Implementation and failure of the Dublin system: other possible solutions for the European refugee crisis

Essay

Multiple Crisis in the EU

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After three years since the start of the refugee crisis in Europe, the biggest influx of migrants and refugees since the Second War World, there are still persistent tensions between the European States regarding this topic, which still did not find an agreed policy over immigration. Talking about numbers, according to the statistics of the *UNHCR*, around 1,015,078 irregular migrants arrived in Europe through the sea in 2015, 362,753 in 2016, 172,301 in 2017 and 123,109 in 2018.[1] In total 15,544 persons have lost their lives during these dangerous trips.[2] Despite these numbers are decreasing, due especially to the 2016 European deal with Turkey, to the new border fences in the Balkans and to the 2017 new agreement between Italy and Libya - all provisory solutions that in most of the cases do not safeguard the respect for human rights and the willing of these people - tens of thousands are still trying to reach Europe by an illegal way. Everyone agrees that Europe needs to urgently improve its asylum and immigration rules, but it seems that immigration is just out of control and that European leaders have no real plan for solving the dramatic situation.

1. THE EVOLUTION OF THE DUBLIN SYSTEM: SIGNIFICANCE AND SHORTCOMINGS

1.1 First steps towards a common asylum policy: Dublin I

One attempt of setting up a common and concrete policy was made through the creation of the so called ''Dublin system'' that dates back to 1990, whereby twelve states (France, Germany, Greece, Italy, Belgium, Denmark, Ireland, United Kingdom, Spain, Portugal, Netherlands and Luxembourg) signed the Dublin Convention or Dublin I, entered into force in 1997. After that, Austria, Sweden and Finland joined the group, and following this line, Norway and Iceland, non-European member states at that time, concluded an agreement in order to apply the provisions of the Convention. These stated decided to cooperate in order to build up a common asylum system and adjusting their policies concerning the subject in respect of the Geneva Convention of 1951 and the New York Protocol of 1967. The Convention had as main aim the determination of the responsible State for examining the requests for asylum, without touching the substantive issues for granting asylum, that are reserved to the State's sovereignty. According to Article 3.2, only one Member State shall examine the asylum application lodged within the European Community[3], in accordance with its national laws and international obligations[4], in order to avoid multiple applications.

Criteria regarding the responsible State that has to take care of the asylum application are listed in Article 4 and 8, and the main principle «is that in an area where the free movement of persons is guaranteed, Member States are answerable to each other for the entry or residence of third country nationals»[5], thus, the entry and residence play the most important role in determining the responsibility of Member State, so the willing of the asylum seeker are not considered as relevant. There is a hierarchical order in the provisions: the first criterion, according to Article 4, refers to the Member State in which the applicant has a family member who is already recognised as a refugee and is legally resident there. Secondly, if the applicant is in possession of a valid residence permit issued by a Member State, this last one is responsible for examining the request for asylum (Article 5). Furthermore, according to Article 6, in case of illegal entry, the responsible State is the one whose external borders were crossed by the applicant. Fourthly, the Member State where the asylum

[1] Operational Data Portal of *UNHCR*, Mediterranean Situation, https://data2.unhcr.org/en/situations/mediterranean
[2] Ibid
[3] Dublin Convention, art. 3.2
[4] Ibid, art. 3.3
[5] Commission Staff Working Paper: Evaluation of the Dublin Convention, SEC (2001) 756

seeker entered legally and where the need for a visa is waived, shall have the responsibility (Article 7). Finally, in accordance with Article 8, the first Member State where the asylum applicant lodged for asylum shall be responsible if none of the foregoing criteria is applicable.

According to the Convention, the procedure relies on cooperation and the exchange of mutual information between the Member States[6], but unfortunately, the essential issue of how and which evidence have to be used to determine the responsible State is not addressed in the Dublin Convention. Due to this, Member States used different standards of proof and different national practices in applying and interpreting the Dublin provisions, creating shortcomings in efficiency of the whole system. The procedure was slowed down also by inadequate communications and disagreements regarding the application of evidences between the Member State. Besides, the Dublin Convention focused too much on the travel and identity documents of the applicants to reconstruct their immigration history in order to determine the responsibility of the State, but many of them arrived without any kind of paper. It should be noted also that the Dublin Convention is a creation of the international law, so it had no direct effects, rights and obligations nor for the Member States, nor for the applicants. Furthermore, the Convention excluded also the jurisdiction of the Court of Justice of the European Union (CJEU), limiting the appeal possibilities for the asylum applicants were limited.

1.2 The Europeanisation of the asylum policy: Dublin II

Because of these primary difficulties, the Dublin Convention was replaced by the Dublin Regulation or the so called *Dublin II* in 2003. All the EU States apply the Regulation including Norway, Switzerland, Iceland and Liechtenstein. This was an evolution of the Dublin system that was brought under EU governance procedures. Thus, *Dublin II* do have direct effects on Member States and produces rights for the asylum seekers that can directly stand in front of national and European Courts. Besides, it was accompanied by the establishment of the European Automated Fingerprint Recognition System (Eurodac), a fingerprint database created with the purpose of collecting the information of incoming people and facilitating and optimizing the procedures. As in the previous Convention, the aim of the Regulation was to settle the mechanism for the quick identification of the State responsible of the asylum procedure and the avoidance of abuse of the system. By establishing a legal framework for assigning responsibility, «the Dublin Regulation (and its predecessor, the Dublin Convention) seeks to ensure quick access to protection for those in need, and to discourage abuses of the asylum system by preventing applicants from ‘’shopping’’ for the Member States with the most favourable procedures or reception conditions».[7]

Dublin II maintained essentially the same old criteria, disposed in the same hierarchic order, based on the principle that only one Member State can be responsible for the applicant’s request, maintaining that particular focus on the applicant’s entry into or residence on the territories of the Member States, with some exceptions for the family unity. Also in this case, the willing of the applicant is not considered, but in addition, more attention is paid to the protection of non-accompanied children. Furthermore, it includes also the sovereignty and humanitarian clauses, which allow Member States to deviate from the responsibility criteria for political, humanitarian or practical considerations.[8]

[6] Dublin Convention, art. 14
[7] S. Fratzken, ‘’The fading promise of Europe’s Dublin System. EU asylum: towards 2020 project’’, *Migration Policy Institute Europe*, March, 2015
[8] Dublin Regulation, art 3.2 & 15

Concerning the procedure, similar to the Convention, the Member State where the asylum application was lodged shall start as soon as possible the process to identify the responsible State. If a Member State considers that another Member State is responsible for the application of an asylum seeker according to the criteria of the Regulation, then it can request the latter one to take charge of the applicant. In case the asylum seeker previously lodged an application which is still pending in the responsible Member State, a request to *take back* shall be made, as described in the Chapter V of the Regulation. These actions were justified under the premise, took it for granted, of a mutual trust between the European states in terms of the principle of *non-refoulement*, which consider themselves as all safe countries that have a certain level of harmonised protection standards. Instead, there are many significant differences in national asylum systems and reception conditions of every state, and hence, the Dublin system showed again its insufficient legal safeguards and limits. More to the point, «mutual trust can be described as the reciprocal trust of Member States in the legality and quality of each other's legal systems»[9]. This assumption is on the basis of the whole European system, but especially it results from the fact that all these countries adopted the Geneva Conventions and the European Convention on Human Rights.

1.2.1 Examples of the *ECtHR* and *CJEU* jurisprudence on Dublin II

From the entry into force of *Dublin II* there have been some judgements ruled by the *ECtHR* and the *CJEU* that clarified better its provisions. One of the biggest problem that emerged was the transfers of applicants to other Member States, in accordance with the criteria of the Regulation and based on the presumption of safety of all Member States, that led to inhuman or degrading treatment. Because of the evident inadequacies of the system, the two European Courts have increasingly been consulted concerning the protection of the fundamental rights of these asylum seekers[10], proving that the mutual trust is not valid when it would jeopardize their safeguard.

Case M.S.S. v Belgium and Greece

This case dates back to 21 January 2011, whereby the European Court of Human Rights ruled in relation to a complain moved by an Afghan asylum seeker, Mr. M.S.S, who entered the EU through Greece and then travelled to Belgium in order to apply for international protection. Here, thanks to the Eurodac system, the Belgian authorities found his fingerprints and stated that Greece was the State responsible for the request, according to the Dublin Regulation. Thus, the applicant came back to Greece where the detention was terrible: «upon arrival the applicant had immediately been placed in detention in a building next to the airport, where he was locked up in a small space with twenty other detainees, had access to the toilets only at the discretion of the guards, was not allowed out into the open air, was given very little to eat and had to sleep on a dirty mattress or on the bare floor».[11] Besides, the Greek authorities did not take care of his legal situation in a proper way, and the applicant faced the possibility to come back to his country where his life was in danger.[12]

[9] E. Brouwer, ''Mutual Trust and the Dublin Regulation. Protection of Fundamental Rights in the EU and the Burden of Proof'', *Utrecht Law Review,* Vol. 9, 2013, p.2
[10] The Dublin Transnational Project, ''Dublin II Regulation: Lives on Hold – European Comparative Report'', *European Comparative Report,* 2013, p.16
[11] *M.S.S. v Belgium and Greece* [2011] ECtHR (Grand Chamber) 30696/09, §34
[12] Ibid, §§35-53

Thereby, he submitted a claim against Belgium and Greece to denounce the violations of his fundamental rights under Articles 3 and 13 ECHR.[13]

The *ECtHR* condemned both states for breaching their obligations under these two articles. In particular, the Court found that the treatment that the applicant received when he was held by the Greek custody constituted a violation of Article 3 ECHR, without taking into account Greece's counterargument over their difficult circumstances in managing the asylum system due to the economic crisis.[14] Furthermore, Greece was also accused to have violated Article 13 in conjunction with Article 3 ECHR because of the deficiencies in the asylum procedure which exposed him to the risk of *refoulement*.[15]

Concerning Belgium, the Court recalled the principle that States should verify whether the responsible Member State guarantees sufficient guarantees against *refoulement*.[16] Furthermore, the Court pointed out that Belgian authorities should have known about the inconsistent guarantees of the rights of an asylum seeker in Greece and it was up to Belgium to take up a more active role by not merely assuming that the applicant would be treated in conformity with the ECHR, but by verifying how the Greek authorities applied their legislation in practice, or briefly: Belgium should not have blindly relied on the presumption of safety.[17] Hence, Belgium was condemned for the violation of Article 3 ECHR both for the indirect *refoulement* through Greece, but also on the grounds of the risk of direct *refoulement* to Greece. Finally, Belgium was also condemned for violating Article 13 ECHR in conjunction with Article 3 ECHR, for not providing an effective domestic remedy against the expulsion order.[18]

In *M.S.S. v Belgium and Greece* the ECtHR finally decided not to accept the presumption of mutual trust with regard to the treatment of asylum seekers, and thus, the blind trust in every country is actually incompatible with the fundamental rights. Taking this into consideration, the transfer of an applicant under the Dublin Regulation shall be prohibited by a Member State when it knows or ought to have known that there will be a real risk for his or her fundamental rights.

Case NS v SSHD and M. E. and Others v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform

This was a joined judgment of the Court of Justice of the European Union ruled on 21 December 2011. The first case concerns an Afghan citizen who denied his transfer from the UK to Greece under the Dublin's provisions because in the latter case, his rights would have been violated under the respect of Article 3 ECHR. According to the British authorities, his request was unfounded since Greece was on a list of safe countries for the UK. In the second case, five asylum seekers from Afghanistan, Iran and Algeria claimed to refuse their transfer from Ireland to Greece for the same motivations. Thus, the British Court of Appeal and the Irish High Court referred some questions to the CJEU concerning the legal status of the sovereignty clause under the EU law and the refutability of the mutual trust implied in the Dublin Regulation.

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[13] Article 3 ECHR: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment"; Article 13 ECHR: "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity"

[14] *M.S.S. v Belgium and Greece* [2011] ECtHR (Grand Chamber) 30696/09, §§205-223

[15] Ibid, §§265-321

[16] Ibid, §§341-343

[17] Ibid, §359

[18] Ibid, §§385-397;

The Court, in evaluating the presumption of safety principle, stated that the mutual confidence is important for the correct functioning of the CEAS[19] and the Dublin system, but at the same time, it is not inconceivable that the asylum systems in the Member states are different and could be characterized by operational problems which cause risk for the protection of the fundamental rights, so the Court affirmed that a conclusive presumption of compliance with fundamental rights would in itself be incompatible with Member States' duty to interpret the Dublin Regulation in a manner consistent with fundamental rights.[20] Then, the Court concluded that the Member States «may not transfer an asylum seeker to the 'Member State responsible' […] where they cannot be unaware that systemic deficiencies in the asylum procedure and in the reception conditions of asylum seekers in that Member State amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhuman or degrading treatment within the meaning of Article 4 of the Charter».[21] Despite the *CJEU* recalls the judgment of the MSS v Belgium and Greece case of the *ECtHR,* the Court still noted that mere infringement of provisions in the EU asylum law might not be sufficient to prohibit the transfer, but it is necessary ''systemic deficiencies'' in the asylum procedure or reception conditions, as was proved to be the case in Greece in *M.S.S.*[22] So it seems that the CJEU admits the prevention of the transfer under the Dublin Regulation only in the case where there are ''systemic deficiencies'', treating them as additional conditions.

After that, the Court focused on the assumption regarding whether the prohibition to transfer entails the obligation to make use of Article 3(2) of the Dublin II Regulation for a Member State. Although the *M.S.S case* appeared to agree to this, the *CJEU* did not give a positive answer, affirming that preventing the transfer does not imply an automatic obligation to examine the asylum application and that the Member State should continue to search if one of the following Dublin criteria identifies another Member State as responsible.[23] It will become responsible to recur to Article 3(2) of the Dublin II Regulation and examine the asylum application itself only when it cannot find another responsible State. Thus, this procedure implies a lot of time.

1.3 The final attempt: Dublin III

In order to solve the *impasse* that characterized the Dublin Regulation, especially after the cases of the two European Courts, on 26 June 2013 the European Parliament and the Council adopted the Dublin III Regulation[24], that is valid in all 28 EU Member States plus Iceland, Norway, Liechtenstein and Switzerland.

The criteria for identifying the responsible State, disposed in hierarchical order, are listed in Chapter III and remain almost the same with some little variations. In order, in the case that the applicant is an unaccompanied minor, the Member State responsible shall be that where a family member or a sibling is legally present, and, if it is not the case, that one where the unaccompanied minor has lodged his or her application for international protection with other features (Article 8). The family unity remains an important precondition, in fact, the Member State in which the applicant has a family

[19] *CEAS* stands for ''Common European Asylum System''
[20] Joined cases C-411/10 *N.S. v Secretary of State for the Home Department* and C-493/10 *M.E. v Refugee Applications Commissioner & Minister for Justice, Equality and Law Reform* [2011] ECR I-13905, §131
[21] Ibid, §94; Article 4 CFREU is the equivalent of Article 3 ECHR
[22] Ibid, §§84-85
[23] Ibid, §96
[24] Full name: *Regulation (EU) No 604/2013 of the European Parliament and the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in one of the Member States by a Third-Country National or a Stateless Person (recast)*

member who is a beneficiary for international protection or who is an applicant for international protection is the responsible one (Article 9 and 10). Following this order, the other criteria concern the Member State which provided the applicant with a residence document or visa (Article 12), the Member State whose border has been crossed illegally by the asylum applicant (Article 13), the Member State where the applicant enters legally and there is a need for a visa (Article 14) and finally, if any of the Member States are designed, the responsible State is the one whereby the application was lodged ((Article 3(2)). Hence, again, the two main principles remain unchanged: only one Member State shall be responsible for the asylum application and the Member State that plays the greatest part in the applicant's entry into or residence on the territories of the Member States, with an exception to protect family unity and unaccompanied children, will be responsible. Also the procedure itself is almost the same.

Nevertheless, there are some changes introduced in the new Regulation that tried to enhance the possibility of working of the system and to defeat the deficiencies. First of all, more attention is paid to the applicants that are taken back to the responsible Member State, in fact, Article 3(2) introduces the prohibition to transfer to the responsible Member State when «there are substantial grounds for believing that there are systemic flaws in the asylum procedure and in the reception condition for applicants in that Member State, resulting in a risk of inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Right of the European Union»[25]. Thus, the Member States must ensure that the State where they want to take back the applicant is safe, even if it is inside the European Union. In the case is not, the Member State shall continue to search if another Member State can be designated as responsible, and whether it cannot find one, it will be the responsible State. In addition, other procedural safeguards concerning the transfer were added in Dublin III: according to Article 26, Member States has to notify the transfer decision and provide information on the legal remedies which are available to the applicant, who, according to Article 27, has also the right to an effective remedy against a transfer decision, before standing in front of a court or tribunal. Furthermore, «Member States shall not hold a person in detention for the sole reason that he or she is subject to the procedure established by this Regulation».[26]
On the same line, Article 33 sets up a ''mechanism for early warning, preparedness and crisis management'' in order to avoid problems in the functioning of a Member State's asylum system which might undermine the rights of the application with the creation of a ''preventive action plan''.[27]
The EASO[28] shall play an important role in it and helps the developing mutual trust and solidarity among Member States.
Another additional safeguard for the applicants relies on Article 4, which implies the obligation for the Member States to inform the asylum seekers about the Dublin procedure. Besides, the Member States shall allow an interview with the applicants in order to facilitate the determination of the responsible Member State.

1.4 Problems and limits of the Dublin system

After almost five years from the entry into force of Dublin III (January 2014), the system showed its limits and shortcomings in managing all the asylum applications and illegal immigration, despite the introduction of additional safeguards and improvements. It appears to be unfair both for the applicants and the Member States. Unfortunately, the Dublin system was not designed for such critical situation as the refugee crisis that started on 2015 and it is ongoing. Therefore, the system

[25] Dublin III Regulation, art 3(2)
[26] Dublin III Regulation, art. 28(1)
[27] Ibid, art. 33
[28] It stands for: *European Asylum Support Office*

has showed to be garbled under the pressure prompted by huge inflows, in fact, its procedures are too slow and it can take even some years before being accepted.

One of the main failure is that asylum seekers are obliged, except in the specific cases under Article 8,9,10,11,12, to request for international protection in the first European country where they arrived and where he or she was identified by local authorities, so they are not allowed to choose the State where to lodge the application. The main and fragile assumption of the Dublin system is based on the fact that only providing a certain procedure of asylum is enough and that it is not significant for a migrant which one will be the country where to live. The Regulation does not take into account that just because asylum seekers are leaving their own states, does not mean that they do not care about where they end up. In this regard, for the Dublin system is really difficult to avoid and control the so called ''secondary movements'' inside the European Union. In fact, many people tried to avoid being registered in the Eurodac system at the moment of arrival in the first country in order to move to another one, especially in Germany where the life conditions are better. There were even some cases where people chose not to present their documents or individuals mutilating their fingers in order not be fingerprinted. For example, concerning the Italian situation that is one of the most critical, there have been many cases where the Italian authorities decided specifically to let groups of migrants reaching the foreign borders through the Italian territory without being registered, so, they could ask for international protection somewhere else and the Italian system would have had less burdens.[29]

Furthermore, most of the arrivals are illegal and take place by sea, so, logically, they are concentrated in the Mediterranean and in the Southern countries, like Italy, Spain and Greece. According to one of the last report of *UNHCR* dating 21 November 2018, Spain has taken in 56,200 irregular migrants arriving by sea so far this year, Greece 28,700 and Italy 22,500.[30] Thus, these states are supposed to be the ones that has to take care of these people offering them international protection and are asked to shoulder the burden of mass inflows. But the main problem is that the Dublin system does not take into account the capacity of the Member States of first arrival to accommodate additional migrants. These countries are already straining their overwhelmed economies and social systems and the uneven distribution of asylum applicants has the effect to deteriorate their already fragile and malfunctioning asylum system even more. Consequently, in most cases they cannot provide safe accommodation and a guarantee of a correct asylum procedure, so the fundamental rights of these people are not respected. Moreover, it only partially addresses the issue of Member States which are too unsafe to receive Dublin transfers.

The malfunction of the Dublin system has its implication also in the domestic politics of these countries of arrival, because this immigration crisis is exploited by the right-wing parties in order to increase their consensus. Their programs are based especially on anti-immigration policies that do not facilitate the development of a future common European immigration policy and a renovation of the system itself. Besides, due to the raise of strict controls on the borders due to the failure of the handling of the refugee crisis, forced people to take greater risks to migrate, using the help of smugglers and opting for illegal and dangerous ways, that turns into many deaths.

[29] ''La lite tra l'Italia e la Germania sui migranti'', *IlPost*, October, 8, 2018, https://www.ilpost.it/2018/10/08/litigio-italia-germania-migranti-spiegato/

[30] H. John, ''What is the current state of migration crisis in Europe?'', *The Guardian*, November, 21, 2018, https://www.theguardian.com/world/2018/jun/15/what-current-scale-migration-crisis-europe-future-outlook

2. ALTERNATIVE SOLUTIONS

A revision of the Dublin system is therefore urgently needed to overcome the asylum seekers crisis. There have been many hypotheses about how this could be done, like for example replacing Dublin III with a system based on the choice of the asylum applicant. Another valid alternative should be an evener distribution or relocation of the asylum seekers. The core of the draft presented on last June 5, in a meeting between the prime ministers of the EU for the reform of the Regulation, was the introduction of some quotas for the allocation of the asylum seekers that would be more fair. This would have implied the harmonisation of the Member States' politics and more trust and collaboration, but the proposal has been strongly opposed, especially by Eastern States dominated by the right-wings. A major cooperation between the Member States seems so difficult so far, and

2.1 Sustainable Migration

As all the previous attempts resulted in a sad failure, on June 21, in Oslo, a new proposal was launched in collaboration with the Norwegian government and the EC's European Migration Network, called *Sustainable Migration Framework*, which it is aimed to offer a unifying language for debate. According to the authors, «a sustainable migration policy will need to satisfy three simple conditions: it must meet widely accepted ethical obligations, enjoy broad democratic support, and avoid decisions that people (whether migrants, receiving societies, or sending societies) will later come to regret».[31] First of all, an efficient reception system need to distinguish between groups of refugees that are actually escaping from dangerous countries and those one that are aspirational migrants leaving due to their poor conditions of life for better opportunities in the EU. The basic principle is that it must be taken into consideration that Europe does have ethical obligation to the rest of the world, both reciprocal, which result from transactional relationships of mutual gain, and nonreciprocal ones. The difference relies on the fact that rich countries do have nonreciprocal obligations to assist poor societies and refugees whose life is in danger, but they do not have, other than the respect of the fundamental rights, towards economic migrants.

For complying with the first case, analysing the data, around 85% of the world's refugees find sanctuary outside Europe[32], like in Turkey, Lebanon and Jordan. These people chose to stay in their motherland until the moment they were forced to move because of the imminent crisis that could harm them, so what they actually need is not a permanent reallocation, but a safe place where they can survive until they can either go home or being accepted as productive citizens. Hence, Europe could provide adequate assistance and job opportunities in these countries of transaction, not only in the form of a never-ending humanitarian aid, but in helping their integration in these third communities and the creation of jobs in these host countries. In this way, both refugees and hosts can profit, and the migrants would have the necessity to come to Europe. A real example is Jordan, whereby in 2016, supported by trade concessions from the EU and the World Bank, gave refugees the right to work. In the case where refugees are trapped in a country for a long period, or when they are not able to integrate in the community, organized resettlement shall be provided in order to give the possibility to move to a third country. Also the introduction of private sponsorship is suitable, like the successful Canada that enables communities with progressive values to take care of the refugees.

[31] A. Betts, P. Collier, ''How Europe Can Reform Its Migration Policy. The Importance of Being Sustainable'', *Foreign Affairs*, October, 5, 2018, https://www.foreignaffairs.com/articles/europe/2018-10-05/how-europe-can-reform-its-migration-policy

[32] Ibid

Following this line, the EU is supposed to help also poor countries to develop, since most of the migrants that are coming to Europe are not refugees but they move for economic reasons driven by an idealized vision of European offers. Traditional forms of assistance, such as aids to poor countries governments, are inadequate by now. These people need to believe that their countries will provide opportunities and jobs for them, otherwise the emigration would always be the only option. Hence, the given help shall focus on creating a common sense and empowering credible economic strategies. For example, Rwanda, in the last years, thanks to the help of the European Investment Bank and the World Bank, managed to create new jobs for young citizens and developed its national building.[33] It has more sense bringing jobs to people rather than bring people to jobs.

Concerning the most difficult part, the creation of an efficient asylum procedure within the EU, there are some decisions that must be taken. First of all, the decisions regarding the asylum and the international protection should be the same despite the migrants apply in different countries, and the criteria of the first country of arrival should be deleted. In fact, the business of the smuggler will always continue as long as the European soil increase the changed of settlement here. Secondly, the whole asylum procedure shall be speeded up and simplified, but also there shall be a possibility for applying even in the countries outside Europe, in order to avoid migrants to risk their lives in dangerous trips (these decisions does not imply Libya where there are risks for inhumane treatments). Certainly, a good solution for the EU itself, should be a fair and shared responsibility of the number of refugees around the Member States. This implies also the commitment for the EU to save lives at sea and to establish clear procedures for disembarkation.

A solution must be found, because Europe's future will be shaped also by these current decisions about immigration. The principles and the ideas that stand behind the Dublin system had great value on the paper, because they aimed to help and make more clear the procedure for people in need to help, but did not provide efficient results. Because of the lack of a common sense policy, European people are losing also their trust and faith in the European Union and especially in their politicians. Sustainable models supported by international aids can arise benefits for both host countries and refugees and could be a possible solution.

[33] Ibid

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