

## Overcoming the 'refugee crisis' debate -a single European refugee status –

By Ioannis Papageorgiou

The paper is discussing the development of the refugee crisis since 2015 and proposes a European solution to what is a European problem.

As the number of mixed flows of Syrian refugees and other nationalities grew exponentially in 2015-16 in Europe, the debate of the impact of refugee protection accompanied by security and cultural concerns came to the forefront. Despite the increasing European dimension of asylum since the Lisbon Treaty in particular with the establishment of the Common European Asylum System (CEAS), the reaction to the crisis showed how strong national reflexes remain in this area of shared competence.

Given that the refugee and migrant flows will not cease, it is important to think both in a more concerted way and more globally and having the European framework rather than the national one in mind. In this line, the paper proposes to examine the legal/institutional and financial implications of establishing an EU-wide asylum status.

The EU set up the CEAS with the intention to harmonise its member states' national legislative framework on asylum; the CEAS provided rules for common standards and also covered issues of financial solidarity and principles for family reunification, as well as stronger cooperation. However granting international protection remained essentially a national competence and refugees remained exclusively under the recognising state's authority. Indeed refugees are the only group of third-country nationals in the EU whose residence remains strictly national and who can only get an EU-wide status through the migration legislation. This is an aberration in an otherwise free movement area. The paper will therefore explore the possibilities and constraints of establishing a Europe-wide asylum status. In particular it will examine:

- Legal and constitutional constraints at national level for establishing a European international protection recognition system, in particular through the further development of the European Asylum Support Office/European Union Agency for Asylum
- A brief comparison of legal provisions in other composite states (notably federal states) as to the rights and obligations of persons recognized as refugees, in particular from a territorial scope
- Legal and political implications of an EU asylum status
- The financial implications of establishing an EU asylum status and the resources to be made available in this context

The objective of the paper which is to demonstrate the feasibility of changing the paradigm in refugee protection from a national 'burden' to a European competence with European funding and European rights and obligations. As migration has become a major stumbling block in European integration and a potentially dangerous agenda setter at national level, the paper introduces a European alternative that both can diffuse national tensions and provide a new impetus in European integration.