THE CHALLENGES OF THE EUROPEAN UNION REGARDIND ASYLUM PROCEDURES

Doina POPESCU LJUNGHOLM

ORCID ID: 0000-0001-5648-8162
E-mail: doina.popescu0602@upb.ro
Afiliation: National University of Science and Technology Politehnica Bucharest,
Faculty of Economic Sciences and Law, Romania

Abstract: The European Union had been working on implementing various policies and agreements to manage the flow of refugees and migrants, improve border control, and address the root causes of migration.Integration of refugees into European societies remained a significant challenge, with issues related to housing, language barriers, employment, and social inclusion. Different countries had different approaches to integration, leading to disparities în outcomes for refugees. Asylum procedures varied across European countries, leading to differences in the recognition rates of asylum claims and the treatment of asylum seekers.Some European countries experienced a rise in anti-immigrant sentiment and populist movements, leading to political tensions and debates over immigration policies.

It's important to note that asylum procedures can vary significantly from country to country, and each country has its own laws, policies, and practices regarding asylum.Asylum procedures refer to the legal processes that a person must go through to seek asylum in a particular country and to have their claim for refugee status assessed. These procedures are put in place to determine whether an individual meets the criteria for refugee status under international and national laws.

Moreover, the rise of anti-immigrant sentiment and populist movements in certain European countries has added a layer of complexity to the refugee debate. Political tensions over immigration policies, concerns about national identity, and fears of cultural change have fueled debates about the rights and responsibilities of both refugees and host communities.

Keywords: European Union; refugees; asylum procedures; immigration policies; social inclusion.

Introduction

The issue of asylum has become one of the most pressing challenges for the European Union in the last decades. Migration flows, triggered by armed conflicts, political instability, economic inequalities, and climate change, have placed continuous pressure on the EU's capacity to respond in a coordinated and humane manner. While the European Union has established a legal and institutional framework for asylum through the Common European Asylum System (CEAS), the reality on the ground shows significant discrepancies between member states in terms of implementation, resources, and political willingness.

The "refugee crisis" of 2015 revealed both the strengths and weaknesses of the EU's approach. On one hand, it demonstrated the Union's commitment to human rights and international protection standards. On the other hand, it exposed systemic flaws: lack of solidarity, unequal distribution of responsibilities, and deep political divisions between Western, Southern, and Eastern member states.

Asylum procedures are at the intersection of humanitarian obligations and national sovereignty, which makes their management particularly complex. The EU must balance the principle of solidarity with the need for security and border control, while also addressing the legitimate concerns of host societies. This balancing act raises fundamental questions about the future of European integration, the credibility of the EU as a global actor, and its ability to uphold the values enshrined in the Geneva Convention and the Charter of Fundamental Rights of the European Union.

The present research paper aims to examine the main challenges faced by the EU in the field of asylum procedures, analyzing both the legal framework and the practical difficulties encountered by member states. It will also explore the consequences of these challenges for the cohesion of the Union and propose potential directions for reform ,also my paper argues that the European Union's asylum procedures remain ineffective primarily due to unequal burden-sharing, political

fragmentation, and insufficient harmonization of legal standards, and that addressing these weaknesses is crucial for safeguarding both human rights and the credibility of the EU as a political and humanitarian actor.

1. Legal and Institutional Framework
1.1 The Common European Asylum System (CEAS)

The Common European Asylum System (CEAS) represents the cornerstone of the European Union's attempt to harmonize asylum policies across member states. It was created with the aim of ensuring that asylum seekers receive equal treatment and protection, regardless of the country in which they submit their application. The CEAS is built on a series of legislative instruments, including the Asylum Procedures Directive, the Qualification Directive, the Reception Conditions Directive, and the Dublin III Regulation, which establishes criteria and mechanisms for determining the member state responsible for examining an asylum claim (European Union, 2016, pp.29).

Despite its comprehensive legal structure, the CEAS has faced significant criticism. One major challenge lies in the unequal implementation of its provisions among EU member states, leading to divergent standards of protection and reception conditions (Thielemann, & Zaun, 2021, pp 34-41). For instance, asylum seekers may experience markedly different living conditions in Greece compared to Germany, which undermines the principle of solidarity and mutual trust that the EU strives to promote.

Another structural weakness is related to the Dublin Regulation, which places a disproportionate responsibility on border states such as Italy, Greece, or Spain (Guild, Costello, & Moreno-Lax, 2017, pp.102).. This system has been criticized for generating systemic imbalances and for failing to distribute asylum responsibilities equitably among all member states. Consequently, it has fueled political tensions and contributed to the lack of consensus on asylum reform.

In addition, the CEAS has struggled to balance the need for effective border control with the obligation to respect fundamental human rights. This tension has been particularly evident during crises,

such as the 2015 refugee influx, when some countries adopted restrictive measures that conflicted with the humanitarian principles enshrined in EU law (Peers, & Garlick, 2016, pp.37).Overall, while the CEAS provides a strong legal foundation for asylum procedures, its practical shortcomings have revealed the limits of harmonization in the face of political, economic, and social diversity among EU member states.

2.2 The Role of EU Institutions and Agencies

The implementation and supervision of the European Union's asylum policies involve a complex interaction among several institutions and agencies. The European Commission plays a central role in proposing legislation, monitoring compliance, and initiating infringement procedures against member states that fail to apply asylum law correctly (European Commission, 2020, pp.19). By acting as the guardian of the treaties, the Commission ensures that the fundamental rights of asylum seekers are respected across the Union.

The European Parliament also contributes by participating in the legislative process and providing democratic oversight. Its debates often highlight the tension between security concerns and humanitarian obligations, reflecting the diverse political and social perspectives within the Union (Lavenex, 2018, pp.63). Together with the Council of the European Union, the Parliament co-decides on asylum-related legislation, though reaching consensus in the Council is often difficult due to diverging national interests.

Beyond the legislative institutions, the Court of Justice of the European Union (CJEU) plays a vital role in interpreting asylum law and ensuring its uniform application. Through landmark rulings, the CJEU has clarified member states' obligations under EU law, including the prohibition of returning asylum seekers to countries where they face inhuman or degrading treatment (Court of Justice of the European Union, 2011, pp.211-218). These judgments strengthen the legal protection of asylum seekers and promote consistency in the implementation of the CEAS.

A particularly important specialized body is the European Union Agency for Asylum (EUAA), formerly known as the European Asylum Support Office (EASO). Established in 2010, the agency provides operational support to member states under pressure, conducts training for asylum officers, and collects reliable data on asylum trends (European Union Agency for Asylum, 2022). The transformation of EASO into the EUAA in 2022 has expanded its mandate, enabling it to play a more proactive role in ensuring harmonization and solidarity.

Nevertheless, despite these institutional efforts, challenges persist. Disagreements between the Council and Parliament, combined with limited enforcement powers for the EUAA, hinder the creation of a fully effective and cohesive asylum system. The institutional architecture provides valuable tools, but political will remains the decisive factor for reform and success

2. Main Challenges in Asylum Procedures
2.1 Uneven Implementation across Member States

One of the most persistent challenges faced by the European Union in the field of asylum is the uneven implementation of the Common European Asylum System (CEAS) across its member states. Although the CEAS was designed to harmonize asylum standards, in practice, asylum seekers encounter very different realities depending on the country in which they apply for protection (European Commission,2019,pp. 35).

Differences are particularly visible in the quality of reception conditions. In some member states, asylum seekers are provided with adequate housing, healthcare, and access to education, while in others, reception centers are overcrowded and basic services are lacking (European Union Agency for Asylum, 2021, pp.48).Such discrepancies undermine the principle of equal treatment, generating what scholars have called a "protection lottery," where the fate of asylum seekers depends more on geography than on law.

The unequal distribution of asylum applications further exacerbates this issue. Countries such as Germany, France, and Sweden have

consistently received higher numbers of applications, while several Central and Eastern European states have accepted very few(Eurostat 2022, pp.28). This imbalance is largely due to political unwillingness, resource disparities, and in some cases, public opposition to migration. As a result, the principle of solidarity enshrined in EU treaties has remained largely aspirational rather than operational.

Additionally, the inconsistent application of asylum procedures leads to legal uncertainty. For example, recognition rates for applicants from the same country of origin can vary significantly between member states. While one country may grant refugee status to the majority of Syrian applicants, another may classify them only as beneficiaries of subsidiary protection or reject their claims altogether (Eule, 2017, pp.161).Such divergences weaken mutual trust among member states and put additional strain on the EU's asylum system.

Ultimately, uneven implementation not only undermines the effectiveness of the CEAS but also threatens the credibility of the European Union as a whole. Without greater convergence in standards and practices, the EU risks perpetuating systemic inequalities and fueling political divisions among its members.

2.2 Overburdened Systems and Lack of Resources

Another major challenge of the EU asylum framework is the overburdening of national asylum systems, particularly in frontline states such as Greece, Italy, and Spain. These countries, due to their geographical location, are often the first points of entry for asylum seekers arriving via the Mediterranean or land borders. Consequently, their administrative and humanitarian capacities have been stretched far beyond sustainable levels (European Union Agency for Asylum, 2016, pp.39).

The 2015 refugee crisis highlighted these systemic weaknesses. As hundreds of thousands of asylum seekers arrived within a short period, national authorities struggled to process applications in a timely manner. This resulted in long waiting periods, inadequate living conditions, and violations of basic rights (UNHCR, 2015, pp.59). Even years later, some

member states continue to face significant backlogs of asylum applications, demonstrating that the system remains vulnerable to sudden increases in migration flows.

Limited financial and human resources further compound the problem. National asylum offices are often understaffed, leading to procedural delays and inconsistent decision-making (Carrera, & Cortinovis, 2019, pp.95).In many cases, reception centers lack sufficient capacity to accommodate the influx of migrants, resulting in overcrowding and deteriorating conditions. These shortcomings not only harm asylum seekers but also erode public confidence in the EU's ability to manage migration effectively.

The European Union Agency for Asylum (EUAA) has attempted to alleviate these pressures by deploying asylum support teams and providing funding through mechanisms such as the Asylum, Migration and Integration .Fund (AMIF). However, the reliance on ad hoc assistance rather than a permanent redistribution mechanism has limited (European Commission, 2020, pp.37).Moreover, frontline states have repeatedly called for greater solidarity from their northern and eastern counterparts, many of whom remain reluctant to share responsibility.

The persistence of overburdened systems underscores the structural imbalance within the EU asylum regime. Unless resources and responsibilities are more equitably distributed, the Union will continue to face recurring humanitarian crises and political disputes that undermine its cohesion.

2.3 Security Concerns vs. Human Rights Obligations

A recurring dilemma in the European Union's asylum policy is the tension between ensuring security and upholding human rights. Member states often perceive migration as a potential security risk, associating it with terrorism, organized crime, or social instability (Bigo, 2014, pp176). This perception has led to the adoption of restrictive border management practices and increased reliance on surveillance technologies.

The terrorist attacks in Paris (2015) and Brussels (2016) intensified these concerns, fueling political narratives that portrayed asylum seekers

as potential threats (Huysmans, 2020, pp.69). As a result, several member states introduced stricter border controls and accelerated procedures for rejecting asylum claims. While these measures were justified on grounds of national security, they frequently conflicted with the humanitarian obligations enshrined in the Geneva Convention (1951) and the Charter of Fundamental Rights of the European Union.

Another manifestation of this tension is the use of detention centers for asylum seekers, often justified by governments as necessary for identification and security screening. However, international organizations such as UNHCR and the European Court of Human Rights (ECtHR) have repeatedly criticized these practices, arguing that they may amount to inhuman or degrading treatment(European Court of Human Rights, 2011, pp.231)..

Moreover, the externalization of asylum procedures—through agreements such as the EU–Turkey Statement of 2016—has raised serious ethical questions. By outsourcing migration control to third countries, the EU has attempted to reduce arrivals but at the cost of potentially exposing asylum seekers to unsafe environments(Carrera, & Guild, 2016, pp.136). Such practices highlight the EU's struggle to balance internal security imperatives with its international legal commitments.

In the long run, prioritizing security over rights risks undermining the EU's credibility as a normative power. A sustainable asylum policy must therefore reconcile the legitimate need for border management with the protection of fundamental human rights. Failure to strike this balance may not only harm vulnerable individuals but also erode trust in the European project itself.

2.4 Political Disagreements and Solidarity Deficits

One of the most persistent challenges facing the European Union in the asylum domain is the lack of political consensus among member states. National interests often diverge, resulting in solidarity deficits that undermine the functioning of the Common European Asylum System (CEAS). Countries on the EU's external borders, such as Greece, Italy,

and Spain, argue that they bear a disproportionate responsibility for asylum seekers, while many Central and Eastern European states have resisted relocation quotas(Carrera, & Stefan, 2018, pp.152).

Disagreements are particularly pronounced over the mandatory relocation of asylum seekers. In 2015 and 2016, the European Commission proposed binding quotas to redistribute refugees across member states. While some countries, like Germany and France, accepted these measures, others, including Hungary, Poland, and the Czech Republic, refused, citing concerns over sovereignty, cultural integration, and public opinion (Klekowski von Koppenfels, & Okólski, 2017, pp.131).These disputes slowed down EU-level decision-making and highlighted the difficulty of reconciling national priorities with collective obligations.

Political fragmentation also affects the adoption of new asylum legislation. The proposed reforms under the EU's New Pact on Migration and Asylum (2020) have faced significant debate in both the Council and the European Parliament, demonstrating how member states' differing political agendas can hinder meaningful policy change (European Commission, 2020, pp.31).This lack of consensus not only prolongs the operational inefficiency of the asylum system but also weakens the EU's credibility internationally.

Moreover, solidarity deficits have a humanitarian dimension. Countries unwilling to participate in relocation schemes often leave frontline states to manage overcrowded reception centers and stretched resources, resulting in deteriorating conditions for asylum seekers and increased social tensions. Without stronger mechanisms for equitable burden-sharing, the EU risks repeating cycles of crisis response rather than achieving a sustainable, rights-based asylum policy.

In conclusion, political disagreements and the absence of robust solidarity mechanisms remain key obstacles to a cohesive and effective EU asylum framework. Addressing these challenges is essential for both protecting asylum seekers and maintaining the legitimacy of the Union.

3. Case Studies and Illustrations

3.1 The 2015 Refugee Crisis

The 2015 refugee crisis represents one of the most significant tests of the European Union's asylum system. Triggered primarily by the civil war in Syria, but also by conflicts in Afghanistan, Iraq, and parts of Africa, the crisis led to an unprecedented influx of asylum seekers into the EU. More than 1 million people arrived in a single year, placing extreme pressure on the capacities of member states (UNHCR, 2016, pp.38).

Frontline states such as Greece, Italy, and Hungary faced acute challenges in processing applications, providing adequate reception conditions, and ensuring the safety of migrants(European Union Agency for Asylum, 2016, pp.36). The crisis exposed severe structural weaknesses in the Common European Asylum System (CEAS), including insufficient harmonization of procedures, limited relocation mechanisms, and delayed decision-making.

The political response within the EU was highly fragmented. While Germany and Sweden adopted relatively open policies, including temporary suspension of the Dublin Regulation for Syrian refugees, other countries—particularly in Central and Eastern Europe—resisted relocation plans and tightened border controls (Carrera, & Guild, 2017, pp.115).This divergence revealed deep divisions among member states regarding solidarity, responsibility-sharing, and the political acceptability of hosting asylum seekers.

Humanitarian organizations and the European Union Agency for Asylum (EUAA) played critical roles during the crisis, providing operational support, emergency funding, and coordination for reception centers (European Union Agency for Asylum, 2016, pp.89). However, despite these interventions, the crisis highlighted the limitations of EU institutions in enforcing equitable burden-sharing and ensuring uniform protection standards.

The 2015 refugee crisis thus serves as a stark illustration of the challenges discussed in previous chapters: uneven implementation of

asylum procedures, overburdened systems, security-human rights tensions, and political disagreements among member states. Lessons from this period continue to inform debates on asylum reform and the design of sustainable migration policies within the EU.

3.2 Recent Developments (Ukraine, Middle East, Africa)

In recent years, the European Union has faced new challenges in managing asylum flows originating from different regions, notably Ukraine, the Middle East, and Africa. The 2022 Russian invasion of Ukraine triggered a massive displacement crisis, with millions of Ukrainians seeking refuge in EU member states. Unlike previous crises, the EU implemented the Temporary Protection Directive to provide immediate protection, residence rights, access to work, and social services (European Commission, 2022, pp.69).This rapid response demonstrated the Union's capacity for coordinated action in cases of sudden mass displacement.

However, asylum seekers from other regions—such as Syria, Afghanistan, and sub-Saharan Africa—continue to encounter delays and inconsistent treatment across member states(UNHCR.2023,pp.74). Global Trends: Forced Displacement in 2022. While some countries have streamlined procedures for Ukrainian refugees, applicants from other conflict zones often face prolonged processing times, limited reception conditions, and stricter eligibility criteria. This differentiation has raised concerns about selective solidarity and the equitable application of asylum rights within the EU.

In addition, migration routes from North Africa and the Middle East remain highly precarious. Asylum seekers often undertake dangerous journeys across the Mediterranean, facing risks of exploitation, human trafficking, and drowning(International Organization for Migration (IOM, 2022, pp.121). Despite EU initiatives to strengthen border management and cooperate with transit countries, these flows continue to strain frontline states and highlight the structural limitations of the asylum system.

The recent developments illustrate both progress and persistent challenges. While mechanisms such as the Temporary Protection Directive provide rapid responses to specific crises, broader systemic issues—including uneven implementation, overburdened systems, and political disagreements—remain unresolved. Lessons from Ukraine and ongoing crises in the Middle East and Africa underscore the need for long-term, cohesive, and rights-based solutions that can ensure equitable protection for all asylum seekers.

4. Discussion and Analysis

The European Union's asylum system faces a complex interplay of legal, political, and humanitarian challenges, which collectively shape its effectiveness and credibility. The previous chapters highlighted four key areas of concern: uneven implementation, overburdened systems, security-human rights tensions, and political disagreements among member states. This chapter analyzes the broader implications of these challenges and explores potential avenues for reform.

4.1 Impact on EU Unity and Credibility

The uneven implementation of the Common European Asylum System (CEAS) and the lack of solidarity among member states have eroded the trust and cohesion that underpin European integration(Thielemann, E., & Zaun, N.2021,pp.142).Frontline states often perceive the system as unfair, bearing disproportionate responsibility for asylum seekers, while other countries resist relocation mechanisms or enforce restrictive measures(Carrera, S., & Guild, E. 2017,pp.103).This situation has fueled political polarization within the EU and raised questions about its capacity to act as a unified actor on migration and asylum policy.

Furthermore, selective treatment of asylum seekers, as observed during the Ukrainian crisis versus other refugee flows, risks undermining the EU's normative credibility. The perception that protection is granted unevenly can weaken the Union's standing in global migration

governance and its ability to advocate for human rights internationally(European Commission,2022,pp.69).

4.2 Humanitarian Implications

The structural weaknesses of the EU asylum system have direct consequences for the well-being of asylum seekers. Overcrowded reception centers, long processing times, and inconsistent protection standards contribute to physical, psychological, and social hardships(European Union Agency for Asylum,2021,pp.96).Vulnerable groups, such as unaccompanied minors and victims of trafficking, are disproportionately affected.

The tension between security concerns and human rights obligations further complicates humanitarian outcomes. Practices such as detention or externalization of asylum procedures, while intended to enhance security, may violate international law and endanger vulnerable populations(UNHCR,2016,pp.211).Addressing these humanitarian implications requires a careful balance between effective border management and the protection of fundamental rights.

4.3 Potential Reforms and Future Directions

To improve the EU asylum system, several reforms have been proposed:

1.Stronger solidarity and responsibility-sharing mechanisms, including permanent relocation schemes and financial support for frontline states(UNHCR.2016,pp.171).

2.Harmonization of asylum procedures, ensuring consistent reception conditions and recognition rates across member states(Lavenex, S. 2018,pp.95).

3.Enhanced operational capacity of EU institutions, particularly the European Union Agency for Asylum (EUAA), to provide rapid support and monitor compliance(European Union Agency for Asylum,2022,pp.131).

4.Balanced security-humanitarian approaches, integrating risk management without compromising human rights protections.

These reforms require not only legislative changes but also political will. Without the active commitment of all member states, structural disparities and political disagreements are likely to persist, perpetuating crises rather than achieving sustainable solutions

Conclusions

The European Union's asylum system faces significant and interconnected challenges that affect both its effectiveness and credibility. Uneven implementation of the Common European Asylum System (CEAS), overburdened national systems, tensions between security and human rights, and political disagreements among member states have all contributed to systemic weaknesses.

Case studies such as the 2015 refugee crisis and the recent Ukrainian displacement illustrate both the EU's capacity for rapid response and the persistent structural deficiencies that hinder equitable protection. While mechanisms like the Temporary Protection Directive provide immediate solutions in emergencies, long-term reforms are necessary to ensure fairness, efficiency, and solidarity across all member states.

Ultimately, the effectiveness of the EU asylum system depends not only on legal instruments but also on political will and mutual trust. Addressing structural imbalances and fostering genuine solidarity are crucial to creating a sustainable, rights-based asylum regime capable of responding to current and future migration challenges.

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