

5-2017

# The European Union's Response to the Syrian Refugee Crisis: National Factors that Affect Compliance in France and Spain

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THE EUROPEAN UNION'S RESPONSE TO THE SYRIAN REFUGEE CRISIS: NATIONAL FACTORS  
THAT AFFECT COMPLIANCE IN FRANCE AND SPAIN


By

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Submitted in Partial Fulfillment  
of the Requirements for  
Graduation with Honors from the  
South Carolina Honors College


May, 2017

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## Abstract

Beginning in 2011, the Syrian Refugee Crisis refers to refugees that come to Europe in an effort to escape the civil war in Syria. The influx of refugees from Non-European Union Member States, specifically those from Syria, threatens the stability and the status quo of the European Union. This population is particularly relevant because their status as refugees and their large numbers indicates a level of uncertainty about short term and long term assistance expectations.

In order to understand the European Union's response to the Syrian refugee crisis, it is necessary to determine the ways in which the national implementation (governmental and non-governmental institutions) of EU agreements varies between each state and the factors that contribute to these variations. Specifically, France and Spain will be case studies to determine how different state's responses fit into the overarching policies of the European Union. The determined level of compliance will help make predictions for the future of the European Union and for future responses to crises.

## **I. Introduction**

The destruction of infrastructure and borders and the political and social upheaval resulting from World War II led to many questions about the reconstruction of Europe. Internationally, the United States intervened to help expedite the process of Reconstruction through the implementation of the Marshall Plan. Internally, many European nations believed that unification and cooperation in the form of an economic union were necessary to rebuild and to stabilize Western Europe. Originating as the European Coal and Steel Community in 1950 and as the European Economic Community under the Treaty of Rome in 1957, the politico-economic community eventually evolved into the European Union. The member states shared common aspirations of a common market and of integration. One of the policies implemented to achieve this goal is the Schengen Agreement. The agreement took effect in 1995 and was created to facilitate free movement in the European Community. In general, the resulting influx and mixture of people, ideas, goods and services helped to foster a more interdependent and stable community. However, the recent influx of refugees from non-member states, specifically those from Syria, threatens this stability and the status quo of the European Union. Beginning in 2011, the Syrian Refugee Crisis refers to refugees that come to Europe in an effort to escape the civil war in Syria. This population is particularly relevant because their status as refugees and their large numbers indicates a level of uncertainty about short term and long term assistance expectations. The fact that the national governments of each member state of the European Union must comply with the directives of the EU further complicates the crisis because the implementation of the directives varies and is often at odds with national priorities.

In order to understand the EU's response to the Syrian refugee crisis, it is necessary to

determine the ways in which the national implementation (governmental and non-governmental institutions) of EU agreements varies between each state and the factors that contribute to these variations. Specifically, France and Spain will be case studies to determine how different state's responses fit into the overarching policies of the European Union. Spain was chosen for this study because its position as a frontline country, through which many migrants and refugees gain access to Northern Europe, can provide a unique perspective about whether or not a state has the capacity or resources to comply with the EU directives. France's position as a pathway country to Northern Europe and the recent terrorist attacks can provide insight about how political factors and public opinion may affect the response to the crisis.

### **A. Research Questions**

1. What are the current European Union policies in regards to 'applicants for international protection?'
2. How are Spain and France complying to the standards set by these policies?
3. What factors affect their level of compliance with these standards?
4. What does this level of compliance mean for the future of the European Union and for responses to future crises?

### **B. Thesis Statement**

The case studies reveal that capacity issues and political factors, including public opinion, influence Member States' compliance level with EU directives regarding the processing and reception of refugees in a manner that prevents a cohesive and effective response to facilitate the influx and to promote assimilation.

## **II. History of European Union Asylum Agreements**

In order to assess the level of compliance, it is first necessary to discuss the expectations outlined in current and past EU asylum agreements. The General Assembly of the United Nations adopted the foundational treaty concerning refugee status at the 1951 Geneva Convention on the protection of refugees. The treaty defines those who qualify as a ‘refugee’ and outlines refugee rights and the obligations of states to protect those rights. These guidelines were amended in the 1967 Protocol Relating to the Status of Refugees. Pursuant to Article I of the Convention, as amended by the 1967 Protocol, a refugee is “someone who is unable or unwilling to return to their 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 (United Nations High Commissioner for Refugees 2010, pg. 5).”

This agreement serves as the backbone for discussions in the European community to improve the processing and reception of refugees and to move towards the creation of a Common European Asylum System (CEAS). The European Commission, the executive branch of the European Union, is the sole institution that is responsible for drafting proposals for such legislation to represent the interests of the EU as a whole. Specifically, the Directorate General Migration and Home Affairs is responsible for developing policies on cross-border issues such as migration, asylum, and border control (Communication Department of the European Commission 2017). In accordance with the guidelines of the Geneva Convention, the Directorate General Migration and Home Affairs (and the EU as a whole) has worked, since the Tampere European Council of 1999, toward creating a Common European Asylum System (CEAS), an idea that was formally adopted in 2004 through the Hague Program. In 2008, the Commission’s policy plan on asylum outlined the three pillars that would guide the creation and



implementation of CEAS. These pillars were to promote effective and practical cooperation, to harmonize standards through more uniform Member State asylum legislation, and to increase solidarity and responsibility among Member states. Three recently revised directives, the Qualification and Asylum Procedure Directive, the Reception Conditions Directive, and the Dublin Regulation, contain the bulk of this provisional system. In addition to these overarching policies, other initiatives were implemented to maintain external borders and to create a European Asylum Support Office (EASO) (European Commission 2008). A discussion of these policies is relevant to this study because non-compliance with EU expectations could threaten the progression towards a CEAS.

#### **A. Qualification and Asylum Procedure Directive**

The Qualification and Asylum Procedure Directive or more formally, Directive 2011/95/EU, outlines those qualified or eligible to receive international protection from EU Member States, with a particular focus on the best interests of the child and of the family unit. The European Parliament and the Council of the European Union confirmed the directive on December 13, 2011. When the Hague Program was adopted in 2004, the main objectives were to strengthen freedom, security, and justice in the European Union. After reviewing evaluations regarding progress made with the Hague Program as well as other initiatives to establish minimum standards for the qualification and protection of refugees (art. 9), there were considerable disparities noted between each Member state regarding their application processes and degrees of protection. This Directive discusses areas of improvement to strive for a more cohesive European asylum system. The Directive uses the Geneva Convention's definition of a refugee as 'someone with a well-founded fear of persecution' to guide the discussion about who

is eligible for asylum/international protection. Due to some uncertainty as to the meaning of a ‘social group,’ the directive redefines the term to include an applicant’s gender, which may relate to certain traditions that cause harm (mutilation, forced abortion, etc.). There should be special consideration given to minors, specifically unaccompanied minors who apply for asylum. The Member States have an obligation to keep the best interests of the child in mind, which includes taking into account the minor’s well-being and social development, safety, and care (European Commission 2011).

Applicants who receive international protection will either receive ‘refugee status’ or an offer of ‘subsidiary protection.’ Subsidiary protection refers to a ‘third-country national or a stateless person who does not qualify as a refugee but... if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm (European Commission 2011).

### **B. Reception Conditions Directive**

While the Qualification Directive guides the standards of who is eligible to be a refugee and the types of protection available, the Reception Conditions Directive outlines the standards for the reception of those applying for international protection (asylum). Reception refers to the processing of asylum applications and access to housing, education, healthcare, employment, and other social services. Similar to the Qualification Directive, based on evaluations of the Hague Program, the Reception Conditions Directive was recast in June 2013 to improve and clarify the minimum standards.

Article V explains that the Member State must provide the applicant with a list of legal and social service organizations within a 15 day period after the filing of an asylum application.

Once the application has been filed, article VI explains that the Member State also has an obligation to provide the applicant with a document that states their status as an applicant and any restrictions on travel. Beyond any restrictions stated in this document, according to Article VII, an applicant may move freely within the territory of the Member State in which they applied for asylum (European Commission 2013).

Regarding education, minor children of applicants or minor applicants are allowed access to the Member State's education system. In order to facilitate transition into the Member State and their education system, they must offer preparatory classes, including language classes. Regarding employment, no later than 9 months after the asylum application was filed, applicants must have access to the labor market. In regards to housing, Member States must ensure that provided housing guarantees an adequate standard of living to maintain mental and physical health of applicants. However, if the applicant abandons or neglects the residence, the state can withdraw this housing. Applicants should also have access to healthcare, with special regard for the treatment of illnesses and mental disorders (European Commission 2013).

### **C. Dublin Regulation**

The Dublin Regulation, recast in June 2013, establishes the criteria for determining which Member State is responsible for the evaluation of an application for international protection. Any application should be examined and it should only be examined by a single Member State. A hierarchical order determines the responsibility, by first establishing whether or not family reunification is possible within a particular Member State, by second determining whether or not the applicant has a visa or residence permit in a particular Member State, and by third determining whether or not the applicant entered the Member State regularly or irregularly. In

order to facilitate this process, the state conducts extensive personal interviews to determine where the applicant's situation falls in the hierarchical order. In most cases, the Member State responsible for evaluating an asylum application will be the applicant's country of first entry (European Commission 2013).

#### **D. European Asylum Support Office**

The European Commission initially proposed the creation of the European Asylum Support Office (EASO) as part of the Hague Program to promote cooperation between Member States with regards to asylum matters. However, formal implementation of EASO occurred in 2011. The Dublin Regulation mentions that the role of the EASO is to “provide solidarity measures, such as the Asylum Intervention Pool with asylum support teams, to assist those Member States which are faced with particular pressure and where applicants for international protection cannot benefit from adequate standards, in particular as regards reception and protection (European Commission 2013, pg. 2).” Other objectives include facilitation of cooperation among Member States, collection of information on State practices to improve implementation of the Common European Asylum System and the creation of reports with up-to-date information on applicant countries of origin (European Commission 2011).

#### **III. France**

As a member state of the European Union, France is obligated to follow and implement its laws and procedures regarding refugees. The most prominent EU law regarding the placement of refugees is the Dublin Regulation. This agreement determines the responsibility of each member state in dealing with individual applications for asylum. For example, it helps regulate the application process by establishing any family connections within the European

Union, any previous visas an applicant may have had in the EU, or the applicant's European state of entry (European Commission 2013). As stated previously, for the majority of Syrian Refugees, the regulation requiring applicants to apply for asylum within their country of initial entry determines the state that is responsible for the application. It is for this reason that there has been an imbalance in the number of asylum applications in poorer, border states during the current refugee crisis. France, on the other hand, is not a frontline country in the refugee crisis. Therefore, the country has received significantly fewer applications for asylum than these other, poorer countries. If anything, France's role is usually as a pathway for refugees to other countries, like Germany and the United Kingdom.

Nonetheless, in 2015, the current French government of President François Hollande pledged to accept 30,000 refugees within the next two years (Tharoor 2015). Hollande made his announcement following the terrorist attacks in Paris, during which 130 people were killed in coordinated attacks by Islamic extremists. This announcement confirmed France's commitment to its pledge to aid in the refugee crisis, despite many fears that the attacks would lead to the retraction of French cooperation. However, as of October 2016, France had only received about 14,000 applications for asylum from Syrian refugees, much lower than the previous pledge.

France made some small attempts at meeting their goal by accepting small groups of Syrian refugees who previously applied for asylum in Germany. In 2015, François Hollande vowed that France would take in 1,000 refugees from Germany in order to relieve some of the pressure created by the hundreds of thousands of asylum applications that Germany has received (Bisserbe 2015). The French government seemed to fulfill its promises in this regard by accepting groups of refugees in groups of about 200. However, there are no official figures as to

the exact number of refugees that France accepted from Germany. It remains unknown whether or not these policies will change following the 2017 French presidential election due to the unpopularity of François Hollande and his Socialist Party.

### **A. French Asylum Application Process**

There are three possible reasons for which an applicant can receive refugee status in France. The first is in accordance with the Geneva Convention in which refugee status can be granted to "any person who [...] 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 the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself or herself of the protection of that country" (European Commission 2011). Similarly, a person can receive asylum in France on the basis of the 1946 French Constitution which states that "whoever is persecuted for his or her activities in pursuit of freedom" is eligible for asylum (France 2011). This qualification is very similar in sentiment to expectations that were laid out in the Geneva Convention. France also has a secondary form of asylum entitled Subsidiary Protection. A person qualifies for this form of protection when they do not qualify for refugee status but returning to their home country proves very dangerous. This can include potentially facing the death penalty, torture or inhumane treatment, or a generalized serious threat, including danger from conflict zones.

In France the process for asylum application can be strenuous, especially for non-francophone applicants. During the process, applicants go through a series of background checks and interviews conducted by the French Office for the Protection of Refugees and Stateless Persons (OFPRA). When OFPRA receives an application, it is then sent to a

geographic branch (Americas-Maghreb, Europe-Middle East, Africa, and Asia) to better facilitate the background checks and interviews. Caseworkers, who all fall under the authority of the Head of Section for each geographic section, divide each batch of applicants among themselves. It is these caseworkers who conduct the interviews, which can vary in length depending on the style of the interviewer. This first interview covers the applicant's background information and their reasons for claiming asylum. The state requires that applicants provide a written statement, in French, as part of their original application. However, due to potential language barriers, they usually place more emphasis on the verbal account of the applicant. At the discretion of the interviewer, the head of the department, who has the final say as to whether or not the application will be accepted, then receives the application. If the applicant is successful in their application they receive a letter informing them of the next steps. However, if an applicant is unsuccessful in their application for asylum they have the right to dispute the decision.

The National Asylum Court (CNDA) carries out the appeal process and the applicant is has the right to a lawyer who will argue their case and an interpreter for their trial. Before the trial, the state gathers a report of the case, along with a further recommendation for the status of the application. A court of three judges, who may have up to thirteen cases in a morning, hear the cases. It is common for the judges to ask the applicant direct questions about their need for asylum, followed by a statement by their lawyer. Though the length of the hearings varies by case, a study in 2009 “found that the average length of a hearing - including the hearing of the report and the [lawyer's] statement - was 33 minutes long” (Gibb 2013).

After the session, the judges meet to decide all of the cases heard. They can either override the initial OFPRA ruling or reject the appeal of the applicant. Similarly to the previous step, if an applicant is successful, they will receive a letter. If the applicant is unsuccessful they will receive a detailed letter outlining the reasons for the decision. As outlined in the Dublin Regulation, the state grants asylum to each applicant for one month during their application process. It is possible to renew this for a period of four months when necessary and as many times as necessary. Once the state denies an application for appeal the applicant must leave French territory.

### **B. Applicant Rights in France**

Once the asylum application process has begun, the applicants have certain rights regarding employment, housing, and education during their stay in France. Firstly, the applicants are entitled to an Asylum Seeker Allowance which aids in their transition to French life. In addition, it is possible for an asylum seeker to enter the French labor market if the state has not made a decision on their application within nine months of its completion. If this is the case, it is necessary for the applicant to submit a work visa request that the potential employer compiles on their behalf. Applicants for asylum are eligible for universal healthcare coverage while in France. With the correct paperwork, including proof of their asylum application and proof of address, the healthcare system will cover all necessary expenses for the applicant and their family members. Lastly, the families of applicants have the right to an education that is exactly the same as the opportunities offered to French students. According to French law, “education is compulsory for children of both sexes and French and foreign nationals, between 6 and 16 years old” (France 2015).



### **C. The Rights of Refugees**

Once an applicant receives refugee status many of the previously stated rights continue or expand in order to promote fuller integration into French society. When the status is granted, the refugee must sign a document (contrat d'accueil et d'intégration) formalizing the agreement between the refugee and the French government. This contract gives the refugee the right to a "civic education," including education on the French government and society. This part of the process is important to note because, in general, the French government and citizens expect immigrants to fully integrate themselves into the society. They will also receive information about necessities like housing, childcare, etc. In addition, the refugees have the right to language education if they are not native French speakers. After this they can take a French proficiency exam which, when passed, will prove their basic proficiency in the language, thus furthering their integration into the society and labor market. If necessary, the refugees will be eligible for social support from OFII, the French Office of Immigration and Integration.

If a refugee already received housing during their initial reception process then they have the right to stay in the housing for a period of three months with the possibility of renewal. As a refugee, they are also eligible to apply for temporary housing from OFII. If available, refugees can stay in this form of housing for nine months with the possibility of a three month renewal. In addition, all refugees have open access to the French labor market once they have the proper paperwork confirming their status. Officially, the state refers to this paperwork as the First Residency Permit and it is also granted to those who have received subsidiary protection from the state as well.

Refugees have the ability to receive various familial benefits, including financial help and residency rights. The French government offers financial allowances to families through the Caisse d'allocations familiales (CAF). The different allocations that are possible include single-parent financial assistance, housing assistance, and assistance for disabled adults. In order to qualify for these financial allocations, it is necessary for the refugee to fill out a declaration of income at their local CAF office. In addition to the financial aid, some family members can receive a resident card to live in France for 10 years. Spouses and children are eligible to receive residence cards if the refugee is married. If the refugee is unmarried and still a minor, then their parents are eligible for a residence card. Once someone becomes a refugee they have the right to apply to become a French citizen. Similarly, if someone received subsidiary protection from the state then they can apply for citizenship after legally living in France for five years.

#### **D. Nongovernmental Organizations and Integration**

Throughout France and the European Union, there are many different NGOs that aid in the reception and integration of refugees into their new culture and society. One of the most well-known NGOs in France and the world is the Croix Rouge or the French Red Cross. As an “independent organization that acts alongside the public authorities,” they are usually one of the first groups to welcome refugees into the country and help begin their application process (“The French Red Cross”). There are many different ways in which the Red Cross helps the refugees, including providing translators, guiding them through the initial steps of the application process, helping refugees reconnect and stay in touch with family members, and, most famously, providing any needed first aid. Often the faces of the Red Cross are the first faces that refugees see in their new country and are the people who help allocate initial housing and other comforts.

For example, the French Red Cross, along with local government officials, were some of the first people to welcome the thousand refugees that France received from Germany in 2015.

Another well-known NGO that aids in the refugee crisis in France is UNICEF France. UNICEF works all over the world to help refugees, especially children. Its status as a major charity organization allows it to raise money to help the refugees and encourage French citizens to volunteer. Within France, Singa is an NGO that works to help further integrate the refugees by helping them better understand the culture and the governmental processes that they must complete. One of the main ways in which they help is to aid refugees in their job searches and potentially the creation of their own businesses. Singa also has a program, CALM (Comme à la Maison [Just Like Home]), that connects refugees in need of housing with a French citizen who is willing to house them for anywhere from two weeks to six months. Singa created this project, in particular, in an effort to help integrate refugees by encouraging cultural acceptance for both the refugees and the French citizens who participate in the program.

In addition to Singa, there are many charities in France that work to help the refugees in France. One example of this is Coeur et Action pour la Syrie (Heart and Action for Syria), which helps provide necessities like medical care, distribute food, improve housing conditions (including installing heating, providing clothing, etc.), and contribute school supplies for children. Similarly to Singa's CALM program, the Jesuit Refugee Service (JRS) in France works to connect refugees and French families by asking families to open their homes to refugees. This could be for a short stay or even just a meal. Like Singa, their goal is to encourage open-mindedness about other cultures and help the refugees adjust to living in France. A third charity in France that is working with refugees is France Terre d'Asile (Land of Asylum

France). Their work focuses on assisting the refugees in understanding the legal and governmental process of applying for asylum in France. They are also one of the organizations that greet refugees at their first reception (initial entry) in France. Throughout France, there are other charities that work to help the refugees through donations, including Emmaüs Solidarité, that has a large group of charity shops and collection points in which citizens can donate clothing, linens, etc. to the refugees. Therefore, whether it be on an international or national scale, there are many NGOs and charities that are working to help the refugees acclimate to French society and facilitate their arrival into France.

### **E. Political Factors**

Because of its previous status as a colonial power, France has had a long history of international involvement, such as the colonization of north African and Middle Eastern countries, including Syria. In fact, France's presence in Syria and the Middle East helped to destabilize the region. Following World War II, France, along with the other victorious powers, helped to divide up the former colonies of the region into new states. In these new states, leaders ascended to power if the former colonizers believed that they would protect their interests in the region. Often, the French government put a higher importance on these interests than on the furthering of human rights and democracy. Because of this, these new governments usually became authoritarian and dictatorial regimes, thus leading to a great potential for destabilization throughout the region. The western powers only intervened if they thought that their interests, usually oil and other natural resources, were at risk. The Assad family came to power through this destabilization after a military coup in which Hafez al-Assad, the father of the current President Bashar, participated in overthrowing the then current leaders of the Ba'ath Party. The

Assad family has governed Syria since the early 1970s, despite belonging to the minority Alawite Shi'a sect of Islam in a majority Sunni Muslim state. The fact that a minority rules the government, along with the human rights violations of the regime, was part of the reason that the protests gained so much traction throughout the country. In addition, the successes of the protesters in other countries encouraged the people, allowing them to believe that it could happen in Syria too. France's shared history and role in destabilizing the Syrian region indicates that they have a greater duty to help the Syrian people who are fleeing this unrest.

Due to its colonial past, France has also had a history as an immigrant nation. After World War II France and the rest of Europe needed help rebuilding the continent. In order to gain more workers, the then colonial empires turned to the men in their colonies. During this time period, there was a large increase in migrants coming to France on working visas. These workers were later allowed to bring their families to France in a program called "family re-grouping" (House 2006). This policy is quite similar to the concept of family unification that is used to help identify the country responsible for individual refugees in today's Europe. Often, if a refugee's family member lives in one of the member states, that is the member state responsible for their asylum in an effort to keep family members together. This period of migration greatly contributed to France's role as one of the most popular destinations for immigrants in Europe. However, in today's Europe, that popularity has begun to decline. It is possible to attribute some of this decline to the recession in 2008 and the high levels of unemployment when comparing France to countries in northern Europe like Germany and the Scandinavian countries. This unemployment is particularly high among young people with a rate of about 26% percent unemployment ("France Youth Unemployment Rate"). In addition, France

has become a turbulent country when it comes to religious conflict, with an increase in islamophobia. This conflict and unemployment make France an unpopular destination country for today's immigrants and refugees. Because of this lack of popularity, France has had a hard time meeting the government's pledged quota of 30,000 refugees. Therefore, France's asylum procedures are in compliance with EU regulation standards because the government is able to process the applications that they receive within the legal timeframe. However, they have not received enough applications to comply with their pledge and meet international demands.

Another influential social factor when regarding France is its enforced practice of secularization, also known as *laïcité*. According to the CIA World Factbook, the leading religion in France is Roman Catholicism with 63-66% of people identifying as Catholic. The second largest religious group is Muslims with 7-9%. In addition, there are also small groups of people practicing Judaism and Buddhism. Interestingly, 23-28% of people polled said that they do not practice a religion, a figure that is only likely to rise in the coming years. In April 2016, National Geographic predicted that soon France will have a predominantly secular population. However, it is important to note that all of these statistics come from sources outside of the French government because of its policy of not collecting information on the ethnicity and religion of residents. All of this plays into France's position as a secular country in which no religion has more prominence than another. In fact, having no religion has, in a way, become France's national religion. Those of, especially, Muslim faith have often criticized these policies of secularization. In 2009, France was the first country in Europe to ban full-face veils, or the niqab, which is worn by many practicing Muslim women. Though the goal of the law was to ban clothing that fully covered the face, such as motorcycle helmets and masks, the law

disproportionately affects Muslims in the country. Later in 2015, France again sparked international coverage when some of its schools removed a pork free option for lunch as part of *laïcité*. The argument of the school district of Chalon-sur-Saône was that providing a different option for lunch was in fact discrimination because, by doing this, they would give special preference to the religious practices of a certain group of children. Yet again this policy affects Muslims because strict Muslims are not allowed to eat pork as part of their religion. Another example of the policies of *laïcité* is the attempted banning of the burkini, or full body swimsuit, that occurred in the summer of 2016 in Cannes. According to the law “A beach outfit showing in an ostentatious manner a religious affiliation, given that France and religious places are currently the targets of terrorist acts, has the nature of creating risks of troubles of public order (mobs, conflicts, etc.) that are necessary to be prevented” (Britton 2016). However, the French court suspended these anti-burkini laws, because they deemed them to be discriminatory and to be an infringement on personal freedoms. All in all, France’s laws on secularization have a large impact on the degree to which Muslims are able to practice their religion in the society. When combined with high unemployment rates, this makes France a less popular destination country for Syrian refugees, who are a largely Muslim population.

One of the many challenges that France faces in completing its pledged political refugee quota is a lack of public support. For example, in a study done by the UK-based newspaper, The Telegraph, there is a rampant belief among the general public that their country has accepted more refugees than the current reality. This study states that those surveyed in France believed that their country had accepted 20,000 Syrian refugees but, at the time of the study, in 2016, France had only accepted 4,000 Syrian refugees (Akkoc 2016). This belief in the humanitarian

goodwill of their country allows the general public to feel that their country, and by extension, the people themselves, have done enough to help alleviate the crisis. Therefore, if the people think that they have already done their part, they are less likely to be supportive of any further involvement in the crisis.

Another contributing factor in public opinion in France is the rise of nationalist sentiments throughout the country. These sentiments were only strengthened following the terrorist attacks in Paris and Nice. The National Front, one of France's far-right political parties, has seen unprecedented support leading to the upcoming election, in which its leader, Marine Le Pen, is one of the presidential frontrunners. Marine Le Pen and the National Front run on policies of national priority or the idea that French nationals should receive preference concerning the issues of government housing, employment, etc. The platform also promotes the reduction in legal immigration to France ("Immigration"). In addition to speaking out against an increase in immigration, Marine Le Pen, as a Member of the European Parliament, has been one of its most vocal critics in France. Her party is part of the coalition Europe of Nations and Freedom, which is largely made up of far-right political parties from the individual member states. This coalition advocates for an increase of sovereignty for national governments and exclusion of Turkey from the EU, among other ideas. In the last European elections in 2014, the National Front won 20 seats in the European Parliament, suggesting a much stronger nationalist sentiment throughout France than would be assumed when viewing the results of the national elections. For example, the National Front only has 3 seats in the Assemblée Nationale of France (Gueugneau 2012). The increase in nationalist sentiment points to a desire to be in



control of France's borders and international policies, a feat that is made more difficult when a state is complying with the laws of the European Union.

### **F. Implications for Syrian Refugees**

Overall, the French government is in compliance with its current laws in regards to the refugee asylum application and assimilation process after the refugees arrive in France. However, the government remains relatively inactive in attempting to bring in more refugees to meet the stated quota of President François Hollande of 30,000 refugees by 2018. The presidential election plays a large role in this unfulfilled pledge because the government and the people of France seem to be reluctant to push for any significant progress on a particularly controversial topic like immigration. Making large strides in a pro immigration direction could damage the chances of the political left if there is a large public backlash to the increase in refugees. The left is already on rocky footing in the election, largely due to the unpopularity of President Hollande. With the presidential candidate of the moderate-right Les Républicains, François Fillon, already embroiled in scandal, it is highly likely that the leftist presidential candidate, Emmanuel Macron, will face the National Front's Marine Le Pen in the first and second round of the election. With this likely occurrence, France faces the possibility of two extreme outcomes: the continuation and increase of Syrian refugee acceptance or the decrease or halt of immigration into France. Even if the current refugee goal continues under a government run by Marine Le Pen, the refugees are likely to face much harsher restrictions on their rights after arrival because of her pledged policy of national priority. Therefore, the French government is not likely to push for an acceleration of its acceptance of Syrian refugees until a new government is formed and the political leanings and policies of this government are known.

The capacity of the asylum system is less of an issue in France than many of its neighboring countries because, as is stated previously, they had only received about 14,000 refugee applications from Syrians. Though the number of applications has increased since the beginning of the crisis, there have been no reports of a failure of the asylum system in regards to the Syrian refugee population. If anything, the refugees use France as a gateway country to the United Kingdom and Germany. In addition, refugees, including Syrian refugees, are currently fleeing to countries with lower rates of unemployment and countries with less vocal criticism of the refugee populations. Though the refugees are usually processed in the country of their initial entry, a large population manages to avoid documentation until they reach their destination country. France already has a mixed reputation when it comes to immigration, with the Calais Jungle being one of the most well-known refugee camps. This camp, where refugees usually wait to try to immigrate to the United Kingdom, is known to be violent and often raided and broken down by French police. All of this, when combined with the large anti-Muslim and anti-immigrant sentiment that is pervasive in French society, creates a perfect storm of potential negative backlash that refugees would be smart to circumnavigate if possible. Therefore, the current political environment of France hinders the compliance of the French government with its pledged political quota of 30,000 refugees.

#### **IV. Spain**

##### **A. Immigration History**

Spain has historically been a gateway country and a country of immigrants. Its geographic location in Southeast Europe, its proximity to Africa, and its accessibility via the Mediterranean Sea opened the door in the past for invaders, such as the Romans and Moors, to

conquer Spain and spread their culture and ideas. Migrants and refugees have used the easy access in Southern Spain/Northern Africa, specifically in the Spanish territories of Ceuta and Melilla in Morocco, as a gateway to travel to the northern European countries. Spain has grown accustomed to this flow and has implemented measures to secure borders and to grant entry to migrants and refugees. However, the large influx of Syrian refugees through these popular access points in Ceuta and Melilla, along with the expectations outlined in the Dublin Regulations, has overwhelmed the current system and diminished the resources and capacity to provide services for entering refugees.

### **B. Refugee Profile**

The Office on Asylum and Refuge (Oficina de Asilo y Refugio) (OAR) collects relevant asylum and refugee information for Spain, which the Ministry of Interior publishes annually. In conjunction with the OAR, the Spanish Commission of Refugee Assistance (Comisión Española De Ayuda Al Refugiado) (CEAR) also publishes an annual report of the situation of refugees in Spain and Europe. The 2015 OAR report indicates that Spain received 14,887 applications, which was an increase of 150.12% from the 5,952 applications received in 2014 (Spain 2016). However, this number barely accounts for 1% of applications received by the European Union as a whole (CEAR). There was a considerable increase in applications from applicants from Syria, from 1,681 in 2014 to 5,722 in 2015. This figure also represents the highest number of applications received from one country. The report attributes these increases, in part, to the Dublin Regulation, which generally requires application submissions in the country of first entry. The most common countries of residence of these applicants that were redirected to Spain to complete their applications for international protection were Germany, France, Belgium,

Switzerland, and Sweden. The increase of applicants redirected to Spain indicates that Spain has remained a gateway country; refugees use Spain as a gateway to access the northern European countries. Although Spain is not their first choice of residence, the Dublin Regulation requires that these individuals that first entered Spain, but then travelled to another country, return back to Spain to complete their application. The applicants have a right to remain in Spain until their application is processed, but they are not necessarily entitled to a residence permit. Overall, there were slightly more men than woman that applied for asylum. Regarding those from Syria, of the 5,722 applicants, 3,449 were men and 2,273 were women. 50% of the overall applicants were between the ages of 18-34. Regarding applicants from Syria, the two largest age populations were between 0 and 13 and between 18 and 34.

The OAR report also breaks down at which locations of applications filing, whether in national territory, at border points, at embassies or consulates, or at detention centers. Overall, the majority of applications were filed in national territory. National territory refers to the area over which a state has sovereignty, including air and sea territories. Regarding applicants from Syria, only 372 filed in national territory. The majority (5,236) filed at border points. Of all applicants, the Syrian applicants had the highest amount of border point filings, with Palestinian applicants coming in second (654). The main border points at which Syrian applicants applied were Melilla and Ceuta (Spain 2016) (ACCEM 2017). 37.4% of the asylum applications that were received at the border were rejected directly. By province, Madrid received the most applications, followed by Barcelona, Melilla, Valencia, and Ceuta (CEAR 2016). Overall, in 2015, only 220 people (of the almost 15,000 applicants) received refugee status and only 800 received subsidiary protection. The applicants that denied international protection are either

returned to their country of origin or are allowed to stay in Spain if they qualify for a temporary or resident visa.

### **C. Application Process**

Under Spain's Asylum Regulations, applicants for international protection will register at either the Office of Asylum and Refuge (OAR), any Foreigners' Office, Detention Center for Foreigners (CIE) or police station (Spain 1995) (ACCEM 2017). The applicant must register during their first month of stay in Spain. The application consists of an interview and the completion of a form. There are two types of procedures to file an application for international protection: a regular procedure and an urgent procedure.

Applicants who are inside Spanish territory use the regular procedure. Applicants file their applications with OAR and will expect a response of whether or not their request was admissible within a month. If the request is deemed admissible, the applicant will receive new documentation certifying his or her status as an asylum seeker and he or she can expect to wait six months or longer for the Ministry of Interior to examine the application (ACCEM 2017).

As the name implies, urgent procedure refers to an accelerated application process. Spain uses this procedure mainly for those outside of Spanish territory and those in detention centers (CIEs). The applicant can ask for their application to be filed through this expedited procedure or the Ministry of the Interior can apply the procedure in certain circumstances such as when the applicant has special needs, especially for unaccompanied minors. In the detention centers (CIEs), the urgent procedure always applies, even in cases where the applicant is on Spanish territory. Following this procedure, the OAR has 72 hours to declare the application admissible, inadmissible or refused (ACCEM 2017).

#### **D. Reception Conditions and the Role of Nongovernmental Organizations**

According to Spain's Asylum Law, all applicants for international protection will receive shelter and social services to satisfy their basic needs. The assistance is divided into three, 6 month phases, with the intention that, after the third phase, the applicant will be more or less fully integrated and self-sustaining. The first phase includes housing accommodations and basic trainings to facilitate integration, the second phase entitles applicants to financial support and coverage of basic expenses to ease them into the community, and the third phase encourages financial independence and social integration. The large influx of refugees overwhelms this process and in order to alleviate this stress, the government issued a Royal Decree in September 2015 to increase the capacity of the reception system. This decree called for an additional 'assessment and referral' phase which provides a 30-day hotel stay, covers their basic necessities, and provides information about services and non-governmental organizations (ACCEM 2017).

There are many non-governmental organizations (NGOs) that assist in refugee assimilation and employment. The largest and most developed organizations include the Asociación Comisión Católica Española de Migración (ACCEM), the Comisión Española de Ayuda al Refugiado (CEAR), Red Acoge, and UNHCR.

ACCEM's derives most of their funding from the Spanish government through the Ministry of Labor and Immigration's Nominative Resolution of 2010. They provide services for refugees and immigrants in Spain including counseling and reception. Their programs promote integration and equal rights and include social and labor integration training and reception and return counseling. While their work focuses on all refugees and immigrants regardless of origin,

sex, race, religion, or social group, their programs give special attention to the most vulnerable: unaccompanied minors, women, and minorities. After the completion of each program, they perform an economic and technical evaluation, which is sent to financial partners and used to improve services.

Founded in 1979, CEAR works to defend asylum and human rights. They specifically work with those seeking international protection, whether those individuals are escaping conflict, are victims of violence, or are persecuted for any reason. One of the objectives of the organization is to provide direct support to asylum seekers as soon as they enter Spain. Their reception services are not only intended to provide housing and basic necessities to refugees, but also to promote autonomy and integration. They offer weekly workshops for refugees to inform them about the available resources and for the public to raise awareness of the challenges that refugees face. Besides reception and integration services, CEAR also offers legal services for refugees to aid during legal proceedings and creates and promotes campaigns to enact policy changes to improve refugee rights. In 2015, CEAR assisted 12,305 asylum seekers and in the last 10 years, they assisted over 350,000 individuals (CEAR 2016).

### **E. Access to Spanish Borders**

A large influx of Syrian refugees enters Europe in Southern Spain through Northern Africa, but most do not intend to stay in Spain. Spain serves as a gateway country to the more developed, more affluent northern EU member states. However, because Spain is a country of first entry for many Syrian refugees, the Dublin Regulation requires filing applications in Spain.

There have been many criticisms that Spain's border policies violate human rights and ignore international law obligations to allow for the filing of international protection

applications. In 2015, for example, the right-wing Popular Party proposed and passed an amendment to Spain's Aliens law which aims to legalize the expulsion of refugees from the borders of Ceuta and Melilla through a process called 'border rejection.' The amendment states that "those foreigners detected at Ceuta and Melilla's border lines when trying to irregularly cross the border, can be rejected to avoid their illegal entry in Spain," and that "these rejections will be realized respecting the international law on human rights and international protection ratified by Spain (CEAR 2016) (ACCEM 2017)." In practice, this amendment allows for the removal of persons found within the Spanish border. Although more asylum offices established on the Moroccan border in 2014 and 2015 by the UNHCR and the Spanish Ministry of Interior to mitigate backlog were intended to create more border stability, according to humanitarian groups, UNHCR, Council of Europe Commissioner for Human Rights, and the UN Committee against Torture, this amendment demonstrates Spain's disregard for refugee rights and only furthers the application backlog and border instability.

Human rights organizations also criticize Spain for their treatment of refugees that attempt to cross the border in Morocco and by sea. There are several cases in which migrants and refugees drowned or received injuries when trying to reach Spain via the Mediterranean Sea and the Strait of Gibraltar. For example, in February 2014, 15 migrants drowned after attempting to reach Ceuta. The Guardia Civil attacked them with rubber bullets and smoke grenades. More recently, in December 2016, two migrants received severe injuries and required treatment at the hospital after attempting to jump a high double fence in between Morocco and Ceuta (ACCEM 2017).

#### **F. Political Factors**



The two main political parties in Spain are the Spanish Socialist Workers Party (PSOE) and the People's Party (PP). After modifying their platform to become a centrist social democratic party to gain more votes, the PSOE was able to maintain a governing majority from 1982-1996. During their administration, the PSOE supported a restructured economy and European integration. As a result, Spain entered the European Economic Community and the North Atlantic Treaty Organization, the economy became more competitive, and Spain became more secularized by reducing the influence of the Catholic Church in education. Despite these improvements, the economic changes generated higher unemployment rates, which strained the party's relationship with trade unions. One of the consequences of the resulting instability was a decrease in popularity and the rise of the Popular Party, the conservative party in Spain, and their eventual success in the 1996 and 2000 elections. In 2004, the PSOE returned to power under the leadership of José Luis Rodríguez Zapatero. While the party pursued market-friendly economic programs, their social reforms tended to be more radical. These reforms included the legalization of same-sex marriage and a ban on smoking in public places. However, Spain's deteriorating economy became a key part in the European debt crisis and, as a result, support for the PSOE rapidly decreased. Thus, in the 2011 elections, the Popular Party won a majority (Share 2015). While the PSOE focuses on integration and openness to immigration, the PP's platform focuses on the preservation of national security. In March 2013, the Migration Policy Institute published a report titled "Exceptional in Europe? Spain's Experience with Immigration and Integration" which analyzes Spain's lack of anti-immigrant sentiments. The study attributes three key factors to the lack of anti-immigrant sentiments: the belief that immigration has positive economic implications, the political culture that views immigration as an expression of

democratic values, and the lack of a perceived threat to national identity as a result of a low visibility of immigrants. However, the study indicates that the PP securing a majority in the 2011 election and the overall increase in popularity of right-wing nationalist movements has a negative effect on public opinion of immigration. An increased sense of national identity coupled with high unemployment rate lead to the public feeling more and more threatened by the presence of immigrants and refugees (Arango 2013).

The 2015 elections resulted in the most fragmented parliament since 1977 because no single party was able to secure a majority. Negotiations between the PSOE and the PP to develop coalitions with the Podemos and Ciudadanos parties were unsuccessful and paved the way for a second election in June 2016. During this election, the PP was able to secure a majority of the votes. The high unemployment rate resulted in a more negative view of immigrants as individuals ‘stealing’ jobs from Spaniards. Therefore, the PP’s success is, in part, due to their ability to mitigate these fears by promoting more nationalist policies to create jobs and more opportunities for Spaniards. Their success could only further popularize anti-immigrant sentiments and promote stricter border controls to keep refugees and migrants from entering Spain and utilizing its resources.

## **V. Conclusion**

The objective of these case studies of France and Spain is to determine some of the factors that influence Member States’ compliance level with EU international protection procedure expectations and how these factors affect responses to the Syrian Refugee Crisis. Analyses of France and Spain reveal that these factors include political climate, public opinion, and the capacity and resources available to integrate refugees. The case studies also reveal that

France and Spain are complying with the letter of the law, but not the spirit of the law of current EU's directives for the processing and reception of refugees. In other words, Spain and France apply the directives as written, but make little effort to apply their intended purpose, to facilitate the influx and to offer assistance to all refugees and their fellow Member States. The aforementioned factors present challenges for complying with the spirit of the law and for further policy reforms towards a uniform asylum system for the European Union.

With the upcoming election, France's political situation catalyzes the government's slow pace in accepting more refugees. This uncertainty means that neither side of the political argument is willing to make decisive moves toward reforming the situation. In addition, the degree to which the media sensationalizes the crisis within the country, has a negative impact on the public opinion of the French citizens.

In Spain, the situation is quite different because of Spain's position as a border country. With the large amount of migrants coming to Spain's southern border, it is difficult to distinguish the Syrian refugees from other groups. This large influx of migrants surpasses its capacity and leads to stagnation in awarding asylum status and reception services. The government and the public also demonstrated their backlash towards the refugees. The implementation of a border rejection policy and the mistreatment of individuals attempting to enter into Spain not only violate international humanitarian law, but also further the backlog of applications. The high unemployment rate leads the public to view immigrants as threats. This problem intensified by the Spanish elections of 2015, during which no majority coalition emerged in the new government to create policies to accommodate the influx.

Ultimately, although France and Spain are complying with current EU standards, the

crisis still exists, which indicates that more active dialogue is necessary to build on or reform the policies in place. The existing policies and future discussions aim at creating a Common European Asylum System (CEAS). Looking forward, a common system (CEAS) might not be feasible given that each Member State faces its own unique set of challenges to accommodate refugees. Although the European Union strives to create an integrated and uniform community, the differences between each Member State, which is evident in the responses from Spain and France and the factors that influence those responses, might be an indication that a CEAS is not the most effective goal to mitigate the crisis. Instead, the European Union should consider individualized directives to better facilitate the influx of refugees.

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