

Countries which are victims of terrorism harden their attitudes toward accepting asylum seekers

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What impact does terrorism have on the acceptance of asylum seekers in European countries? Based on a study of 19 European countries between 1980 and 2007, [Nazli Avdan](#) writes that states which experience terrorism on their own soil or against their own citizens experience a reduction in asylum recognition rates. Nevertheless, there is also evidence that the commitment of European states to the principles of the Geneva Convention remains resilient against the spread of transnational terrorism.



The deluge of asylum seekers flooding Europe in the past two decades has presented a challenge for European policy-makers. Since 1980, close to 10 million political migrants have arrived in European destination states seeking refuge. The 1990s saw several peaks resulting from the regional turmoil and civil strife that emerged after the end of the Cold War and the collapse of the Soviet bloc. Thus, upsurges occurred around and in the aftermath of the Bosnian War, the first and second Iraq Wars, and the Kosovo conflict, to name a few. With Europe bearing a significant portion of refugee outflow, there has been renewed zeal for stringency in asylum determination. Under the umbrella of the Common European Asylum Space, harmonisation efforts and, more broadly, European integration processes, have compounded the trend toward restriction. Increasing preoccupation with the migration security nexus have further complicated Europe's asylum regime.

Asylum has thus come to occupy centre stage among European policy-makers. The sheer volume of refugee flows created an impetus for a clampdown, heralding a 'fortress Europe'. Partly motivating these fears was the perception by publics and elites alike of an inevitable and unstoppable influx into Europe. This manifested as a sense of eroding control over destination countries' borders. At the same time, those states that bear a greater share of the burden from forced migration – for instance Germany, Austria, Switzerland, and the Netherlands – have pushed for tighter controls. Additionally, asylum seekers acquired a stigma through the representation of the political migrant as a bogus refugee. States came to fear that economic opportunists exploit the asylum channel to gain access to economically developed destination states. Particularly as fortress Europe began to descend with a tightening of other aspects of migration, the asylum avenue came to be perceived as the softer and more vulnerable method of access to developed states' territories.

Growing anxiety over global terrorism added another layer to asylum outcomes. While the September 11 attacks reverberated on both sides of the Atlantic, the 2004 Madrid and 2005 London attacks brought the threat home for European decision-makers, and were highly salient and politicised. This presented an important question for whether transnational terrorism would entail a seismic shift in the European asylum regime. Of particular concern was whether such visceral attacks, by striking closer to home, would impel asylum decisions to deviate from the norms enshrined in the Geneva Convention.

Asylum policy is unique among other pillars of migration in being governed by an international regime. The 1951 Geneva Convention prohibits *non-refoulement* by precluding signatory states from returning asylum seekers to origin states where they might confront threats to their physical integrity. European destination states, as parties to the Convention, are obliged to honour their commitments under the Convention. In practice, the Geneva Convention obliges destination states to take into account origin territory conditions. Gross human rights violations, genocide, politicide, and/or repressive regimes may all point to a well-founded fear of persecution in origin countries.

Historically, both strategic imperatives and humanitarian ideals have underpinned asylum admissions. During the Cold War, for example, Western developed states, the United States foremost among them, exhibited anti-

communist bias by more readily granting asylum to individuals from communist states. Even though this rationale disappeared with the fall of communism, instrumentalism manifested itself in other ways in states' asylum practices. To be more precise, states are reticent to grant asylum to allies and trade partners: insofar as granting asylum shames the origin state, a high recognition rate stands to damage the economic partnership. Contrarily, countries might at times strategically grant asylum to migrants fleeing hostile states, in an effort to discredit and/or condemn these regimes.

Fears that terrorists could leverage the asylum channel to gain access to European destination countries added another dimension to policy-making. Human rights advocates voiced concerns that the global war on terrorism and more broadly, the preoccupation with international terrorism, stood to weaken the humanitarian aspirations encoded in the Geneva regime. While a small stream of scholarship has recently interrogated whether transnational terrorism has reshaped the asylum regime in the North American context, the same question has not been studied at length in the European context. In a [recent study](#), I scrutinise the effect of terrorism on European destination states' asylum decisions. I examine asylum decisions enacted by 17 European Union (EU) states and Norway and Switzerland from 1980 to 2007.

How does terrorism impact on asylum recognition rates?

My study demonstrates that when terrorism events occur on the soil of European destination states, they do in fact dampen asylum recognition rates. Not too surprisingly, by claiming the lives of citizens and incurring damage to buildings, infrastructure, public transport systems, and other assets, terrorist events animate destination countries to stiffen policies. That said, my study also offers heartening news for the endurance of the tenets of the Geneva regime.

First, the narrowing of asylum rates occurs solely in response to attacks that occur within the borders of destination countries or victimise their citizens. That is, asylum rates are not adjusted according to whether or not specific origin states generate a higher incidence rate of terrorism. This allays a fundamental concern expressed by champions of humanitarianism: that countries would be predisposed to return asylum seekers to states that are also the hotbeds of terrorism, on the grounds that admitting these migrants poses a threat to states' security.

Second, in spite of fears over terrorist infiltration, the normative guidelines of the Geneva regime remain intact. In other words, European destination states still factor in origin country conditions when deciding upon asylum cases. Equally importantly, destination countries regard significant volumes of terrorism in origin countries as a threat onto migrants, rather than treating it as a security risk.

However, these sanguine findings do come with qualifiers. The results of my paper also show that European destination states might be more reluctant to grant full refugee status to migrants and instead permit them to stay for humanitarian reasons. Thus, they are still fulfilling their obligations of *non-refoulement*, but at the same time leaving political migrants without legal status in destination states. Furthermore, my study looked exclusively at asylum recognition. While states may use tighter asylum recognition rates as a deterrent device against future asylum seekers, policy tightening may also be reflected in other dimensions of policy. For example, tighter visa restrictions, safe third party agreements, as well as more draconian determination procedures all spell a movement toward stringency. In other words, the asylum regime might exhibit tightening in ways not captured by asylum recognition rates.

In conclusion, from a humanitarian standpoint, the news is mixed. Whilst patterns do not indicate across the board effects in creating a 'fortress Europe' against asylum seekers, policy tightening occurs through a narrower channel. This is unsurprising in showing the continued dominance of instrumentalism in asylum outcomes: when states' own interests are put at risk by terrorism, policy tightening occurs. To end on a bright note, human rights principles prove resilient to worldwide terrorism, showing that across Europe the Geneva regime still maintains its relevance.

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