

# Justitiële verkenningen

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## Asylum policy under pressure

### Summaries

Justitiële verkenningen (Judicial exploration) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with the publishing house Gouda Quint BV. Each issue focuses on a central theme related to criminal law, criminal policy and criminology. This section contains abstracts of the more relevant articles. The central theme of this issue is: Asylum policy.

#### **The asylum policy; a future for Europe?**

J. van der Klaauw

European Member States initiatives to harmonize asylum policies have yielded some important results so far, yet have not addressed a number of problems which Member States' asylum systems are confronted with at present. Following the entry into force of the Amsterdam Treaty expected for 1999, a coherent and consistent European asylum policy may be developed within five years. European policy development can provide some but not all solutions to the various problems related to the implementation of procedural and material asylum law at national level. Any future European asylum instruments should be developed in accordance with principles of international refugee law, and harmonization on the basis of the lowest common denominator should be avoided to the extent possible.

#### **Asylum migration to The Netherlands; patterns and explanations**

T. Havinga en A. Böcker

Are asylum seekers from particular countries of origin randomly distributed among the European Union countries? Which factors can explain patterns of origin and destination? Three groups of factors are examined: various linkages between the country of origin and the country of asylum; characteristics of the country of destination and the asylum seekers' image of this country and; events during the flight. The analysis relies on statistics on asylum applications and interviews with key informants in The Netherlands, Belgium and the United Kingdom. The choice of country for asylum often is not a conscious, rational choice by the asylum seeker. For asylum seekers in an acute situation without options, the country of asylum will be influenced mainly by factors related to accessibility like visa requirements, available transport facilities, prices of tickets and documents and, the possibilities offered by travel agents. Is the flight anticipated and are options available, the existence of a settled community of compatriots or a familiar person in a country of asylum will be most important.

#### **Are present asylum policies outdated? Towards a new worldwide system of regional refugee centres**

C.D. de Jong

In this article the author tackles the question as to what extent the Geneva Treaty is sufficiently equipped to safeguard the interests of millions of refugees. First the author discusses the specific traits of the treaty (especially the principle of non-refoulement), the challenges we are faced with concerning worldwide developments, the bottlenecks in immigration policies and the restricted admittance. Whatever measures western states take or think of, the real causes of the asylum problem (wars, unemployment, hunger) are not being dealt with. According to the author it is time to think of structural solutions, like the development of a world wide system of social security. We should ask ourselves if it is really humane that large numbers of refugees are dispersed around the world. The author states that if refugees are protected against persecution, it is not really important where in the world this protection is provided. He therefore favors taking care of refugees in their regions of origin. Every

continent should be responsible for its own refugees. However, this should not relieve western states from their added responsibility to bear the costs of large resettlement programs.

### **Asylum migration; problems of regulation**

J. Doomernik

The current trend towards globalisation has a number of consequences, some of them direct, others rather indirect in nature. Among the latter is a growing emigration pressure in large parts of the developing world. Among the direct consequences is the increasing availability of relatively cheap and frequent means of transportation that, in addition to transporting businessmen, tourist, and goods, also enable those who suffer from this emigration pressure to travel to western countries. In many instances these migrants subsequently file an asylum claim. Receiving States like the Netherlands face problems in dealing with this unsolicited immigration largely because they cannot categorically close their doors without violating the Geneva Convention. They therefore have devised measures by which potential asylum seekers should be kept from arriving at their territory in the first place. It is in this context that the increasing role of human smuggling in migration processes should be understood.

### **Women in asylum procedures**

J.W. van Wetten

This article contains the findings of a study into the position of female asylum seekers in the Netherlands. For random samples drawn from three cohorts of asylum seekers, that is the cohorts who had entered an asylum procedure in the years 1983-1989, 1990-1992, and 1993-mid 1998, it was investigated whether male asylum seekers had different chances of being accepted in the Netherlands than female asylum seekers.

With the exception of the cohort 1990-1992, in which female asylumseekers had a greater chance for a temporary residence permit, it turned out that no relation could be established between acceptance and sex. This result was sustained when differential background characteristics of male and female asylumseekers and less easy quantifiable characteristics of their cases, such as the credibility of their flight narratives, were taken into account.