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# Refugees and the Dublin Convention: A Biographical Evaluation of Inner European Borders

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*The Dublin Convention defines which EU State is responsible for the asylum application of third country nationals or stateless persons. According to this Convention, the first Member State in which an asylum seeker enters is responsible for the person's asylum procedure. It thereby stands in gross contrast to the freedom of mobility of EU-citizens within Europe. While extensive research has focused on the attempts to build up a Common European Asylum System, mostly taking up an institutional perspective, only limited sociological research has concentrated on the perspective of refugees and on the way they are affected by the Dublin Regulation and react to it. This article explores the biographical impacts of the Dublin Convention and the reaction of concerned individuals to it through the method of biographical policy evaluation. It bases on 29 biographical interviews conducted with refugees affected by the Dublin Regulation in France. It provides an in-depth analysis of three key biographical moments regarding the Dublin Convention: the arrival in France, the process of integration and moments when refugees change the European State they live in after having sought for asylum. It shows that beyond the (intended) impact on the "choice" of the country of arrival, the Dublin Convention often impacts refugees' integration processes in a long-lasting way.*

## Introduction

The Dublin Convention, signed in 1990 and implemented in 1997, establishes the principle that only one European State is responsible for examining an asylum application and that in most cases, this consists of the State in which a refugee<sup>1</sup> first arrived in Europe.<sup>2</sup> The Dublin States comprise slightly different States than the Schengen space and the EU territory. They consist of all EU States as well as Norway, Iceland, Switzerland and Liechtenstein.

The Dublin Convention is predominantly an instrument to control immigration and the movement of refugees. It reflects the ambiguous European positioning towards free movement (Wihtol de Wenden 2011). While one of the biggest achievements of the European Union has been to establish free movement throughout its territory for EU citizens, a process was simultaneously put in place to "protect" Europe's external borders that

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ultimately led to the creation of "fortress Europe" (Carr 2012). This process has rendered entering the EU increasingly difficult for non-European citizens. Refugees thus face two main restrictions in their freedom of movement once entering the EU: first, while entering Europe in itself and second, due to the Dublin Convention, while (trying) to cross inner European borders.

Since its adoption, the Dublin Convention has been the object of harsh criticism, mostly concerning its endemic malfunctioning. One of its systemic failures lies in the strong imbalance it reinforces between European countries by putting the majority of the responsibility on the countries in which refugees first arrive, *i.e.* mainly Italy and Greece (Valenta *et al.* 2019). Furthermore, Dublin States *de facto* rarely transfer asylum seekers back to the responsible State. On the European level, inner-European deportations average ten percent. Some critics also point out that the Convention does not take into account the personal motivation of an asylum-seeking person as to which country she/he would like to live in (Barbou des Places 2004).

Over the past years, extensive research has been conducted on the Dublin Convention and its contribution to a Common European Asylum policy. Existing works mostly focus on the legal development of the Convention and its implementation (for example Hurwitz 1999, Mitsilegas 2014, Cetail *et al.* 2016), and thereby reflect an institutional perspective or the point of view of policy makers. Even though the motivation and agency of refugees is often evoked in public debates as a central point that needs to be taken into account more strongly in asylum politics, sociological research that departs from the experience of concerned migrants still remains rare (see for example the works of Schuster 2011, Brekke and Brochmann 2015). Furthermore, the existing scientific literature that takes up this perspective focusses on the process of *arrival* of refugees in the European State they file their asylum application in - and not on the long-term effects of the Dublin Convention on the biography and process of *integration* of concerned migrants in their host country.

Our article breaks with the dominant perspective and analyses the way refugees are affected by the Dublin Convention and resist it by taking up the perspective of concerned individuals. Adopting a biographical perspective, it explores the ways the Dublin Convention affects the life courses of refugees and how they react to this Convention during three main temporal phases in the process of migration: the moment of settlement in a European State, the mid- and long-term impact of the Convention on the integration of refugees in their host country and the moment when refugees

might change the European State they live in - even after having sought for asylum. We thereby connect the question of inner European borders in the field of asylum to the issue of mid- and long-term integration of refugees in Europe, a connexion that has rarely been addressed in migration research. We focus on the experience of refugees who live in France, who in numerous cases have reached the country via Italy or Germany and who are therefore directly concerned by the Dublin Convention.

This article adopts the method of biographical policy evaluation, which was developed by Ursula Apitzsch, Lena Inowlocki and Maria Kontos (2008) and Catherine Delcroix (2013). Inspired by Grounded Theory (Glaser and Strauss 1967),<sup>3</sup> it operates bottom-up rather than top-down, taking biographical interviews and ethnographic observations as a starting point to evaluate policy impact.<sup>4</sup> It is therefore particularly appropriate to put into effect the change of perspective mentioned above, by empirically evaluating the concrete effects that policies have on the biographies of individuals who have experienced them. This approach discloses how different policy fields (immigration policies, entry regulations to national countries, access to the asylum procedure, policies in the fields of housing, education, *etc.*) are knitted together in a life path, rather than considering them as separate entities. Life narratives are also especially valuable to learn more about the courses of action developed by migrants and the strategies they employ in order to adapt to (or resist) given policies.

This article draws on a corpus of 41 interviews from the Migreval database.<sup>5</sup> The corpus selected consists of life stories of 29 refugees who have been concerned by the Dublin Convention in the sense that they transited through a Dublin State before arriving in France. These interviews were crossed with 12 semi-structured interviews with social workers, lawyers and politicians in Eastern France, which gave us insights into the local institutional contexts of refugee policy.<sup>6</sup>

Eighteen of the interviewed refugees are men, eleven are women and they were aged from 19 to 57 years old at the time of the interview. All live in Grandville,<sup>7</sup> a city in Eastern France. Fourteen of the interviewees came to France with further family members: their uncle, aunt, spouse and/or children, while the others migrated alone. The interviewees come from Afghanistan, Albania, Azerbaijan, Iraq, Kosovo, Nigeria, Russia (Chechenia), Serbia, Sudan, Syria, Chad, and Turkey. Only very few of them arrived directly via the Mediterranean Sea, most of our interview partners transited through different European countries before settling in France, for example through Germany or Italy. While some only spent several days in these countries during their

journey, others spent several months, in some cases even several years in different European countries. During the analysis, we crossed and compared these interviews. Several tendencies and strategies became apparent, which we will present in this article along five case studies that reflect phenomena that have been recurrent throughout our entire material. Beside the different types of experiences the presented cases illustrate, our selection also enables us to gain insights into experiences of refugees who travel alone or with their partner and children. The selected case studies illustrate recurrent patterns of how the Dublin Convention affects three important moments in the refugees' life courses.

The first part of our article discusses the way refugees arrive at their place of destination, here Grandville. It shows the agency of migrants in this process, but also how different constraints shape and sometimes hinder their initial choice. The second part analyses the impact of the Dublin Convention on the refugees' life *after* settlement in France and highlights resources and obstacles in their process of integration. The third part finally analyses the situation of refugees who have *de facto* sought asylum in different European countries – precisely what the Dublin Convention aims to avoid – and discusses migrants' reasons to do so.

### **1. Processes of choosing France as a country of settlement – Between agency and constraints**

While the Dublin Convention stipulates that refugees must remain in the country they first arrive in, only few of our interview partners directly fled from their country of origin to Grandville. Most often, when people escape from violence in emergency, the logic of "leaving a place" dominates over knowing where to ultimately go, at least at the beginning. The decision to go to a particular (European) country is then slowly constructed during the flight, sometimes after having already spent several months in France.<sup>8</sup> In this process of "choosing" a country of destination, different factors interact in different ways, and knowing about the Dublin Convention and its application in France is one of them.

When a refugee arrives in France and wants to seek asylum, the prefecture first examines if no other Dublin State is responsible for her/his asylum procedure. It does so by checking if the concerned person's fingerprints have been seized in another Dublin State and put in the common Eurodac system or if there is any other evidence that she/he has already been in another European country. If this is not the case, the person can immediately file an asylum application. If it can be proven that the refugee has already been in another European country, the prefecture contacts the responsible

Dublin-State. This State then has a timeframe of two months to react. If it doesn't, its silence is legally interpreted as its wish that the refugee returns there and a "decision of transfer" is communicated to the refugee. From that moment on, the French State has six months to execute the transfer. If the transfer doesn't take place within this period, the person can apply for asylum in France. However, if the person is considered to be uncooperative with the authorities (for example misses an appointment), she/he is considered to be "on the run", and the administration can extend the period of possible transfer from six up to eighteen months (Maillary 2018).

In the following, we use three exemplary cases to show how the logics of flight interact with the institutional logics of the Dublin Convention in the French context. We include case studies which show how individuals progressively change their flight plan along the way (the Rahman couple) and cases in which the decision to stay in France emerged at a very late point of the travel phase (Saddam). A contrastive third case study, the case of Daniel Demir, shows the impact of feeling forced to settle down in a country where one does not want to be. All three cases point at central factors and resources that finally determined the European State in which our interviewees filed their asylum application and that were recurrent throughout all our empirical data.

#### *The importance of financial and linguistic resources – Saïd and Mona Rahman*

Saïd and his wife Mona Rahman were born in Iraq respectively in 1988 and 1990. Saïd completed university studies in the technical field and worked in industry. Mona Rahman studied French literature. Her father had already studied French, a rarely studied language in the country. Their daughter Layla was born in 2013. In 2015, because of Iraq's political situation, they decided to flee to Europe. Saïd initially thought about settling down in Germany: firstly, because his specific professional field was largely represented there, and secondly because he could – as he had read and heard – carry on his profession there in English. After having left Iraq, Saïd, Mona and their small daughter first reached Turkey. From there, they crossed the Aegean Sea to Greece on inflatable boats. The family was lucky: the day it took the boat, the sea was calm, and they were able to land on a Greek island. From there, they reached Athens, where their fingerprints were taken. In Greece, a long journey through Europe began for the Rahman family and numerous other migrants who wanted to reach Western Europe. The family first crossed North Macedonia<sup>9</sup> and thereby temporarily left the EU territory, as the country is not part of the European Union. There, they encountered migrants who had

to prematurely end their journey and remain in this country, due to financial reasons. Thanks to Saïd's well paid employment in Iraq, the family had been able to save a considerable amount of money for its flight. This was decisive, as it enabled them to continue their journey to Western Europe via the "Balkan route".<sup>10</sup> Although during the summer of 2015, the formation of an "informal corridor" intended to facilitate transit, crossing national inner EU borders proved to be a great challenge. The concerned States, reluctant to allow transit, controlled border crossings in a unilateral manner. Thus, in some cases, borders had to be crossed on foot and at green borders, but in some cases bus transfers were also organised. Furthermore, corrupt police officers sometimes tried to profit from the migrants' situation. The Rahman family experienced such corruption and had to cross several borders by foot. Saïd described the national borders he and his family encountered as "icebergs" that were difficult to pass. Each time, he had to sound out the feasibility of border crossing. The family crossed North Macedonia, Serbia, Croatia, Hungary and Austria before reaching Germany as its provisional destination. The different national regulations introduced in the inner European border zones were particularly complex between 2015 and 2016 and partly changed within short periods of time, thereby greatly affecting the travel routes of refugees. Saïd Rahman described the difficulties of crossing several of these borders in detail. In his narration, he also recalled at length the way he and his wife chose and self-determined their final country of settlement. After the family's arrival in Germany, against Saïd's initial wish, the Rahman couple decided not to stay in Germany:

*We decided to leave, because we saw that Germany is a good country, but it was not the right moment. We didn't arrive at the right moment. (...) Germany was my dream, but it wasn't the right moment. I saw that there were many people there. I said "We don't know. We don't know what will happen. Perhaps the extreme right will win." Because it's too much. One million and a half, that's too much.*

Here, contrary to the widespread idea that the presence of compatriots is an important factor for choosing to settle down in a specific country, Saïd and Mona precisely decided not to live in Germany because of the high number of Syrians and other migrants there. They feared the political consequences that could emerge out of a high acceptance of refugees – the rise of the extreme right. They also believed that this high number of migrants could diminish their chances of integration. Searching for a context in which they would form a minority group turned out to be a strategy chosen by several of our interviewees. Furthermore, for the Rahman family, the question of language was

determinant (again) for their choice of country of settlement. As Mona spoke fluent French, they decided to apply for asylum in a French-speaking country. They thought of going to Belgium, Switzerland, Luxembourg, or France. During this phase of decision taking, Saïd and Mona relied on different opinions expressed by their contacts on Facebook as well as on their own research via internet on their cell phone. They also searched for information on the different national asylum systems within the EU.

They finally opted for France – against the advice of their relatives who lived in Sweden and of migrants from Northern Africa they met in Southern Germany, who warned them that in France, only few accommodation centers for asylum seekers existed and that, much more than other European countries, migrants were forced to speak the local language (in this case French) right from the start. Once their choice was made, Saïd and Mona were determined to reach France. They chose not to travel by train, even though this would have been the most comfortable solution, especially for their daughter, who had been hospitalized in Germany after exhaustion from their journey. They feared that they could be controlled by the police in the train and that their fingerprints would be taken, thereby forcing them, along the Dublin Convention, to stay in Germany. An interview excerpt shows that a police control – linked to a new seizure of their fingerprints – could according to Saïd and Mona have a long-lasting impact on their lives:

*Saïd: We couldn't take a train, because if the police sees us, they would take our fingerprints.*

*Mona: Then we would have to stay.*

*Saïd: We would have to stay there all our life.*

Saïd and his family finally travelled to Paris by bus. Following the advice of migrants they met there, they continued their journey to a city in Northern France. There, they encountered significant difficulties obtaining information on how to apply for asylum. Through the help of an association, they came in contact with an elderly couple nearby who offered to host them for some time. Saïd and Mona registered as asylum seekers there. Although they had left their fingerprints in Greece, they could directly apply for asylum, which is, according to Saïd, linked to the fact that their fingerprints did not enter the Eurodac system.<sup>11</sup> While living in Northern France, Saïd applied for a language course in Eastern France he found in the internet and was accepted. The elderly couple they stayed with helped them find another host family in this region and drove them to Grandville, where Saïd, Mona and Layla arrived in 2015.

*Friendships on journeys and crossing the Italian-French border – Saddam Khalid*

Saddam Khalid was born in Sudan in 1991. He graduated from high school in 2010. Because of the political situation in the country, he couldn't go to university as he had initially planned. After his village was burned, his mother fled to the southern part of Sudan. His father lived in a refugee camp nearby the village. One of his older brothers fled to England. In 2014, because of security reasons, Saddam decided to leave the country as well. During the following two years, he crossed Egypt and Libya. Saddam hadn't initially planned to leave the African continent. However, in the midst of the very difficult Libyan political situation, he decided to flee to Europe.

A Chadian friend he had met in Libya decided to go with him. A smuggler offered to help them cross the Mediterranean Sea. Saddam didn't have the necessary amount of money, but his Chadian friend did and offered to pay for the two of them. He argued that this money might get stolen from him if he didn't spend it right away. After having been rescued at sea by a ship, the two young men finally arrived in Sicily.

They pursued their journey with other migrants to Milan, where they stayed in a camp. There, some refugees who had arrived before them asked them whether or not they wanted to stay in Italy and told them about the system of digital fingerprints. This was the first time Saddam heard about the Dublin Convention. He didn't know yet whether or not he wanted to stay in Italy:

*Actually, we, I asked the people who had arrived there before us. One person said "Do you want to leave or stay in Italy?" I said "I don't know. I don't know if I stay in Italy or if I leave". I just wanted a place to be in.*

The next day, responsible persons in the camp took their fingerprints. Saddam's Chadian friend told him that he wanted to go to France, mainly because he spoke French. Saddam decided to stay with him. Here, the importance of developing friendships and forming a group along the journey within Europe became apparent:

*There I said to him: "Well, we arrived here together, we can't split at the beginning, because life isn't easy, because we aren't in Africa, we are in Europe. It's not like at home here".*

Saddam and his friend took a train to an Italian city near the French border. About 500 other migrants were there, who all wanted to cross the border.

Severe police control was put in place however to hinder non-EU migrants from entering France. At the same time, numerous French associations were present on site, who informed Saddam and his friends about the living conditions in both countries. In contrast, no Italian associations were present in this border zone:

*In [name of the Italian city], there were many people, almost 500 or 600. (...) In the morning, associations came from France. But there were no Italian associations. There wasn't anything. All the associations there were from France. We talked to them, because there were people who spoke English. I talked to them. They explained the situation in Italy. It's very difficult, because there is no housing, there is nothing. If someone applies for asylum in Italy, there is nothing.*

Saddam, his friend and other migrants tried to cross the border about ten times the following days by crossing the train tunnel. Each time, they were caught by the police and sent back to Italy. Saddam called his brother in England who sent him 500 euros. A smuggler offered to help them cross the border by car. Saddam used his money to cross the border with his Chadian friend and two further Sudanese migrants they had met on site.

*There were five tunnels which we crossed. There was no light, there was nothing, we couldn't see anything. We passed up to the border, but the police was there. They stopped us. There were some people who passed, they arrested others. They took us back to the border. There were Italians and French. But the French took us to the Italians. Then the Italians said "You have to go to [name of a city in Italy]". We walked four hours back to the train station. If the police made you go back, you couldn't be back for lunch. Because the associations that would come had already left. We walked for four hours and we found nothing. We stayed until midnight when the association came back for dinner. We ate. Then, at midnight, we tried again. During ten days, we tried. Each time, we came back. And then, we decided, when my brother sent money, we decided to take a car. We went to [a city in France].*

Once in France, following the advice of the smuggler, they took a bus to reach a further inland city in Southern France so that they wouldn't be deported back to Italy. A Sudanese friend of Saddam there hosted them before they continued their journey to Paris by train. In Paris, they stayed in an informal migrant camp at the metro stop La Chapelle for one week. From there, following the advice of other migrants, they went to the refugee camp of

Calais.<sup>12</sup> There, they found large information panels, associations, and employees of the French Office of Immigration and Integration (OFII)<sup>13</sup> who counselled migrants on how to enter the asylum system in France and who offered housing to those who wished to apply for asylum in France.

While a number of migrants in Calais aimed to go to England, Saddam was still undecided on where he would like to stay. Even though it would have been easier for him to go to England for language reasons, he decided to stay in France. Different reasons explain this choice: the wish to stay with his Chadian friend, who himself spoke French, the help he experienced from French associations in Italy and again in Calais, and the fact that by staying in France, he would belong to a minority group and benefit from that. In Calais, for example, he attended French language courses offered by volunteers that had only very few participants, compared to the very crowded English classes. Furthermore, pursuing his journey to England or to another European country implied taking new risks. Several of our interviewees explained that despite their initial wish to leave France for England, one reason why they did not do so was because of the state of exhaustion they were in and the life-threatening risks they would take by crossing – again – a sea. Finally, the perspective of getting an accommodation by OFII was decisive in Saddam's decision to stay in France, especially taking into account the disastrous housing situation for asylum seekers he had heard of in Italy. When an officer of the OFII in the camp of Calais offered Saddam a bus ticket to Grandville a few weeks after his arrival, he accepted, and arrived in a housing centre for refugees in this city in 2016.

*The paradoxical obstacle of having a valid visa – Daniel Demir*

Daniel Demir was born in Turkey in 1990. He already became politically engaged in left-wing organizations in high school and during his university studies. His educational path was repeatedly interrupted, as he was regularly sanctioned by the State for his political activities, and even sent to prison. Shortly after having finished his bachelor's degree, he was sentenced to a new incarceration and decided to immediately flee from Turkey. In his past, Daniel had extensively travelled to different European and American countries. At the time of his flight, he still had a valid tourism visa for France.

*Luckily, I had a visa, still a valid visa. So, I came to Germany first. Actually, my aim was to go to Germany, not to France, but I didn't know the details of the Dublin agreements, so I arrived in Germany first, made some interviews with some lawyers and they said "You have to go*

*to France, because you have a valid visa from France". So unfortunately, I came to France then. I waited for a solution for a while, because I still had the hope to go to Germany or somewhere else, but people said "France will be best for you, because otherwise, your process will be longer and longer and probably, they will send you back to France". So, I chose a place in France.*

Contrary to the Dublin Convention, which greatly limits the mobility of refugees within Europe, *tourism* visas are valid within the entire Schengen space. Daniel initially wished to apply for asylum in Germany, which is why he decided to arrive in this country by plane with his valid tourism visa for France. Article 2 of the Dublin Convention however specifies that if an asylum seeker possesses a valid visa for a EU country, she/he has to apply for asylum there, even if this is not the country of entrance into the EU. Daniel initially wasn't aware of this. The lawyers he consulted saw little chance that he would be able to circumvent the Dublin Convention. He therefore followed their advice and went to France – against his will.

At the time Daniel received his sentence in Turkey, he had just successfully applied for a master's programme in an Eastern European State. One of his motivations for this project consisted in the fact that his great grand-parents originally came from Eastern Europe. He still needed to apply for a student visa for this country. Because of the emergency he was in at the moment he received his sentence, he was not able to wait for the completion of his visa demand, which ultimately led him to lose the chance he had had to study there. Daniel Demir's situation shows that *time* is an essential factor in the choice of the country of settlement. Because of time pressure, he could not set in place a strategy to live in the countries he would have liked to live in: an Eastern European country and Germany, which hindered him from pursuing his life plan.

Choosing one's country of destination is a process. The three case studies presented show how different factors come into play to different degrees and at different moments. Thus, language skills and groups of solidarity play an important role throughout the flight process, as the Rahmans' and Saddam's examples show. Financial resources, physical exhaustion and risk evaluation determine the rhythm and duration of the flight. The decision to settle in a certain country is often shaped once people already have arrived to (Western) Europe or have already spent some time in a specific country which was first meant to be a transitory one. Besides language skills, decisive factors here are actors of associations, civil society or programs offered by national authorities – all aspects that

were interpreted by the refugees we interviewed as signs of promising possibilities of integration and future prospects in their country of arrival. Beyond these factors, our interview partners had to take into account the possible consequences of the Dublin Convention from the very moment they learned of its existence. Paradoxically, the only case we encountered who entered the Dublin space in a legal way saw precisely his visa as a constraint for his future plans. The Dublin Convention also extends the phase of "illegal" border crossings beyond the already life-threatening entry into the European Union. The depicted cases vividly show the risk-taking the Dublin Convention requires of migrants: crossing the Italian-French border or the French-British border each time implied life-threatening risks for the concerned migrants. Our analysis revealed that the pressure under which the Dublin procedure puts migrants does not only constrain their mobility, but also their process of integration, as we will see in the following part.

## **2. The impact of the Dublin procedure on the integration process in France**

While the core purpose of the Dublin Convention concerns the regulation of refugees' arrival and determines which European State is responsible for their asylum procedure, our interview material shows that the Convention also shapes refugees' experiences during the first months, sometimes first years in France and thereby deeply affects their integration process. This effect is strengthened by the fact that especially in the French case, undergoing a Dublin procedure prior to filing an asylum application means extending a period which is linked to limited social rights. People in the Dublin procedure almost have identical benefits to those of asylum seekers and receive between 6.80 and 14.20 Euro a day per person (whether they have public accommodation or not). These benefits however can be stopped when the persons are declared "on the run". Furthermore, contrary to asylum seekers, refugees in the Dublin procedure can only benefit from certain types of accommodation. This is especially significant in the French context, where not every asylum seeker can assert his/her right to get a place in a public accommodation and where numerous asylum seekers remain homeless over months.

The impact of the Convention on the choice of the country of arrival and on the living conditions during the first months therefore shapes refugees' integration processes, which begin from the first day of settlement in the arrival country. Vincent Tiberj has shown how "[t]oday, social convention incorrectly restricts the use of the term 'integration' to groups of immigrants and their families" (Tiberj

2014). Along with this author, we depart from the idea that the success (or failure) of integration does not only depend on the individual him/herself, but also on the society in which she/he lives.

Our case studies revealed three different ways in which the Dublin Convention affects arrival experiences and integration processes of refugees. In some exceptional cases, such as the one of Saddam, the Dublin Regulation only had a slight impact on the further asylum seeking and integration process. In most cases, however, the Convention had a strong negative impact, either by delaying the process of integration (Ibrahim) or by creating a feeling of rejection towards a country of settlement one had not chosen (Daniel).

### *"Being lucky" – Saddam's local integration process in France*

After Saddam arrived in Grandville, a social worker in his housing center took him to the local prefecture to transfer the asylum application he had opened in Calais. Because his fingerprints in Italy had been seized in the Eurodac system, Saddam was put in the Dublin procedure. While waiting for an answer from the prefecture, he attended French language courses offered by volunteers and registered in a sports club. Saddam actively sought an activity where he could meet French people. However, the ongoing Dublin procedure meant that he could be deported back to Italy. But he was "lucky", as he described. The Italian government did not reply to the demand of the prefecture. Because the French government did not deport Saddam back to Italy within the six statutory months, he was finally able to apply for asylum in France in 2017. Two weeks after the interview took place within the French process of asylum application, he was granted the status of refugee.

### *The constant fear of police controls and the impossibility of starting life – Ibrahim Khidir*

The life course of Ibrahim Khidir, born in Sudan in 1992, is quite similar to the case of Saddam. Ibrahim's school career was interrupted by war just before his high school graduation. He left his village in 2014 and arrived in the camp of Calais in the summer of 2016 via Libya, the Mediterranean Sea and Italy. Like Saddam, he accepted an offer of accommodation for asylum seekers in Calais, which led him to Grandville. When he tried to apply for asylum at the prefecture, the Eurodac system showed that Ibrahim had reached France by crossing the Franco-Italian border. Therefore, he was placed in the Dublin procedure – which was a shock for him. He had imagined that arriving in Grandville would

mean being able to reconstruct his life after months of flight:

*I arrived to seek asylum and to stay, maybe to live, to get into a normal life, I don't know, with people, to find work, maybe buy a piece of land, something to eat, to live – just a normal life, like everyone else. And when I arrived, I had a Dublin from Italy, and this was really a problem.*

After an entire year of waiting, Ibrahim was allowed to file his asylum application. Six months later, in 2018, he was granted refugee protection at first instance.<sup>14</sup>

The existing scientific literature shows the difficulties that arise from this condemnation to *wait* during the asylum procedure, especially as the final result after this waiting time is uncertain (Kobelinsky 2010). The effect of a prolongation of the overall procedure through Dublin is even more significant in the French system, which is characterized by a quasi-total absence of State integration policy during the asylum procedure. During the first six months of their regular asylum procedure, migrants are prohibited from working. Afterwards, they can theoretically apply for a provisional work permit, but the social workers we interviewed consider getting this permit as unrealistic. Moreover, during the asylum procedure, the French State doesn't provide any public language courses, contrary to countries such as Germany, where some asylum seekers can start public language courses during the procedure. Being in a Dublin procedure therefore extends the period in which asylum seekers are excluded from institutional possibilities of participation in French society.

Furthermore, it was very difficult for several of our interviewees to understand the administrative situation they were in in France and to gain information on the Dublin procedure and the overall Dublin system. Ibrahim tried to obtain clarification on the procedure in his housing centre. He explains:

*Because at least, you should explain to the people why they do that and why the government does the rest. You must wait all this time. One should be clear at least. But they aren't. We don't know what is going to happen. We are just people living there and I don't even know what's going to happen tomorrow. You don't know, if today, because if today, you don't have any money, you don't know what to do, you don't know anybody here, so it's there where you live that they should explain to you how it works, where we are, and what we can do afterwards and what we can't do.*

Because of the structural overload of the French system for asylum seekers, numerous actors we interviewed described that they often do not

have the time to explain the very complex Dublin Convention to asylum seekers. One lawyer we interviewed for example mentioned that explaining this rule would take too much time considering all the other emergencies to discuss with the refugees. Some accommodation centres for asylum seekers in France have social workers who can take the time to explain the legal constraints in more detail. Ibrahim however lived in a more provisional accommodation centre, in which not much counselling could be offered.

As public language courses set up by the French State are only available once people are granted refugee status, some accommodation centres organize language courses in cooperation with associations or volunteers. This was not the case in the centre where Ibrahim lived in:

*When we asked how it works, what they are doing, why we have been here already for one year doing nothing, why we don't learn the language, why there are no French lessons, if someone could not help us to learn the language, they said "we don't know".*

The fact that Ibrahim couldn't attend a language course intensified his experience of "losing time", which he shares with many of our interviewees who experienced forced migration. Often times, their educational or employment biographies were abruptly interrupted – Ibrahim for example had to quit high school shortly before his graduation because of the war – and he hoped that he would be able to catch up this lost time. Being "stuck" in the Dublin procedure therefore meant delaying his plans of learning French and entering professional life.

Furthermore, being in a Dublin procedure for numerous of our interviewees meant living in permanent fear of being controlled by the police during the six or more statutory months of waiting and being deported back to their first country of arrival. When refugees in the Dublin procedure did find language courses offered by volunteers in associations, they attended these courses, but continuously feared to leave the house. This was Ibrahim's case, who found a French course organized by volunteers in the district of his second accommodation centre, where he had been transferred after some months. He recalled:

*You can't even leave home, you might stay home, because you don't know anything outside. You are afraid that if you leave, you might meet the police, get in prison, that's things we have in mind.*

Despite the restrictions experienced during the Dublin and the asylum procedures, Ibrahim inter-



prets his exile as a form of new life, and pursues his aim of finding a job and settling down in France. His case is thus representative of cases in which refugees succeed in maintaining a positive attitude despite the numerous obstacles encountered. However, in some cases, the constraints of the Dublin Convention can be experienced as being so heavy that they have negative consequences on integration processes in the mid- or long-term.

#### *Stuck in France against one's will – Daniel Demir*

As we showed before, Daniel Demir was not able to seek asylum in Germany. At the time of the interview, his asylum procedure in France had been lasting for over two and a half years. Daniel regretted his forced presence in France and felt restricted in his freedom of mobility and in his freedom to pursue his life plans because of the long duration of his asylum application:

*They just didn't care about it, you know. It is like every day you are waiting. You are making plans for your life. Big plans like, I will start school somewhere or small plans, like I want to go on holidays. I want to start to work. And you can't do anything. And they are fucking your life, and they don't care. But if you ask, then they will say that you are a bad example, so many fleeing from war, they are waiting for ages. (...) Cases like mine don't happen in Germany. Everything works better there.*

Living in a country he has not chosen strongly affects Daniel's motivation to participate in French society. He repeatedly expressed that he didn't like the French language. This according to him explains why he hasn't progressed faster in learning French:

*And also, I don't know, the French culture, the French language, anything about French. I don't like it. I have been here before and I just don't like the behavior of people. I don't know how to describe it, you know. So, also the German language was much easier for me to learn. So that was what I thought three and half years ago. (...) Actually, I have a level of B1<sup>15</sup>, but basically, I can't speak, because for example, I first speak English with everyone. I don't know, maybe I can speak it, like I could try and generally, I can understand when people speak French, but it's too hard for me and when you don't like something, you can't do it. That's the problem.*

Myriam Hachimi Alaoui, in her research on Algerian refugees in France and Canada, distinguished two types of experiences of exile: "endured exile", in

the sense of "feeling subjected to the events of life" and "shouldered exile", when refugees give a (new) meaning to life (Hachimi Alaoui 2007, 42-50). In order to avoid the Dublin procedure, Daniel sought asylum in a country where he had not wanted to be from the outset. He experienced his situation as "endured exile", and did not perceive local opportunities of integration (for example offered language courses) as a chance, but as a reminder that he had wanted to live in another European country.

The case analyses reveal the possible consequences of going through a Dublin procedure in the process of integration of refugees after arrival in France. In a few cases, such as in Saddam's case, the Dublin procedure only has a limited impact on the integration process, especially when the asylum procedure that follows is short. In most cases, however – as in the case of Ibrahim and Daniel – the Dublin procedure contributes to a substantial prolongation of the waiting period already induced by the asylum procedure. This phase is characterized by the fact that the stay in France is experienced as uncertain and even unsafe. The constant threat of deportation leads to a permanent fear of the police. The possibilities to plan for the future are bound to administrative decisions on which our interview partners have no influence. Ibrahim and Daniel had different experiences. In Ibrahim's case, the prolonged exclusion from institutional possibilities of participation because of the Dublin Convention postpones the moment from which he can really start constructing his future in France, a future he aims to construct. In Daniel's case, the experience of being stuck *in limbo* is linked more to his experience of being stuck in France against his will, and of being reluctant to plan a future there.

### **3. Changing country after filing asylum procedure – Impacts of racist attacks and family reunification**

Beyond the impact of the Dublin Convention on the arrival and integration experiences of our interviewees, our empirical material revealed two further phenomena in refugees' experiences which can be linked – at least indirectly – to the Convention, as they highlight refugees' aspiration to inner European mobility. While in most cases, our interview partners stayed, at least in the medium term, in the European country in which they ultimately applied for asylum, some of our interviewees changed the EU country after having completed their asylum procedure. This occurred after a negative, but sometimes also after a positive decision. Experiences of racism (the Cela family) and conditions for realizing family reunification (the case of some Syrian refugees) were the most important motives for this, as we will see in the next empirical cases.

### *The Cela family*

The Cela family, composed of Mrs. Cela, Mr. Cela and their two children, left Kosovo in 2014 after having experienced human trafficking by mafia groups. They first arrived in Germany where they stayed some time and applied for asylum. After their asylum application was rejected (Kosovo is considered to be a safe country), they left for Finland in 2015 where they joined family members and friends who had settled there. They lived there for two years. There, their asylum procedure was also rejected. They furthermore experienced racist and Islamophobic attacks. Mrs. Cela recalls:

*It is important to say that our integration in Finland as Muslims was very difficult. Numerous graffiti were inscribed on the walls of our neighborhood that insulted Muslims. Several attacks on mosques and anti-Muslim demonstrations took place during our stay. In 2015, when we were in [name of a city in Finland], a Molotov cocktail was thrown on our apartment and fire started. My children and my husband were there. We got very scared.*

After their asylum procedure was rejected, and following the Islamophobic attacks, the Cela family decided to leave Finland and go to France, where they again applied for asylum. This case shows that despite the Dublin Regulation, asylum seekers still apply for asylum in different Dublin States when the danger they have experienced in their country of origin is not recognized by the administrations.

Since a judgment of the European Court for Human Rights in 2011, a principle has been established according to which refugees concerned by the Dublin procedure cannot be deported back to their first country of arrival if the asylum system of the latter is considered to be systemically deficient, or if it is considered to present a risk of serious human rights violations. Up to now, this regulation has been applied to Greece, for example. The case of the Cela family questions common assumptions about which European States are "problematic" for asylum seekers and which are not. While European law has integrated the idea that some specific Member States may present risks, the danger of experiencing racist attacks in any of the EU countries isn't taken into account on any level, neither by the EU nor by the nation States. Furthermore, the evaluation of the Cela family on which European State presents dangers - here a Nordic country - differs from the European legislation that has up to now mostly considered these States as safe.

### *Family reunification as a reason for trying to change one's Dublin State after settlement*

A further reason why some refugees might decide to change State after having already sought asylum is the possibility of family reunification. Asylum procedures and the rights of recognized refugees greatly vary from one European State to another. While in France, persons who are granted the full status of refugee as well as persons who obtain the subsidiary protection have the right to family reunification, in Germany, since 2016, family reunification is only possible for persons who have the full refugee status. We encountered cases of refugees who were granted the subsidiary protection in Germany and who had their family members - wives and children for example - join them through irregular migration via the Balkan route or the Mediterranean Sea because of the impossibility of legal family reunification - with all the risks such a journey comprises. Some refugees, precisely in order to avoid this, moved from Germany to France to achieve their goal of family reunification.

### **Conclusion**

In this article, we have analyzed the way refugees cope with and resist the Dublin Convention by recurring to the method of biographical evaluation. Departing from biographical interviews with 29 refugees living in France, we analyzed three key moments in their life path after arriving in Europe: the phase during which they choose the country in which they apply for asylum (or the phase during which the public authorities define this country), the phase during which they start integrating in their country of settlement, and finally the phase when, despite the Dublin Regulation, refugees sometimes change the European country they live in after having already sought asylum there. Our analysis highlighted that beyond its influence on the "choice" of the country of arrival as foreseen by the core of its regulation, the Dublin Convention has a strong impact that goes way beyond the moment of the first settlement in a European country. This article furthermore shows the great part of agency of migrants in these processes. Here, the Dublin legal frame stands in stark contrast to the individual plans and strategies of migrants who, often times, achieve the choice of where they settle down. At the same time, however, the legal constraints also hindered several of our interviewees from achieving their life plans. The process of choosing one's country of settlement also greatly depended on different factors such as language skills, money, exhaustion, risk-taking, time pressure or support encountered through civil society. Information on the Dublin system also proved to be central. While some of our interviewees were well informed on

the system long before their arrival in their final destination, others first heard of the existence of the Dublin Convention after entering Europe or even after applying for asylum. It was decisive for them to understand the Dublin Convention in as much detail as possible – however, because of the structural overload of numerous public services for asylum in Europe, it was difficult for them to encounter public actors who had the time and the legal skills to inform them in detail of the consequences of their choice. The Dublin Convention, as the interviews showed, affected the integration of refugees in several respects. It greatly lengthened the waiting time of the overall asylum procedure. In France, this means extending exclusion from institutional integration measures such as public French language courses or possibilities of training. Fearing to be caught by the police and to be deported back to their first Dublin State during the regulatory period of six months also led several of our interviewees to avoid leaving their apartment during this period of time. Living in a State which an individual has not chosen furthermore showed to give rise to inner resistance to getting integrated, and to learning the language of the host country. Severe experiences that greatly limit the vital needs of our interviewees – such as living in a safe environment or living with their nuclear family members – also led them to decide to leave the Dublin State in which they had already sought for asylum and to settle in another Dublin State. Here, the biographical experience of the families of which European countries were “safe” did not necessarily match with the definition of the Dublin Convention.

Because a high number of asylum seekers statistically ultimately stay in Europe, shaping their integration in the best possible way from the beginning is particularly important for European societies on the long-term. The biographical interviews we have collected show how closely the politics of immigration – here the Dublin Convention – are linked to the process of integration of refugees and their families. Making conditions of arrival and integration fit more smoothly seems all the more important as these refugees, who have gathered very specific knowledge on Europe and inner European borders for extra-Europeans are doomed, for a large part, to become, in the medium or long-term, full citizens of Europe.

## Notes

1 We use the term “refugee” in a broad way, not referring to legal status, but to the more general experience of forced migration. A refugee who plans to seek asylum is a person who has fled but who has not necessarily already officially applied for asylum – in contrast to asylum seekers.

- 2 There are some exceptions in the application of this first-State regulation in the Dublin space. It does not apply to minors, to individuals who have nuclear family members in a specific European State or to persons who have a valid visa in another European State than the one they have arrived in (Barbou des Places 2004).
- 3 Contrary to hypothetico-deductive studies that verify or falsify hypotheses that are elaborated prior collecting empirical data, Grounded Theory elaborates sociological analyses and theory by departing, in an inductive way, from the empirical material collected. It is therefore particularly suited for shedding light on perspectives that often remain absent from main discourses, such as in our study the perspective of refugees themselves.
- 4 The biographical approach was developed in the Chicago School in the 1910s by William Isaac Thomas and Florian Znaniecki (1918-1920) and was reintroduced in Western Europe in the late 1960s and early 1970s (Bertaux 2016, Schütze 2014, Delcroix 2019). It analyzes the way social and individual phenomena are interconnected: on the one hand, how social structures shape individuals' lives, and on the other hand, how individuals contribute to (re) shaping social structures. In a much stronger way than questionnaires or semi-directed interviews, biographical narratives encourage interviewees to freely recall their life course experiences along their own subjective point of view. Biographical interviews give a diachronic perspective into individual action and social processes, showing the development of social dynamics over time. They are particularly relevant in migration research, as they enable connecting experiences gathered in one's home and host country (Delcroix and Pape 2010, Pape 2020). Biographical interviews are often completed by ethnographic observations, in which diachronic insights are crossed with the observation of concrete actions in a synchronic perspective (Bertaux 2016). The method of biographical policy evaluation focusses on the experience of specific policies on the individual and family level. While collecting the biographical interviews discussed in this article, we proceeded in two phases. In a first phase, we invited our interviewees to freely tell their life story. In a second phase, we asked them more specifically about their experience in fields that are related to the Dublin Convention and different social policies in France: their asylum application, housing, learning of the French language, education, access to the labor field, access to information about one's rights, access to French citizenship, support in childcare, etc.
- 5 The Migreval database is a qualitative databank that was created in 2015 at the University of Strasbourg in cooperation with the Goethe University in Frankfurt am Main. It gathers biographical interviews with migrants who have arrived in France and Germany from the 1950s to today as well as semi-structured interviews with professionals, politicians or members of civil society supporting migrants. These interviews are transcribed, reread and approved by the interviewees, then anonymized and pseudonymised (all identifying information being removed) and, lastly, added to the databank (in French, German and English). Because of the sensitivity of the material and of ethical issues that arise, the databank, of which there are essentially no other examples in France and Germany, is only accessible to a limited group of researchers, as defined

in cooperation with the University of Strasbourg. The interviews are collected by the participants of a Franco-German network currently comprising about 25 junior and senior researchers as well as Master 1 and Master 2 students in Strasbourg and Frankfurt. The interviews are conducted using a common interview guideline that focuses on the biographical experiences related to the arrival and integration of migrants in France and Germany. This article thereby grasps on material that was gathered on a collective basis (for more information on the project see <https://migreval.hypotheses.org/>).

- 6 These interviews were collected by Anja Bartel, Catherine Delcroix, Ariane Izere-Uwayo, Redi Muharemmi, Elise Pape and Ayse Yuksel.
- 7 Grandville is a pseudonym of a city in Eastern France. We also changed the names of all of our interview partners.
- 8 Although refugees are supposed to submit their asylum application in France no later than 90 days after entering the country, some of our interview partners had already spent considerably more time in France.
- 9 At the time, the country was named Macedonia.
- 10 Since spring 2015, the Balkan route had become one of the main routes into the European Union. In October 2015, the idea of a "corridor" was formalised with the aim of providing a safe but highly controlled route for refugees to Western Europe, especially to Germany and Austria. Therefore, transit camps, check points, systemic registration, first aid, special buses and trains were organized. National interests, however, repeatedly led to the closure of individual borders and to a shift of alternative routes for migrants. The idea of a corridor was officially ended in March 2016, after having been initiated by the closure of the Serbian-Hungarian border in September 2015 (Dujmovic and Sintès 2017).
- 11 Because of the numerous arrivals of migrants and the administrative work that means, countries such as Greece and Italy do not manage to take all fingerprints. Sometimes, administrations in these countries also don't take fingerprints as a protest against the uneven and unjust workshare between European countries that arises through the Dublin Convention.
- 12 Calais is a place where an aggregate of informal camps has been developing in France over the last decades, which provide accommodation for refugees who wish to travel to England or who have not yet managed to apply for asylum in France. While the French government initially tolerated the camp, by the summer of 2015 its population had risen to more than 8000 refugees and the government decided to dismantle it. During the preparation of the dismantling in October 2016, the French government sent State authorities to the camp to receive future asylum seekers in the French reception system.
- 13 Office de l'immigration et de l'intégration (OFII).
- 14 Most asylum procedures are much longer than Ibrahim's, so the Dublin Regulation adds considerable additional waiting to a procedure that in most cases lasts several years.
- 15 Basic level of French.

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