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Changes Brought About by Syrian Asylum Seekers to the European Asylum System

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Abstract

The increasing number of Syrian refugees has brought about significant changes in the European asylum system, affecting existing policies and laws. These refugees seek international protection and have faced challenges within the global agreements on human rights and refugees. This study aims to analyze the impact of Syrian refugees on the European asylum system. Using a descriptive and analytical approach. The results showed that the legal status of asylum seekers is still not precisely defined due to the lack of international agreements that specifically address their rights. The results of the study indicate that the increasing number of Syrian refugees has led to a re-evaluation of the Dublin system, which aims to distribute responsibilities among member states. However, the current crisis has shown that the system suffers from ineffectiveness, leading to disparities in how applications are handled and increasing pressure on the countries that receive the most refugees. The Dublin system should be redesigned to be more effective in responding to the challenges of Syrian asylum while enhancing the protection of refugees' rights and ensuring a fair distribution of responsibilities among member states. The need to strengthen cooperation between Member States to facilitate the exchange of information and resources, which contributes to improving the management of asylum applications, and finally providing sufficient financial resources to the countries receiving the most refugees, to ease the burdens on them and ensure the provision of the necessary services to refugees.

Keywords: *Asylum seeker - International agreements - Dublin system - Syria - European Union*

1. Introduction

While it is historically certain that wars have serious effects and catastrophic results, there is no doubt that the human losses resulting from them are the most dangerous of all. It is known that these losses are not limited to the dead, wounded and disabled only, but also include refugees, displaced persons, migrants, and those expelled from their homes and deprived of the right to return to their homelands, as they turn from citizens in their countries into refugees around the world. Therefore, the refugee issue is one of the most complex issues on the international scene, as there are more than 30 million refugees in the world today who need care, safe shelter and stability, in addition to their needs for other humanitarian services.

Refugee waves in the Arab region are considered one of the most serious humanitarian challenges, as they are closely linked to colonialism and settlement. After the Israeli occupation of the Palestinian territories in 1948, the region witnessed increasing refugee flows as a result of a number of political and military crises. The Palestinian refugee issue was followed by other waves of asylum, such as Iraqi refugees after the US occupation in 2003, as well as refugees due to civil wars and the Arab Spring revolutions (Al-Momani, & Al-Hawamdeh, 2018). The Palestinian refugee issue is one of the most important and complex humanitarian issues, as the Palestinian people have been subjected to forced displacement since 1948, and the effects of this displacement continue to this day. The conflict has displaced many Palestinians, affecting the demographic composition of the region. Despite the efforts of the international community, the issue of the right of return still faces major challenges. In a similar context, the situation in Syria represents another aspect of the humanitarian challenges, as millions of Syrians were forced

to leave their homeland in search of safety and dignity under the difficult circumstances they experienced (Aqaqnia,2019). Turkey was only a transit point for many Syrian refugees who tried to reach Europe in search of a decent life. However, these journeys often ended in death in the Mediterranean or detention in waiting centers at the border, as is happening now in Greece where refugees are waiting for permission from the Macedonian authorities to allow them to cross. This harsh and painful picture of the lives of asylum seekers requires serious attention from the international community, with the aim of establishing clear mechanisms to protect this group from the risks they face. It is worth noting that European countries, especially the European Union, are the main destination for asylum seekers, due to the scientific and economic development they have achieved, in addition to their advanced record in the field of human rights.

To this day, the Geneva Refugee Convention of 1951 remains the only binding international instrument protecting the rights of refugees (UNHCR,2024). However, this agreement did not adequately address the issues of asylum seekers, which prompted EU countries to take additional steps to address this legal gap. EU countries concluded the Schengen Agreement in 1985, which aims to facilitate movement between European member states (SchengenVisas, 2024) it was followed by the Dublin Convention of 1990 (UNHCR, 2024) which defined the responsibility of Member States for processing asylum applications (Organ, 2021).

In addition, Europe has witnessed a remarkable development in the field of protecting asylum seekers through the establishment of the Common European Asylum System (CEAS) (European Commission, 2024), which has enriched international law with a set of legislation and laws aimed at regulating asylum applications and improving their procedures. This system relies on modern tools,

such as the use of advanced fingerprint recognition technology, to identify asylum seekers and facilitate the process of processing their application more accurately and transparently. With the continued influx of refugees to European countries, it has become necessary to enhance international cooperation and develop sustainable solutions to protect this group and ensure that they obtain their basic rights. The European system is a model for these efforts, but there is still an urgent need to develop more effective and comprehensive mechanisms at the global level to meet the increasing and changing challenges facing refugees and asylum seekers in the modern era. Based on the above, the idea of the study was formed to study the situation of the asylum seeker, especially the Syrian asylum seeker, as he has been experiencing the bitterness of migration and asylum for more than ten years.

2. Research Objective

The research aims to:

- Analyze the international agreements that are concerned with it, and the possibility of applying them to all asylum seekers, especially Syrian asylum seekers, as they have been the focus of the world's attention recently.
- Verify the changes that Syrian asylum seekers have made to the European asylum system.
- Defining the asylum seeker.
- Clarifying the status of the asylum seeker under the Schengen and Dublin agreements.
- Verifying the impact of Syrian asylum on the Dublin system.

- Revealing the way neighboring countries of Syria deal with the Syrian asylum crisis.

3. Research Significance

The importance of the research lies in shedding light on the vulnerable category of refugees who lack international protection in light of the failure to adjudicate their applications or recognize them as refugees under the 1951 Geneva Convention. This category suffers from a lack of security and stability, which makes them vulnerable to exploitation and violations. By analyzing their conditions and rights, the research contributes to raising awareness about the challenges they face, and enhances understanding of the need to improve policies and procedures related to their protection. It also helps provide recommendations that contribute to promoting human rights and providing legal and social support to these individuals, reflecting the commitment of the international community to its responsibilities towards protecting the most vulnerable groups.

4. Research Problem and Questions

The Syrian refugee crisis is one of the most significant challenges facing European countries in the last decade, as the number of Syrian refugees has increased dramatically, reaching 209,000 asylum applications by the end of 2023, according to data from the United Nations High Commissioner for Refugees. Many Syrians are seeking refuge in European countries. Due to the alarming conditions in refugee camps in Arab countries, which suffer from a shortage of water and food supplies. The asylum application process in the Gulf countries is also more complicated than in European countries. For many, reaching Europe is easier than heading to the Gulf, as they have to cross conflict-ridden countries such

as Lebanon and Iraq, while they can reach Europe by crossing the sea. This massive influx of refugees has put great pressure on the European asylum system, especially in light of the Dublin Agreement, which obliges the first European country that an asylum seeker arrives in to process his application, which has put countries located on the external borders of the European Union, such as Greece and Italy, in a difficult position as they bear the lion's share of these applications.

In addition, irregular migration and migrant-related attacks have sparked intense political debate about asylum policies, and increased calls for tightening security measures and deportations. In light of these tensions, there has been a direct impact on the Schengen Agreement, which allows for freedom of movement between EU countries, prompting some countries to reconsider this freedom in the context of their concerns about the uncontrolled influx of Syrian refugees. In addition to these pressures within the European Union, Syria's neighboring countries, such as Turkey, Lebanon, and Jordan, received huge numbers of refugees at the beginning of the crisis, prompting many Syrians to seek refuge in Europe after conditions in those countries became unsustainable. This reality reflects the complexity of the Syrian refugee crisis and its impact on the legal and security architecture of the European Union, and emphasizes the need for more integrated and equitable policies to address the influx of refugees and deal with asylum applications in a humane and fair manner (European Centre for Counterterrorism and Intelligence Studies, 2024).

The current study seeks to answer the following questions:

- 1- What changes have Syrian asylum seekers made to the European asylum system?
- 2- What is the definition of an asylum seeker?

- 3- What is the status of an asylum seeker under the Schengen and Dublin agreements?
- 4- How has Syrian asylum affected the Dublin system?
- 5- How have countries neighboring Syria dealt with the Syrian asylum crisis?

5. Research Methodology

This research relied on two basic research methods, which are:

1. **The descriptive approach:** was used to clarify and define some terms and concepts related to the research topic, such as asylum seekers, international protection, and forced return. This approach contributed to reaching a comprehensive understanding of the research and providing a clear picture of the theoretical framework related to these concepts, as data related to these terms were collected from various sources such as international agreements, local laws, and previous research literature, which contributed to building a solid scientific background to support the thesis.

2. **The analytical approach:** that was relied upon to study and analyze many international agreements, especially the Schengen and Dublin Agreements. This approach helped shed light on the important points included in these agreements and explore the legal and institutional aspects associated with them. The legal and ethical frameworks of these agreements were also analyzed and compared with similar international experiences, to show the challenges and opportunities they entail and providing a critical vision that helps clarify the extent of the impact of these agreements on the status of refugees and asylum seekers at the international and regional levels, which contributes to enriching the general understanding of the research topic more deeply and comprehensively.

6. Research Plan

The research plan includes a set of components that aim to analyze the situation of asylum seekers, especially Syrians, in light of international agreements and the European asylum system. The research begins with the first requirement that focuses on international agreements regulating the status of asylum seekers, as the first section includes a comprehensive definition of the concept of asylum and asylum seekers according to international standards. The second section reviews the situation of asylum seekers in light of contemporary international agreements, which helps in understanding the legal framework that protects their rights.

The research then moves to the second section, which deals with the status of Syrian asylum seekers within the European asylum system. The first section focuses on the repercussions of Syrian asylum on the Dublin system, explaining how the large influx of refugees has affected the distribution of responsibilities among member states. The second section deals with Turkey's position on the asylum seeker crisis, providing insight into its role as a neighboring country and its impact on European policies. Finally, the third section reviews the changes that Syrian asylum seekers have brought about in the European asylum system, highlighting the challenges and opportunities resulting from this crisis. The following is an explanation of the research components:

- The first requirement: The International agreements regulating the status of asylum seekers.
 - The first section: Definition of asylum and asylum seeker in international agreements
 - The second section: The asylum seeker in light of contemporary international agreements.

- The second requirement: The status of Syrian asylum seekers in light of the European asylum system.
 - The first section: The repercussions of Syrian asylum on the Dublin system.
 - The second section: Turkey's position on the Syrian asylum seekers crisis.
- The third section: The changes brought about by Syrian asylum seekers in the European asylum system

7. Literature Review

7.1 International Agreements Regulating the Status of Asylum Seekers

Asylum is a process granted to people whose lives are in danger due to certain circumstances. Humanitarian asylum includes those fleeing violence, war, natural disasters, armed conflicts, or racial persecution, where their lives and safety are at risk. Religious asylum is granted to people who are persecuted because of their religious or philosophical beliefs. In cases of conflict and war, people seek safety in neighboring countries, known as transboundary asylum. Some people face environmental threats due to natural disasters, such as earthquakes or climate change, and may seek environmental asylum in search of protection. Political asylum is also granted to people whose lives are threatened due to political or diplomatic issues. There is also intellectual asylum, in which individuals are persecuted because of their political positions or public opinions. (Al-Hajri, 2023)

International agreements aim to regulate asylum issues and protect the rights of individuals facing persecution or threat in their countries of origin. The 1951 Geneva Convention and its 1967 Additional Protocol formed the international legal basis for the status of refugees. These agreements focused on defining the refugee,

determining his rights, and the obligation of states to protect him. However, these agreements did not pay sufficient attention to the status of the asylum seeker in particular, who is an individual seeking international protection, but has not yet been officially recognized as a refugee.

Hence, the need to study the status of the asylum seeker under the modern international legal system becomes clear. In the first section of this research, we will define the concept of the asylum seeker and its legal characteristics. Then, in the second section, we will review how contemporary international agreements deal with this situation, including regional agreements such as the Dublin Convention and the Schengen Agreement, and how they contribute to organizing asylum procedures and providing legal protection for asylum seekers at the international level.

7.1.1 Definition of Refugee and Asylum Seeker in International Agreements

The 1951 Convention relating to the Status of Refugees is an international treaty designed to regulate the rights of refugees and define the obligations of States towards them. The Convention was signed on 28 July 1951 in Geneva under the auspices of the United Nations and entered into force on 22 April 1954. This Convention is the basic document that defined who a refugee is, what his or her rights are, and what the legal obligations of signatory States are towards the protection of refugees. A refugee can be defined according to the provisions of this Convention as applying to (Al-Sharqawi & Hussein, 2023):

1. Refugees under previous agreements: Any person who was considered a refugee under previous international arrangements and agreements such as the arrangements of 12 May 1926 and 30 June 1928, or the Conventions of 28 October 1933 and 10 February 1938, and the Protocol of 14 September

1939, or under the Constitution of the International Refugee Organization. Decisions taken by the International Refugee Organization regarding ineligibility shall not affect the granting of refugee status to those who meet the conditions of the following paragraph.

2. Refugees due to persecution before 1951: any person who, as a result of events occurring before 1 January 1951, and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country of origin and is unable or, owing to such fear, is unwilling to return to it. This includes stateless persons who, as a result of the same events, are outside the country of their former habitual residence and are unable or, owing to such fear, are unwilling to return. Where a person has more than one nationality, the country of his nationality shall be deemed to be each of the countries of which he is a national. A person shall not be deemed to have lost the protection of his country if he has failed to seek the protection of one of those countries without good reason.
3. Events before 1951: The term “events occurring before 1 January 1951” in the context of paragraph (a) shall be understood either as events occurring in Europe before that date or as events occurring in or outside Europe. The Contracting States shall choose one of the two when ratifying or acceding to the Convention and may modify their choice later.
4. Cessation of refugee status: A person shall cease to be a refugee if:
 - He voluntarily resumes the protection of his country of origin.
 - He voluntarily regains his former nationality.

- He has acquired a new nationality and benefits from the protection of that nationality.
- He has voluntarily returned to the country that he left because of fear of persecution.
- His continuing fear of persecution no longer has a justification.

5. Exceptions to the Convention: The Convention shall not apply to persons receiving protection or assistance from organs or agencies of the United Nations other than the Office of the United Nations High Commissioner for Refugees, nor to persons who are nationals of the country in which they reside, nor to individuals who have committed serious crimes against humanity or acts contrary to the principles of the United Nations.

An asylum seeker is an individual seeking international protection either on an individual or collective basis. In countries with individual procedures, he or she is considered a person whose application has not yet been decided. The 1990 Dublin Convention defines an asylum seeker as “any alien who has filed an asylum application and in respect of whom a final decision has not yet been taken” (Bourbeau, 2017). The term “alien” under the Convention means any person who is not a national of a Member State. The Convention also defines an “asylum seeker” as a request by an alien from a Member State seeking protection under the Geneva Convention by claiming refugee status by Article (1) of the Convention, as amended by the New York Protocol (Lott, 2023).

Hence, the Dublin II Regulation came to define the asylum seeker more clearly, as it defined the citizen from a third country who submitted an asylum

application and a final decision has not yet been taken on it. Several legal terms are associated with the asylum application, including (Gil-Bazo, 2015):

Protection: A concept that aims to respect the rights of individuals according to human rights and refugee law and international humanitarian law, by creating an environment that respects human dignity, and ensures humane treatment and decent living conditions through compensation and rehabilitation.

International protection: Measures taken by international law to protect the fundamental rights of persons who do not enjoy them in their countries of origin.

Temporary protection: Article 2 of the Temporary Protection Directive adopted by the Council of the European Union in 2001 defined it as an exceptional measure that provides immediate and temporary protection to persons in the event of a mass influx of displaced persons from third countries.

Subsidiary protection: A formal authorization for people in need of international protection, including residence in a country for people who do not qualify for refugee status under the 1951 Geneva Convention.

Detention: A measure taken by a state to restrict the movement of asylum seekers on its territory, usually through forced confinement.

Non-refoulement: A fundamental principle that obliges states not to return anyone to a country where his or her life or freedom would be at risk, according to Article 33 of the 1951 Geneva Convention.

Safe third country: A country where an asylum seeker has access to an effective asylum system and where he or she was physically present before arriving in the country where he or she is applying for asylum.

The researcher defines a refugee as a person who is forced to leave his country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. According to the 1951 Convention, a person is considered a refugee if he is outside his country and cannot return there because of such fear, including stateless persons who left due to similar circumstances. As for an asylum seeker, the researcher defines him as a person who applies for international protection from another country because of the risks he faces in his country of origin. An asylum seeker is considered a person whose application has not been finalized, meaning that his legal status is still pending. The country in which the asylum seeker applies must assess his application according to international and national standards, to ensure his rights and safety. The researcher considers the 1951 Convention relating to the Status of Refugees to be the cornerstone of the framework for protecting the rights of refugees worldwide.

This Convention provides a comprehensive definition of a refugee and sets out his basic rights, reflecting the international community's commitment to addressing asylum issues. However, some provisions can be subject to different interpretations, which can lead to uneven application of rights between states. The Dublin II Regulation provides a clear mechanism for processing asylum applications, defining asylum seekers more precisely. While this regulation helps speed up procedures, it has been criticized for its restrictions on asylum seekers' rights, such as detention conditions. The researcher believes that there is an urgent need for greater international cooperation to ensure the rights of refugees and asylum seekers and that current policies should be reviewed and amended to ensure that human justice is achieved. He stresses that challenges remain, but that

strong international commitment can improve the situation of refugees and ensure their protection in the future.

7.1.2 Asylum Seekers in Light of Contemporary International Agreements

The right to asylum is one of the fundamental rights guaranteed by the Universal Declaration of Human Rights, as Article 14 clearly states this right. In 1951, the United Nations adopted the Geneva Convention relating to the Status of Refugees, which established rules for the protection of refugees based on the principles of the Universal Declaration. However, this Convention focused specifically on individuals who had fled events in Europe before 1951. However, the 1967 Protocol removed the time and geographic restrictions, and granted the Convention the power to apply to all refugees (Feller & Nicholson, 2003).

The 1951 Geneva Convention is the only binding legal instrument for the protection of refugees, although its application depends on the sovereignty of states. It does not require states to grant asylum to persecuted people, but it does impose an obligation on them not to forcibly return refugees to countries where they may face persecution or threats (UNHCR).

However, the Geneva Convention does not address the status of asylum seekers and the procedures associated with them. With Europe being a transit and destination for many refugees, there is an urgent need to establish a specific legal system that effectively addresses asylum seekers' issues. European countries need to adopt clear policies that respond to the growing needs of asylum seekers while ensuring their rights and protection at all stages of the asylum procedure. This requires international cooperation to coordinate efforts and provide the necessary support to asylum seekers, which enhances the concept of humanitarian justice and strikes a balance between refugee protection and the interests of host countries.

First: Asylum seekers under the Dublin and Schengen Agreements

Efforts to establish a legal system for managing asylum procedures in Europe began in the 1990s, specifically in 1985, to coordinate these procedures between countries. These efforts consisted of establishing a mechanism to determine the country responsible for examining asylum applications, which is the basic principle of the Dublin Convention.

The Dublin Regulation stipulates that only one State should process an asylum application, with this State determined according to specific criteria, regardless of the asylum seeker's choice. The Convention also stipulates that Member States are obliged to examine asylum applications, whether at their borders or within their territory, in accordance with their national laws and international obligations, with the requirement that the application be examined by only one Member State. The criteria contained in the Convention are applied in sequence from Article 4 to Article 8, in a mandatory and hierarchical manner. The Dublin Regulation is considered one of the most important international agreements that give special importance to asylum seekers, as it is the first binding instrument between Member States of the European Union, and emphasizes the protection of these individuals by sharing responsibility for examining applications. The Dublin Regulation also sets time limits for the transfer of applications between Member States, as States must respond to requests to assume responsibility within one month, while the receiving State must respond to the application within three months.

The refugee protection rule is based on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. This Convention provides a set of basic rights and protections for refugees. First, it

emphasizes the principle of non-discrimination. Second, the personal status of refugees is regulated in accordance with the domestic laws of the country in which they reside. Third, refugees have the right to own movable and immovable property, and they can transfer their assets to the country in which they will reside. Fourth, States Parties recognize the right of refugees to form associations, including non-profit and non-political associations. Fifth, refugees have free access to justice and to bring claims before the courts. Sixth, they have the right to employment. Seventh, refugees have the right to education on an equal basis with citizens. Eighth, they are entitled to benefit from social welfare rights. Ninth, every refugee must obtain identity papers and travel documents. In addition to these rights, the Convention places obligations on refugees, as stated in Article 2, where refugees are required to comply with all applicable laws and regulations. These rights generally reflect the law's commitment to human rights, as the law works to protect these rights. Refugee protection arrangements also include the Statute of the United Nations High Commissioner for Refugees, which includes procedures to support human rights through the provision of international protection. This includes preventing refoulment, assisting in the processing of asylum applications, providing legal assistance and counseling, promoting the physical security of refugees, and supporting resettlement. Article 6 of the Statute of the Office of the High Commissioner refers to its authority to deal with refugee cases (Al-Hajri, 2023).

However, there is general agreement that the Dublin Agreement has not achieved its intended objectives, as indicated in a report by the European Commission. Therefore, there was a need to amend and review the agreement to address the shortcomings that were discovered, which led to its replacement with what is known as the Dublin II Regulation (Silviana, 2019).

The Schengen Agreement entered into force on 26 March 1995. It is named after the town of Schengen in Luxembourg, where the agreement was signed on 14 June 1985 by five countries: Germany, France, Belgium, the Netherlands, and Luxembourg. Today, the agreement has 26 member states. Before the agreement came into force, the borders between European countries were heavily guarded and controlled, with passports checked at border crossings. The Schengen Agreement also allows for free movement between member states, guaranteeing freedom of movement without the need for a visa, inspection, or passport questioning, except in the case of showing a travel document upon entering the first Schengen country, in which case the passport is stamped by that country. When crossing additional borders within the area, documents are not checked or stamped. However, some countries have reintroduced border controls due to the refugee crisis and the threat of terrorism. The agreement allows member states to temporarily re-impose border controls for security reasons, for a period of up to six months, with the possibility of extending it to two years in the event of major challenges such as the refugee crisis (European Centre for Counterterrorism and Intelligence Studies, 2020).

The researcher concludes that there is a clear link between the Dublin Regulation and the Schengen Agreement regarding the status of refugees in Europe. While the Dublin Regulation specifies which country is responsible for processing asylum applications, preventing “asylum tourism,” the Schengen Agreement allows for freedom of movement between member states without passport checks. This means that if a refugee is granted asylum in a particular country, he or she can move freely between Schengen countries, but before that, his or her movement is considered illegal. In crises such as a refugee influx or security threats, countries may re-impose border controls, complicating the processing of asylum applications. So, while Dublin focuses on how applications

are

processed, Schengen is concerned with border management, which ultimately affects how countries deal with the status of refugees.

Second: Asylum seekers under the Dublin II and III regulations

The Dublin II Regulation, known as Dublin II, is the cornerstone of the Common European Asylum System, replacing the Dublin Convention in 2003. It retains the criteria for determining responsibility contained in the previous Convention, and was adopted in conjunction with the launch of the Eurodac system, which is used to record fingerprints of asylum seekers to support the implementation of the Dublin System. The Dublin II Regulation's provisions on responsibility for asylum applications are similar to those of the original Convention, as both are based on the fundamental principle that only one State is responsible for examining an asylum application. Thus, once an application is lodged in a Member State, that State begins to determine responsibility according to the provisions of Dublin II. In practice, the Dublin II Regulation has shown its effectiveness as a mechanism for communication between Member States on responsibility for asylum applications, and the Eurodac system has helped to strengthen the operation of the Regulation. It has also played an important role in ensuring the effective operation of asylum systems in Member States, providing a legal framework for meeting their obligations (Lenart, 2012).

However, the European Parliament and the UNHCR have pointed out that there are major flaws in the Dublin system, which have negatively affected asylum seekers and Member States. Accordingly, attitudes towards the Dublin Regulation are divided between supporters and opponents, as the Regulation adheres to the general principle that an asylum seeker has no choice in which State is responsible for his or her application, but rather the State that had the greatest influence in the

applicant's entry. As a result of the delays in implementing the provisions of the Regulation, individuals and families have been exposed to danger and hardship, which has made the situation unfair to asylum seekers and to a number of Member States. Therefore, in 2008, the European Commission proposed a reformulation of the Dublin II Regulation to enhance the efficiency of the system and improve the level of protection for applicants, as well as to address the pressures on asylum systems (Desimpelaere, 2015).

In response to these demands, the European Parliament and the Council adopted Regulation (EC) No. 604/2013, known as the Dublin III Regulation, in July 2013. This Regulation maintained the central principle of the Dublin system that a single Member State is responsible for examining an application for international protection, but the commitment to this principle was strengthened by Article 18 of the Regulation. The Dublin III Regulation also confirmed the hierarchy of criteria for determining the responsible State, while expanding the scope of the determination of responsibility through additional guarantees that facilitate access to asylum procedures as part of the right to asylum. Although Member States welcomed the Dublin III Regulation as an opportunity to address the shortcomings of Dublin II, the European Council on Refugees and Exiles regretted that the fundamental principles had not been fundamentally changed, as the principle of assigning responsibility to the State that had the greatest role in the entry of the applicant remained in place, with the exception of the protection of family unity and unaccompanied minors (European Commission, 2024).

The researcher argues that the Dublin II Regulation, adopted in 2003, suffered from a clear failure to fairly distribute the burden of asylum applications among Member States. The responsibility was disproportionately placed on

countries located at the EU's external borders, which receive the largest number of asylum seekers entering through their borders, putting significant pressure on their national systems. This situation left countries such as Italy and Greece with burdens beyond their capacity, while others remained relatively unaffected. In response to these challenges, the Dublin III Regulation came in 2013 to improve the system and address some of the shortcomings. Although it strengthened some guarantees for the protection of asylum seekers, such as family reunification and the protection of unaccompanied minors, it did not provide radical solutions to the unbalanced distribution of the burden among Member States. Border countries continue to bear the brunt of the burden, with no effective mechanism for fairly distributing asylum seekers. In addition, Dublin III has not been able to effectively curb irregular migration, as many asylum seekers continue to bypass the system by moving between Member States to reach the countries in which they wish to reside, perpetuating irregular flows and undermining the primary objective of the system of managing asylum effectively within the EU.

7.2 The status of Syrian asylum seekers under the European Asylum Organization

Since its founding in the aftermath of World War II, the European Union has evolved from an economic entity to one that addresses complex global issues, including the environment, energy, and migration. However, one of the most prominent issues the Union has faced recently has been the refugee crisis; the EU has faced the largest wave of refugees since the end of World War II, with more than a million refugees and migrants arriving in the EU, most of them from Syria. This massive influx of refugees has presented the European asylum system with unprecedented challenges, especially in border countries such as Greece and Italy, where refugees have arrived by land transport from Turkey (Al-Khatib, 2017).

The EU had to deal with this crisis through a range of measures. Internally, the EU made efforts to meet the needs of Syrian refugees arriving at its borders, providing them with basic support such as clean water, food and shelter. In May 2016, the EU funded humanitarian projects to meet the needs of 50,000 refugees and migrants arriving in Greece. But the EU's role did not stop there, as it extended to providing humanitarian assistance to countries neighboring Syria that host large numbers of refugees. For example, the EU provided significant assistance to Turkey, which was the host country for the largest number of Syrian refugees, hosting around 3 million refugees, including 2.5 million Syrians. From 2016 to 2018, the EU and its member states provided 6 billion euros to support Turkey in providing basic services to refugees, including education and health care (European Union).

In addition to financial aid, the EU has taken other steps to deal with the refugee influx. In March 2016, EU and Turkish leaders reached an agreement aimed at reducing the flow of migrants to Europe. According to the agreement, starting on 20 March 2016, all new migrants arriving on the Greek islands will be returned to Turkey if they do not apply for asylum or their applications are rejected. In return, some Syrian refugees will be transferred from Turkey to EU countries as part of a resettlement process. The EU also committed to accelerating the disbursement of €3 billion to Turkey to meet the humanitarian needs of Syrian refugees and improve economic and social conditions in the country by the end of 2018 (Council of the European Union).

Despite these efforts, the EU has struggled to implement its refugee resettlement policies within its borders. In September 2017, EU member states agreed to resettle 160,000 asylum seekers from Greece and Italy to other EU

countries, but by July 2016, only 8,268 asylum seekers had been resettled. This gap between commitments and implementation reflects the internal political challenges EU countries face in dealing with the refugee crisis. While the European Commission is trying to ensure a fair distribution of asylum seekers across the EU, solidarity and the effective sharing of responsibilities among member states remain controversial (Silviana, 2019).

To address these challenges, on 4 May 2016, the European Commission proposed reforming the Common European Asylum System (CEAS) to make it fairer and more efficient. The reform includes improving the Dublin Regulation, which determines which country is responsible for processing asylum applications, to make it more transparent and effective, and provides a mechanism to deal with situations where asylum systems in some countries are overburdened. (European Commission, 2016) In addition, the EU seeks to expand the scope of Eurodac, the system that stores data on refugees and migrants, to enable member states to identify people who are staying irregularly within the EU (European Asylum Support Office, 2019).

Through these measures, the researcher stresses, the EU seeks to reform the asylum system to meet the challenges posed by the Syrian crisis. The reforms include improving the ability of member states to deal with large refugee flows and ensuring a more equitable distribution of responsibilities. In addition, the EU aims to provide safe and legal ways for asylum seekers to enter Europe, instead of risking their lives on dangerous smuggling journeys. The Commission is also proposing new mechanisms to ensure that member states are able to deal with future crises efficiently and flexibly. Finally, the EU demonstrates its commitment to human rights principles through its refugee policies, but the political and

economic challenges posed by the current crises require greater solidarity and cooperation among member states. As the EU continues to implement reforms and cooperate with international partners, the Syrian crisis remains a crucial test of Europe's ability to confront humanitarian crises and adhere to the values on which it was founded.

7.2.1 The Repercussions of Syrian Asylum on the Dublin System

The Dublin Regulations highlighted the need to protect and receive asylum seekers in line with the European principles of the Common Asylum System. However, the treatment of Syrian refugees has been uneven across European countries. While many countries have closed their doors to these refugees, Germany (and to a lesser extent Sweden) has been among the countries that have received them the most.

Berlin has effectively suspended the implementation of the Dublin Regulation, with the Office for Migration and Refugees deciding to stop deporting Syrian refugees to the countries they previously entered. This decision coincided with the influx of thousands to Germany via countries such as Greece, Macedonia, Serbia, Hungary and Austria. German Chancellor Angela Merkel has stressed that her country is able to accommodate refugees without the need to raise taxes. Despite this, Germany does not use the status of "refugee" in its official dealings, but rather the status of "international protection" is granted in documents, reflecting a lack of discrimination. It is worth noting that the reason for refugees' residence in Germany is due to the decision of the Federal Office to grant international protection according to certain laws (RT Arabic, 2015).

In Austria, asylum seekers cross the border after an arduous journey, where citizens welcome them with cheers and applause upon their entry. Meanwhile, the

Hungarian government has taken strict measures, erecting barriers and barbed wire on the border with Serbia to prevent the influx of refugees, and introducing legal amendments that make entering the country through the border fence a crime (CNN, 2015).

Meanwhile, Luxembourg hosted a conference of European foreign ministers to discuss the refugee file, stressing that this issue is a shared responsibility of the entire Union. In Finland, the prime minister announced his readiness to open his home to asylum seekers, reflecting a supportive humanitarian stance (Amnesty International, 2016).

From the researcher's point of view, the Syrian refugee crisis has highlighted the shortcomings of the Dublin Regulation in dealing with large refugee flows. While some countries, such as Germany, responded by freezing the implementation of the agreement and opening their doors to Syrians, others took strict positions and closed their borders. This disparity in response reveals the inability of the Dublin system to distribute responsibilities fairly among member states. Experience has also shown that relying on a single country of entry to bear the burden of asylum is insufficient, which calls for an urgent need to amend European policies to ensure effective protection for asylum seekers. In light of the growing humanitarian crises, there must be a system that ensures a more equitable distribution of responsibilities and enhances solidarity among European countries.

7.2.2 Distribution of Syrian Refugees in Neighboring Countries and Turkey's Position on the Syrian Asylum Seekers Crisis

By March 2017, the number of Syrian refugees registered with UNHCR in neighboring countries and Egypt had exceeded five million. Some 2.97 million of them were in Turkey, over one million in Lebanon, around 658,000 in Jordan,

around 237,000 in Iraq, and over 120,000 in Egypt. Children accounted for 48% of these refugees. These figures reflect the cumulative total number of registered Syrian refugees, taking into account that the actual number may be higher due to the presence of Syrians who have not registered with UNHCR. In the last quarter of 2016, UNHCR and its partners were able to provide food support to around 79% of Syrian refugees in the region, with the majority of this support going to Lebanon and Jordan, while Turkey received the least support. In total, food was provided to 2,234,512 refugees out of a total of 2,825,300. In terms of education, UNHCR estimated that there were 534,000 refugee children out of school by the end of 2016, or about 22% of all refugee children. Of these, 367,000 were in Turkey (15%), 127,000 in Lebanon (12%), and 40,000 in Jordan (6%). In Iraq and Egypt, all refugee children receive school education (Al-Khatib, 2017).

The number of Syrian refugees in Lebanon exceeded one million in 2016, the largest number of refugees relative to the population of the host country, with 169 refugees per 1,000 Lebanese citizens. Aid provided to Lebanon in the same year amounted to \$1.128 billion, the highest financial support among neighboring countries. However, the economic and political crisis in Lebanon has increased the challenges facing refugees. The number of Syrian refugees in Jordan at the end of 2016 was approximately 648,836 refugees, about 20% of whom live in refugee camps. Reports show that 89% of Syrian refugees outside the camps live below the Jordanian poverty line. In Iraqi Kurdistan, the number of registered Syrian refugees reached 230,836 refugees by the end of 2016, the majority of whom (222,855) are in Iraqi Kurdistan. It is estimated that Syrian refugees, together with internally displaced persons, constitute about 25% of the region's population (Al-Khatib, 2017).

By the end of 2016, Egypt had registered 116,013 Syrian refugees with the United Nations High Commissioner for Refugees (UNHCR). With the economic difficulties in Egypt, the challenges facing Syrian refugees there have increased, including high unemployment and poverty rates. By February 16, 2017, the number of registered Syrian refugees in Turkey had reached 2,910,281. About 9% of them reside in refugee camps. Turkey has distinguished itself by providing legal facilities for Syrian refugees in the areas of education and work, with 62% of them living near the Syrian border, while the rest are spread out in cities such as Istanbul (Al-Khatib, 2017).

Turkey currently hosts the largest number of Syrian refugees, at 2.9 million, half of whom are children. Most of these refugees live in southeastern Turkey, but there are also those who have fled the conflict in Iraq. Anti-refugee sentiment in Turkey has been heightened by the difficult new conditions for both sides, and reports of violence against them have increased. The crisis has not only affected Turkey's domestic situation, but also its relations with Western countries, as Turkey has used the refugee issue as a political bargaining chip in its negotiations with the European Union (Qatar International Academy for Security Studies, 2017).

It is worth noting that, due to its proximity and shared borders with Syria, it has also suffered from a crisis of a large influx of asylum seekers seeking to reach EU countries. In response to these challenges, the European Union and Turkey agreed on a joint action plan aimed at supporting Syrian refugees and addressing the problems of asylum and human trafficking. According to this agreement, Turkey is considered a safe third country, allowing asylum seekers from Greece to be returned to Turkey under EU legislation (European Council, 2016). This

agreement is based on mutual commitments between Turkey and the European Union to provide protection to asylum seekers in accordance with international standards, while adhering to the principle of non-refoulement. This agreement is considered a temporary but necessary measure to end human suffering and restore public order (Sahle Work, 2018).

Looking at the details of the EU-Turkey Action Plan, we find that it is more of a deal than a bilateral agreement, with the political interests of both parties dominating its overall framework. Turkey has cooperated with the EU to reduce irregular migration across the Aegean Sea, using this as an opportunity to bargain for its accession to the EU, in addition to demanding visa liberalization for its citizens to enter the EU. However, this deal potentially violates the rules and principles related to asylum, by collectively expelling and returning irregular migrants crossing Turkey to the Greek islands, which contradicts the prohibition of collective expulsion. Moreover, the return of every Syrian asylum seeker to Turkey would entail the resettlement of another Syrian in Europe, which contradicts the prohibition of discrimination stipulated in Article 3 of the 1951 Geneva Convention, which distinguishes between individuals on the basis of nationality (Mirekoc, 2019).

The researcher concludes that the EU-Turkey deal on Syrian asylum seekers raises many doubts about its legality and effectiveness. Although it is considered an important step in addressing the refugee crisis, it takes the form of a non-binding statement, rather than a legal instrument that can be subjected to judicial tests. This means that the agreement lacks the legal characteristics necessary to be internationally binding; it does not represent an agreement in the strict sense of international law. In fact, this agreement is more of a political understanding than a

legal

framework, which raises questions about its credibility and the commitment of the parties involved to implement it. It is clear that such deals can be vulnerable to political changes, which puts the rights of refugees at risk and makes it difficult to achieve effective protection for them. Therefore, there is a need to formulate clearer and legally binding agreements that guarantee the rights of asylum seekers and enhance cooperation between European countries and Turkey in fair and sustainable ways.

7.3 Changes Brought about by Syrian Asylum Seekers to the European Asylum System

The arrival of Syrian refugees in Europe, especially during the Syrian crisis that peaked in 2015, has led to fundamental changes in the EU's migration and asylum policies. Although Europe has always been a destination for migrants and refugees from all over the world, the influx of hundreds of thousands of Syrian refugees in a short period of time has put asylum systems under severe and unprecedented pressure. EU countries have responded in varying ways to this crisis, exposing weaknesses in the European asylum and migration system and leading to a series of adjustments and reforms.

The European asylum and migration system has changed on several levels, from laws and policies to international relations and internal challenges facing EU member states. The issue of asylum has become the focus of great political debate, resulting in many social and economic challenges in many European countries. In this context, we can highlight some of the major changes brought about by the arrival of Syrian refugees in Europe and their impact on the different asylum systems.

The

main changes that Syrian refugees have brought about in the European asylum system (Hatton, 2020), (Anan & Lilia, 2016):

1. Increased pressure on asylum systems

The influx of Syrian refugees has led to a huge increase in asylum applications, with countries such as Germany and Sweden receiving thousands of applications each month. This enormous pressure has led to longer waiting periods for applications to be processed and increased overcrowding in reception centers.

2. Amending the Dublin System

Due to the large influxes to countries of first entry such as Greece and Italy, there is an urgent need to reform the Dublin system, which places the responsibility on the first country a refugee arrives in to process his application. This has led to discussions about sharing responsibilities between EU countries. The experience of Syrian refugees, especially women, has also highlighted the weaknesses of the European asylum system. This crisis has shown that the Dublin system and European refugee legislation need fundamental amendments to take into account contemporary challenges and increasing humanitarian needs, such as protecting the most vulnerable groups such as women and children. This experience has contributed to a re-evaluation of procedures and laws related to refugee rights, and has imposed on European governments the need to improve asylum centers and services provided to asylum seekers, as well as to provide more effective means of dealing with large numbers of refugees.

3. Tightening border controls

Many European countries have re-imposed controls on their internal borders within the Schengen Area, affecting the principle of freedom of movement.

Controls on external borders have also been strengthened to ensure that the flow of refugees is controlled.

4. Agreements with external countries

Agreements were signed with countries such as Turkey in 2016, with the aim of reducing the flow of refugees to Europe by providing financial support and facilities. These agreements have reduced the number of arrivals but have also raised questions about the EU's commitment to human rights values.

5. Escalating political and popular debate

The refugee crisis has affected political discourse in Europe, with nationalist and populist parties exploiting the crisis to bolster their anti-immigration positions. This has led to increased internal tensions in some countries and the emergence of more restrictive policies towards refugees.

6. Reforms to refugee distribution mechanisms

The EU has tried to create mechanisms to distribute refugees equally among member states, but some countries, especially in Eastern Europe, have rejected this. This rejection has exposed deep differences within the EU on how to deal with humanitarian crises.

7. Impact on international relations

The Syrian refugee crisis has also affected relations between the EU and its neighbors, with cooperation with countries such as Turkey becoming a key part of Europe's migration management strategies.

8. Integration and social challenges

In many European countries, the arrival of large numbers of Syrian refugees has raised challenges related to integration into host societies. Issues of education, housing, and employment opportunities for refugees have become important topics in political and social debates

9. Divisions within the European Union

The refugee crisis has exposed deep divisions among EU member states over how to deal with refugees. For example, some countries in Eastern Europe have refused to commit to the EU's proposed refugee redistribution policies. These divisions have weakened European solidarity and increased feelings of isolation in some countries.

The arrival of Syrian refugees in Europe has led to radical changes in EU migration and asylum policies. Although Europe has always been a destination for migrants, the massive influx of hundreds of thousands of Syrians has put asylum systems under unprecedented pressure. Member states have responded in varying ways, exposing fundamental weaknesses in the European system. The large increase in asylum applications has led to delays in processing applications and overcrowding of reception centers, and the Dublin system is in urgent need of reform to distribute responsibilities more fairly. In addition, many countries have re-imposed controls on their internal borders, affecting the principle of freedom of movement, while agreements with third countries such as Turkey have raised questions about the EU's commitment to human rights values. Divisions between states over how to deal with refugees have also widened, with some states refusing to commit to proposed policies. These divisions reflect social issues related to integration, education and housing, highlighting the urgent need to update policies and procedures to meet contemporary challenges, ensure the protection of

refugees' rights and enhance cooperation between member states to achieve more effective outcomes.

8. Conclusion and Recommendations

The legal status of the asylum seeker was clarified, as it was found that it falls in a grey area between international human rights law and international refugee law, due to the absence of an international agreement or codification that precisely defines this status. The difference between the concept of an asylum seeker and a refugee was also clarified, as an asylum seeker is defined as a person who seeks international protection by submitting an asylum application in order to be recognized as a refugee in accordance with the provisions of the Geneva Refugee Convention of 1951.

Furthermore, it was noted that the Dublin system created a kind of de facto cooperation between Member States to examine asylum applications, but it was found that this system does not work as effectively as it was intended; European national asylum systems still operate separately from the Dublin system, especially in light of the Syrian asylum seeker crisis, which has led to widespread disparity in how countries deal with this crisis, and increased pressure on Member States that receive the most refugees. The results of this study show that there is an urgent need to reform the Dublin system, so that it can better respond to the current challenges. Rather than being a burden on Member States, the system should be redesigned to enhance the protection of asylum seekers' rights and ensure a fair distribution of responsibilities.

Accordingly, to benefit from the Dublin system in the field of asylum seeker protection, the following is proposed:

1.

Flexible application of the Dublin Regulation: The Dublin Regulation should be applied between Member States in a flexible manner that ensures respect for their obligations under the European Convention on Human Rights.

2. Protection of the rights of asylum seekers: Member States should take into account not to transfer asylum seekers to a Member State where they would be at risk of refoulement or violations of fundamental human rights.

3. Balance of interests: The interests of both Member States and the asylum seeker should be taken into account in the mechanism for allocating responsibility for examining asylum applications, with the protection of asylum seekers as a primary objective before the equal distribution of responsibilities between Member States.

4. Strengthening international cooperation: It is essential to strengthen cooperation between Member States and support legal guidance and advice mechanisms to ensure that asylum applications are processed in a manner that respects human rights.

5. Increased funding and assistance: Sufficient financial resources should be made available to help accommodate and support refugees, thus contributing to relieving the burden on the most receiving countries.

6. Conducting further studies: It is recommended to conduct additional studies related to the Syrian refugee crisis and its impact on European policies, focusing on the social and economic factors that affect refugee integration, and analyzing the impact of international agreements on their rights. It is also recommended to adopt experimental approaches to explore the different experiences of refugees in other countries, which contributes to improving the response of European countries



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to

humanitarian crises and providing practical recommendations for decision-makers.

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