



Press Release

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EU refugee protection a hotchpotch of provisions

A comparison of legal provisions pinpoints failure of the EU asylum system

Thousands upon thousands of people pin their hopes for a safe and better life on fleeing to the European Union. However, a new comparative study carried out by the Max Planck Institute for Social Law and Social Policy reveals that refugee protection rights vary considerably within the EU. Subsistence provisions and access to medical care are organized in very different ways by the individual Member States. For example, asylum seekers in Germany receive a monthly payment of 143 euros to enable their participation in society while the corresponding payment in Austria is 40 euros, and 12.50 euros in Poland. Such discrepancies, however, should not be overestimated as migration incentives.

Differences like this result from the fact that although a binding EU directive exists that prescribes norms for the reception of refugees. “An overview of the actual provisions clearly reveals that the minimum standards are implemented in very different ways at national level, and this has serious consequences for the individual in some cases,” says Ulrich Becker, Director at the Max Planck Institute for Social Law and Social Policy and head of the project, which analyzed the legal systems of eleven EU Member States.

The comparison of subsistence payments reveals not only a discrepancy in cash payments which, as part of the so-called “sociocultural subsistence minimum”, are supposed to enable participants to participate in society, it also clearly demonstrates that a large number states do not base their payments on the level of social security assistance generally provided. In Great Britain, for example, the payment that can be claimed by asylum applicants is only equivalent to half of the social security rate. In Sweden too, the daily rates paid to asylum seekers are considerably lower than the social security level. The study concludes that: “Such provisions clearly run the risk of failing to comply with the subsistence minimum.” A general trend for reducing cash payments and replacing them with benefits in kind can also be observed.

To analyze the different dimensions of the social protection afforded to refugees, in addition to subsistence payments, the 16 participating scientists created three other categories: medical care,

access to the labour market and the nature of the accommodation provided. All of the EU countries examined in the study are obliged to provide suitable accommodation. The fact that this has proved impossible in the context of the current refugee crisis is also due to “inadequate preparation in many countries”.

With regard to healthcare, the authors established that while all of the surveyed countries provide access to medical care, the range of services provided differs enormously: the provisions vary from full integration into the general healthcare system, as is the case in Great Britain, Italy and Poland, to a restriction to acute care which applies in Sweden and Germany, for example. Asylum seekers in Hungary only receive outpatient or inpatient treatment if they have a life-threatening condition or are at risk of suffering permanent damage to their health.

Taking up employment could enable asylum seekers to provide for themselves. However, Sweden is the only one of the countries studied that allows them to engage in regular paid employment once they have submitted their asylum application and, moreover, without a work permit. In contrast, the majority of countries apply very restrictive regulations to labour market access: “Employment is often only possible six to nine months after submission of an asylum application. Furthermore, in many cases, work permits are temporary and only granted for particular activities,” the study reports. Moreover, in countries like Germany, Austria and Greece, priority is given to citizens of the EU and states associated with it. The conclusion reached by the study is that: “The national governments clearly aim not to enable a large number of asylum seekers to take up employment.”

Quota dispute as the basic problem

The results of the survey are presented in individual country reports. The study’s comparative chapters reflect on the overall deficits of the EU asylum system and provide impetus for its development. “If the European Union sees itself as a single market, it must resolve the question of external access on a pan-European basis,” says Becker. What is required is a European asylum policy that provides binding and solidarity-based regulations for the acceptance of refugees. This would include providing EU support to border states for the reception of refugees in the context of the Dublin system. Moreover, the practices relating to the granting of asylum should be standardized and agreement should be reached on a binding solution for the distribution of refugees across the EU Member States.

The study will be published shortly in the journal *Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (ZIAS)*. The southern European Member states included in the comparison were Spain, Italy and Greece. The scientists also selected Bulgaria and Hungary in Eastern Europe as important border and transit countries and also surveyed Germany’s neighbouring states, the Netherlands, Austria and Poland. Great Britain was examined as the country with the lowest refugee acceptance rate based on population size and Sweden as that with the highest rate. Finally, Turkey, Russia and the USA were also incorporated due to the respective special problem situations.

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