: 268) gained a two thirds supermajority. Together with another, ultranationalist party, these two had 78 % of seats. At least the same percentage of the ministries was led by these two parties. In Bulgaria a right party gained 33 % of parliamentary seats. Its members led 60 % of the ministries. However, this government began its ruling only in November 2014 (NABG 2014b) so it is hardly responsible for the policies carried out during the year. Until July 2014 Bulgaria had had a center-left government (Freedom House 2015b: 166), so there is no right tradition as in Hungary. Besides, Bulgaria's right-wing, according to Freedom House (2015b: 166; 2015c: 269), is not as antiliberal, nationalistic and religiously divisive as Hungary's. Consequently, the success of far right parties and the government's ideology play an important role with regard to asylum recognition rates, regardless of the overall democracy level. This result disproves Neumayer's finding but is consistent with the further argumentation elaborated in the theory part regarding these factors.

Hungary's GDP p.c. is ca. 80 % higher than Bulgaria's and the unemployment rate is ca. 30 % times lower than in Bulgaria – still Bulgaria's recognition rate is so much higher. That the country with the higher GDP p.c. has the lower recognition rate is consistent with Mori's finding (see above). However, her result is based on recognition rates of 145 countries worldwide, thus, many of them are developing neighbouring countries of the crisis trouble spots. These are known to host disproportionally high numbers of refugees, as many of the fleeing people seek refuge in a neighbouring country (UNHCR 2015e; UNHCR 2016). Therefore, Mori's finding that a higher GDP p.c. leads to a lower recognition rate cannot likewisely be applied to relatively wealthier or poorer European Union member states as these do not share the same relationship with the origin countries as the latter's (poor) neighbouring countries do. Hence, the result of this analysis is to be interpreted as following: in accordance with Neumayer and Kate, the destination countries' GDP p.c. is hypothesized to have no impact on their recognition rates. Regarding the unemployment rate, Kate's thesis is supported, Neumayer's is not: there is no negative relationship between unemployment and recognition (as assuming a positive relationship would simply make no sense).

That neither aspect is considered influential on recognition rates is, on the one hand, surprising, since a comparatively wealthier country is expected to have a higher economic capacity to welcome asylum seekers. On the other hand, Hungary contributed a 70 times higher percentage of its GDP to the United Nations Refugee Agency than Bulgaria, which corresponds to ca. a 150 times higher amount per capita. This shows a much more generous side of Hungary, but at the same time Hungary might, therefore, want to avoid further expenditures that go along with recognizing high numbers of asylum seekers. Hence, it is hypothesized that (relatively to GDP) high contributions to UNHCR have a negative impact on recognition rates. Regarding the need of population replacement, Bulgaria and Hungary have almost an equal percentage of population over 65 years and almost equal percentage of labour force. Their fertility rates are almost equally low compared to the 2.1 replacement rate required to maintain a stable population from one generation to the next (Jackson et al. 2012: 1). Though the data available on fertility rates is from 2013, figures of previous years reveal that since 2010 the maximum variation has been of 0.1 children (Eurostat 2016h). Hence, the data used is considered a sufficient indicator to create a valid result. Even if paying attention to the slight differences, Bulgaria is the country with the higher fertility rate and higher labour force, and hence with the less need for population replacement, but still the one with the immensely higher recognition rate. Consequently, need for population replacement is not assumed to be influential on recognition rates.

4.5 Legal and administrative considerations

Finally, legal and administrative factors shall be considered. The number of accepted take-back requests under the Dublin Regulation does not necessarily imply that these people's applications are part of the recognition rate in 2014, as they can as well be decided upon after 2014 and, of course, the recognition rate also consists of decisions upon claims of former years. However, under the circumstances explained in the theoretical section, by a very large number of accepted take-back requests lower recognition rates can be expected. This was the case in 2014: Hungary accepted almost 80 times more Dublin take-back requests than Bulgaria (and had accepted up to 15 times more than Bulgaria in the previous years as well). Since, as explained, these 'taken back' applicants must have had a very low chance of being recognized upon return, the number of accepted take-back requests by destination countries is hypothesized to negatively influence national recognition rates. With regard to final decisions on appeal, Bulgaria's recognition rate for those decisions is the highest in the EU, too, and Hungary's remains among the member states with the lowest rates. Thus, the fact whether decisions are made by bureaucrats or courts is considered irrelevant with respect to recognition rates. At the beginning of 2014 Hungary's number of pending cases was considerably lower than Bulgaria's but during the year it increased from 1,970 to 15,685

cases, which constitutes a relative change of + 723 % from December 2013 to December 2014, whereas Bulgaria's number of pending cases only increased by 19 %. Hungary was the country with the highest relative increase of pending cases in the EU. Though, Hungary's recognition rate was already very low (8%) when there were 723 % less pending cases, and Bulgaria's recognition even increased by 7 % in spite of the 19 % more pending cases. Therefore, the number of pending cases cannot be considered to have a direct impact on recognition rates, but can rather be seen as an indicator of pressure on the asylum system.

4.6 Summary

The (inconsistent) results of former studies have not been able to provide a full, comprehensive explanation of what determines asylum recognition rates in the current crisis. In the course of this thesis, the analysis of Bulgaria's and Hungary's first instance recognition rates in 2014 has resulted in the following explanation: Human rights violations, civil liberties and political rights to a certain extent, indicate a tendency – the worse the situation in the origin countries, the higher the origin-specific recognition rate. Domestic war influences origin specific recognition rates in the same way. Its relationship with recognition rates is the strongest among conditions in origin countries, yet, their influence is not all-encompassing. A variety of factors that lie outside the merits of the asylum claims play a role as well: the number of applications a destination country receives has a strong negative impact on general recognition rates, especially when there has recently been a drastic increase. To a limited extent, destination countries follow a tradition of generosity and isolation respectively, though, that tradition is not *determinant*. Population density has a negative impact on recognition rates. Bulgaria is more tolerant towards culturally distinct foreigners and asylum seekers in general, and Muslims, too. The success of far-right parties and, consequently, the governments' political ideology are one of the determinants of (low) recognition rates. Relatively to the countries' GDP high contributions to the United Nations Refugee Agency appear to lead to lower recognition rates. So does a high number of accepted take-back requests under the Dublin Regulation. The number of pending cases has no direct impact on recognition rates but indicates the pressure on the destination country's asylum system.

No impact of interstate war, adverse regime change, genocide, politicide has been found. However, logical interpretations of the other results lead to the hypothesis that interstate war has the same impact on recognition rates when it takes place on the origin country's ground; that adverse regime change itself is no determinant, but its consequences; thus, genocide and politicide might have the same impact as warfare, depending of the applicant's ability to prove it. The number of refugees generated by a country of origin, its GDP p.c., demographic factors of the applicants, the number of past recognized claims, recognition rates of neighbouring countries, population size and share of foreign population, the population's

distribution into working sectors, the country's democracy level, destination countries' GDP p.c., unemployment rate, need for population replacement and whether asylum applications are decided upon by bureaucrats or courts are assumed not to have an impact on recognition rates.

5 CONCLUSION

In this chapter the answer found to the research question will be assessed from a more practical point of view. Its relevance, limits and practical implications, in terms of further research and political actions, will be discussed. As displayed in detail at the end of the previous chapter, the answer to the research question has various facets as several factors play a role in shaping national asylum recognition rates and there is a strong interplay between them. Initially, asylum recognition rates are determined by the merit of the claims, that is, the extent to which the conditions in origin countries subject the applicants to persecution and threaten their lives. Applicants are not discriminated against on the basis of their demographic or educational characteristics. But when the burden for host countries becomes heavier, the principles of the Geneva Convention tend to be forgotten and xenophobic governments and their policies of isolation are strengthened. Meanwhile the Dublin Regulation causes some additional administrative burden from which the applicants' chances of recognition suffer. This answer is to a certain extent in accordance with all of the introduced authors, though, it does not reflect to 100 % the explanation provided by any one of them. Overall, it supports Toshkov's (2013: 8) and Holzer et al.'s (2000b: 1185) statement that the vagueness and discretion of the Geneva Convention allow for a wide range of asylum policies even for the governments that are bound by its provisions. The recognition rate is, therefore, following Holzer et al. (2000a: 259), rather considered "as a policy variable that […] authorities seek to alter according to specific political constraints".

With the current crisis, ever more and more refugees emanate from the Arab World and the end is not in sight. As these refugees do not possess the exit option to simply flee from a restrictive to a more liberal member state, the strong variance of national recognition rates across the European Union remains a major problem "if the EU moves closer toward a harmonization of its asylum practices but ultimately fails to establish uniform standards in the ways in which asylum seekers are treated" (ibid: 270). But in order to find a solution to the problem, obviously its roots have to be identified, for which the answer to the research question found in the course of this thesis is of great relevance. Of course, it has its limits. But thereby fields where further research has urgently to be done are revealed. First of all, no causal relationship between the conditions investigated and the recognition rates can ultimately be proven but correlations have been discovered which indicate to certain assumptions. However, in order to obtain a broader basis for a more precise interpretation, especially with regard to *all* EU member states asylum policies/ recognition rates, a similar analysis would have to be done on all member states. Furthermore, though, as mentioned in the beginning, Europe faced an outstanding inflow of asylum seekers in 2014, the analysis has shown that the two sample countries' recognition rates did not differ that much before 2013. Consequently, to get a deeper understanding of the determinants of asylum recognition rates,

it might be helpful to analyze the criteria of this study in the long term. Unfortunately, such a study on all EU countries recognition rates and their possible determinants over a long period of time would have been beyond the scope of this thesis. However, the results of this study can be taken as the starting point for future research and are supposed to be indicators of what results may be expected.

Apart from what the results of this study can tell about the determinants of recognition rates while evaluating the countries' generosity and asylum policy in general, two things have to be kept in mind: firstly, the different protection statuses that a state can grant to asylum seekers binds that state to different legal regulation with respect to the treatment of the asylum seeker (see Eurostat 2015a: 5). Secondly, all the assumptions deduced from the analysis refer exclusively to asylum recognition rates, i.e. they do not necessarily say something about whether a member state is refugee-friendly or not. Some countries may have a high recognition rate because they unfairly reduced the number of possible applications by strictly preventing asylum seekers from entering the country (Böcker/Havinga 1998: 258). Bulgaria had the highest recognition rate of all EU member states in 2014 but has repeatedly been criticized for its brutal and inhuman treatment of refugees both at its borders and with regard to the care recognized asylum seekers receive (e.g. Pelzer 2014: 46 f.). Thus, recognition rates alone are not enough to judge the generosity and fairness of a country's refugee policy. As a consequence, three key areas for political action can be identified.

As "many of the second and third-order rules that specify, interpret, and fill-in the details of the law are not scrutinized by the legislatures", the governments and ministers are given leeway to deteriorate the asylum recognition rules without even formally violating the law (Toshkov 2013: 8). Therefore, a first step would be the creation of an EU-level office that controls the application of these secondary and tertiary rules. Since it has been found out that states especially tighten their borders, the second, and most important measure has to be the establishment of a system of fair burden-sharing instead of pursuing the Dublin Regulation. The Dublin Regulation is in two ways an unsuitable instrument, for it allows the rejection of substantially merited asylum claims and does all the opposite of easing the pressure on those destination countries where the burden is already high. Simply deciding a financial compensation for those member states who take most refugees would deny the equal responsibility of all member states and those who host most asylum seekers are more likely to feel overcrowded. Hence, a quota for refugee distribution on the EU-level has to be introduced. Financial aid has, though, to be granted to those states who otherwise are simply not able to cope with the number of asylum seekers they have to host and to those who are bearing the costs of e.g. rescuing refugees from the Mediterranean and/or providing them with first medical care and alimentation. Thirdly, the EU has to make sure that asylum seekers receive a human treatment in each member states, at the borders as well as while their claim is

being processed and once they are accepted. Therefore, the EU has to define concrete rules for asylum seekers' financial support, housing arrangements, detention conditions etc.

It has to be communicated that people fleeing war will not stop seeking refuge in Europe – legally or illegally – but only by a stable and well organized system in which all member states pull together and accept their share of responsibility, the immigration can at least be controlled (for the better). If no voluntary cooperation can be achieved or member states do not stick to the agreements made in practice, sanctions have to be implemented. This would probably be the most effective measure and it would also be a just measure, for it is not acceptable that many states have highly benefited from their European Union membership in the past and/or in the present but when it comes to sharing some responsibility, they simply opt out. The EU has to work commonly on a solution to the crisis, ensuring that all asylum seekers receive a treatment based on their claim's merit.

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Eurostat (2016e): Final decisions on applications by citizenship, age and sex Annual data (rounded). Data code: migr_asydcfina

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7 APPENDICES

Annex 1: Conditions in origin countries

2014	Bulgaria				Hungary			
Five main citizenships of applicants[8]		No. of applica.	% of total	Recog. Rate[9]		No. of applica.	% of total	Recog. Rate
	Syria	6245	56	100	Kosovo	21455	50	0
	Afghan.	2965	27	23	Afghan.	8795	21	26
	Iraq	610	6	44	Syria	6855	16	69
	Stateless	270	2	97	Palestine	875	2	50
	Pakistan	185	2	0	Iraq	495	1	67
	Other	805	7		Other	4090	10	

Conditions in origin country	Syria	Afghanis.	Iraq	Pakistan	Kosovo*	Palestine/-ian
GDP p.c. in current US $[10]	2,080.0 (2007)	633.6	6420.4	1316.6	unavailab.	unavailab.
Life expectan., in years[11] (2013)	75	60	69	66	unavailab.	unavailab.
No. of refugees generated p.c.[12]	0.176	0.084	0.012	0.002	0.025	0.008
Human r. viol.[13] (1=best, 5=worst)	5.0	4.7	5.0	4.7	2.0	3.3
Political rights[14] (1=best, 7=worst)	7	6	6	4	unavailab.	unavailab.
Civil liberties[15] (1=best, 7=worst)	7	6	6	5	unavailab.	unavailab.
Ethnic war[16] (0=best, 4=worst)	4	0	4	3	0	2
Revoluti. war[17] (0=best, 4=worst)	0	3.5	0	0	0	0
Genocide/Poli.[18] (0=best, 4=worst)	0	0	1	0	0	0
Adv. r. change[19] (0=best, 4=worst)	0	0	0	0	0	0
Interstate war[20] (0=best, 10=worst)	0	0	0	0	0	0

* Serbia and Kosovo (S/RES/1244 (1999)). Includes Montenegro until its independence in the absence of separate statistics available for both countries (UNHCR 2015a: 17)

[8] Eurostat 2015b: 8
[9] own calculations on the basis of Eurostat 2016b
[10] World Bank 2016a
[11] World Bank 2016b
[12] UNHCR 2015a: 49 ff.
[13] Purdue Scale of Political Terror 2015: The Political Terror Scale
[14] Freedom House 2015a: 21 ff.
[15] ibid.
[16] PITF 2014: Ethnic Wars; Magnitudes are evaluated on the basis of state capabilities, interactive intensity (means and goals), area and scope of death and destruction, population displacement, and episode duration
[17] ibid: Revolutionary Wars
[18] ibid: Genocide, Politicide
[19] ibid: Regime Changes
[20] Center for Systemic Peace 2015

Annex 2: Characteristics of the asylum population

2014		Bulgaria		Hungary	
Distribution of age groups of applicants as a share of total (in %)[21]	0 – 13		17.4		19.4
	14 – 17		12.8		8.2
	18 – 34	82.2	56.2	80.3	56.6
	35 – 64		13.2		15.5
	65 +		0.4		0.2
Applicants by sex (in %)[22]	Male		76.9		76.2
	Female		23.1		23.8
Literacy rate in origin countries (in %)[23]		Syria: 86 (2013)	Pakistan: 57 (2012)	Afghanistan: 32 (2011)	
Gross enrollment ratio tertiary school in origin c. (in %)[24]		Syria: 31 (2013)	Pakistan: 10 (2013)	Afghanistan: 4 (2011)	

[21] Eurostat 2015b: 6
[22] Calculated on the basis of Eurostat 2016c
[23] World Bank 2016c
[24] World Bank 2016d

Annex 3: Destination countries' asylum burden

2014		Bulgaria	Hungary
Asylum applications received by destination countries			
No. of applications 2014[25]		11080	42775
No. of applications p.c. 2014[26]		0.0015	0.0043
No. of past applications[27]	2008	745	3175
	2009	855	4665
	2010	1025	2095
	2011	890	1690
	2012	1385	2155
	2013	7145	18895
	Ø 2008 – 2013	2008	5446
No. of applications p.m.c. Ø 2008 – 2013 [28]		274	547
Past recognition rates and recognized claims			
No. of recognized claims 2008 - 2013[29]		3645	2165
No. of recognized claims p.c. 2008 - 2013[30]		0.0005	0.0002
Past recognition rates (first instance) in %[31]	2008	44	44
	2009	42	22
	2010	27	25
	2011	31	17
	2012	27	32
	2013	87	8
	Ø 2008 – 2013	43	25

Recognition rates of neighbouring countries			
Bulgaria	%	Hungary	%
Romania	47	Romania	47
Greece	15	Slovenia	46
Turkey	*probably high*	Slovakia	34
Macedonia	*probably low*	Croatia	11
Serbia	*probably low*	Austria	*probably high*
		Serbia	*probably low*
		Ukraine	*probably low*

[25] Eurostat 2016c
[26] Calculated on the basis of Eurostat 2016c; Eurostat 2016d
[27] Eurostat 2016c
[28] Calculated on the basis of Eurostat 2016c; Eurostat 2016d
[29] Calculated on the basis of Eurostat 2016b; Eurostat 2016e
[30] Calculated on the basis of Eurostat 2016b; Eurostat 2016d; Eurostat 2016e
[31] Calculated on the basis of Eurostat 2016b

Annex 4: Social, political and economic conditions in destination countries

2014		Bulgaria	Hungary
Social conditions			
Population (in m.)[32]		7.2	9.9
Population density (people/km^2)[33]		67	109
Share of foreign population (in %)[34]		0.8	1.4
Change of share of foreign[35] population since 2008 (in %)		+0.27	-0.34
Share of culturally dist. foreigners among foreign pop. (in %)[36]		75	43
Share of asylum seekers among foreign population (in %)[37]		35	21
Share of Muslims among asylum seekers (in %)[38]	Minimum	91	95
	Among top applicant groups	83	86
Employment in working sector (as % of total employment)[39]	Agriculture	7	5
	Industry	30	31
	Services	63	65
Political conditions			
Electoral success of far-right parties in parliamentary elections (as share of seats, in %)[40]		33	78
Government: far-right led ministries (in %)[41]		60	77
Economic conditions			
GDP p.c. in €[42]		5900	10553
Unemployment (in %)[43]		11	8
Financial contribution to UNHCR*	as % of GDP[44]	0.00002	0.00139
	p.c. in €[45]	0.001	0.146
Need for population replacement	Population over 65 years (in %)[46]	1.4	1.3
	Fertility rate[47]	1.48	1.35
	Labour force (in %)[48]	46	44

* converted from US$ to € by 2014 average exchange rate (http://www.oanda.com/lang/de/currency/average)

[32] Eurostat 2016d
[33] World Bank 2016e
[34] Calculated on the basis of Eurostat 2016d
[35] ibid.
[36] ibid.
[37] Calculated on the basis of Eurostat 2016d; UNHCR 2015c; UNHCR 2015d; asylum seekers as accepted applicants and pending cases of applicants residing in the destination country
[38] Calculated on the basis of Eurostat 2015b: 8; Central Intelligence Agency 2016; GIZ 2016
[39] World Bank 2016f; World Bank 2016g; World Bank 2016h
[40] Calculated on the basis of NABG 2014a; National Election Office 2014; Freedom House 2015b; Freedom House 2015c
[41] Calculated on the basis of Government of Bulgaria 2016; Government of Hungary 2016
[42] Calculated on the basis of Eurostat 2016a; Eurostat 2016d
[43] Eurostat 2016f
[44] Calculated on the basis of UNHCR 2015c; UNHCR 2015d; Eurostat 2016a;
[45] Calculated on the basis of UNHCR 2015c; UNHCR 2015d; Eurostat 2016d
[46] Calculated on the basis of Eurostat 2016g
[47] Eurostat 2016h
[48] World Bank 2016i

Annex 5: Legal and administrative considerations

2014		Bulgaria	Hungary
Recognition rate final decisions on appeal (in %)[49]		86	5
No. of accepted take-back requests[50]	2012	7	111
	2013	14	167
	2014	3	235
No. of pending cases[51]	Beginning of 2014	5885	1970
	End of 2014	6750	15685
	Change Dec. 2013 – Dec. 2014 (in %)	+ 19	+ 732

[49] Eurostat 2015a: 4
[50] Eurostat 2015c
[51] Eurostat 2016i