



**Parahyangan Catholic University**  
**Faculty of Social and Political Sciences**  
**Department of International Relations**

*Accredited A*

*SK BAN –PT NO: 451/SK/BAN-PT/Akred/S/XI/2014*

**Factors That Caused the Different Implementation of Common  
European Asylum System in Germany and Sweden**

Undergraduate Thesis

By

Agatha Lydia Natania

2014330035

Bandung

2018



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Supervisor

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**Thesis Validation**


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European Asylum System in Germany and Sweden

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On Thursday, 28 June 2018  
And thereby declared **GRADUATED**

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Hereby assert that this undergraduate thesis is the result of my own scientific writing and has not been previously proposed by any other party to attain academic degree. Any idea, information, or opinion from other parties are officially cited and written in accordance to the valid scientific writing method.

This statement is made with full responsibility and I am willing to accept any consequences if this statement proven to be untrue in the future.

Bandung, August 7, 2018

  
  
Agatha Lydia Natania

## Abstract

Name : Agatha Lydia Natania  
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Title : Factors That Caused the Different Implementation of Common  
European Asylum System in Germany and Sweden

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The conduct of refugee governance as an effort to overcome the refugee crisis in Europe was hampered by a number of challenges for the European Union and the member states. Efforts have been made to address this crisis in form of policies. Among them, the Common European Asylum System (CEAS) was established to provide common policy, procedure, and minimum standard in solving the issue of refugees. As a legal framework, the EU member states are obliged to implement the content of CEAS into the national legislation. Among EU member states, Germany and Sweden are regarded as two of the key destination countries for the asylum seekers due to their provision of assistances. Both Germany and Sweden have been implementing CEAS, however, it is found that there are differences on the implementation of CEAS regulations and directives in Germany and Sweden.

By using the theory of liberal intergovernmentalism, multi-level governance (MLG), and policy change, this undergraduate thesis aims to find the factors that cause the differences of the implementation of CEAS in Germany and Sweden. The author used comparative method to compare the implementation of CEAS in Germany and Sweden by considering three levels of governance, which are EU level, national level and sub-national level. It is concluded that the differences are caused by material and ideational factors. The author also argued that political interactions among actors across the levels of governance contribute to the differences of CEAS implementation and also policy change during the implementation. Based on the analysis, this undergraduate thesis found that the strongest influence comes from the factors and interactions in the national level.

Keywords: European Union, refugee governance, implementation of asylum policy

### ***Abstrak***

*Nama* : Agatha Lydia Natania  
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*Judul* : *Faktor-Faktor yang Menyebabkan Perbedaan Implementasi  
Common European Asylum System di Jerman dan Swedia*

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*Pelaksanaan tata kelola dalam bidang pengungsi sebagai usaha untuk mengatasi krisis pengungsi yang terjadi di Eropa telah mengalami berbagai tantangan di Uni Eropa dan negara-negara anggotanya. Berbagai upaya dalam bentuk pembuatan kebijakan telah dilakukan untuk mengatasi krisis ini. Diantaranya, Common European Asylum System (CEAS) dibentuk dengan tujuan untuk memberikan kebijakan bersama, prosedur dan standar minimum dalam menangani kasus pengungsi. Sebagai dasar hukum, negara-negara anggota CEAS memiliki kewajiban untuk mengimplementasi konten dari CEAS ke legislasi nasional negara. Dari seluruh negara-negara anggota Uni Eropa, Jerman dan Swedia dikenal sebagai dua dari negara-negara tujuan utama bagi para pencari suaka karena pemberian bantuan yang diberikan. Baik Jerman maupun Swedia telah mengimplementasi CEAS, akan tetapi, keduanya memiliki perbedaan dalam mengimplementasi regulasi dan direktif dari CEAS.*

*Skripsi ini menggunakan teori liberal intergovernmentalism, multi-level governance (MLG), dan policy change untuk mencari faktor-faktor yang menyebabkan perbedaan implementasi CEAS di Jerman dan Swedia. Penulis menggunakan metode komparasi untuk membandingkan implementasi CEAS di Jerman dan Swedia melalui tiga level tata kelola, yaitu level Uni Eropa, level nasional dan level sub-nasional. Penulis menyimpulkan bahwa perbedaan tersebut disebabkan oleh faktor material dan ideasional. Penulis juga berargumen bahwa interaksi politik antar para aktor di level tata kelola yang berbeda juga memberikan pengaruh pada perbedaan dalam implementasi CEAS dan menyebabkan terjadinya perubahan kebijakan dalam proses implementasinya. Berdasarkan analisa, skripsi ini menemukan bahwa pengaruh terbesar berasal dari faktor-faktor dan interaksi politik di level nasional.*

*Kata kunci: Uni Eropa, tata kelola pengungsi, implementasi kebijakan pengungsi*

## Preface

First and foremost, the author would like to praise God and Jesus Christ for the abundance of grace and love so that the author can complete this undergraduate thesis. The journey of writing this undergraduate thesis was full of challenges and hardships, however, a lot of encouragement and support from dearest family and friends motivated the author to overcome those hard times.

The author has an immense interest in conducting studies about European Union and the member states. Previously, the author had conducted a number of researches in the field of refugees in Europe. Thus, this undergraduate thesis is aimed to complement the author's journey in conducting research related to refugees and asylum policy. This undergraduate thesis is the author's final work in the Department of International Relations, Parahyangan Catholic University. The author would like to thank Mrs. Sylvia Yazid, Ph.D for her enormous support throughout the writing process of this undergraduate thesis. Her guidance since the first year of university will always be remembered.

The author believes that this undergraduate thesis has flaws and mistakes that need to be improved. Nevertheless, the author hopes that this undergraduate research could enhance the reader's understanding related to the topic and contribute to the study of International Relations.

Bandung, August 7, 2018

Agatha Lydia Natania

## Acknowledgement

Praise be to God and Jesus Christ for the blessing in my life. I would like to present this undergraduate thesis to my beloved parents: Papa, Mama, Papà Massimo, Mamma Melania, and my angels Bella, Chiara and Livia. *Grazie mille, vi voglio un mondo di bene!* Words could not describe how I want to thank Mrs. Sylvia Yazid, for believing in me and always strive me to grow and go beyond my capabilities. I will always remember your words and kindness.

To my dearest best friends in IR UNPAR, Adriana Anjani, Celica Aoi and Nathaya Anandipa. You are amazing women and I am sure you will achieve so much! Thank you Ratya, Pipit, Gladys, members of *Gang Keluarga*: Mita, Rian, Adela, Christa, Yanna, Irene, Febe, Febri, Thata, Chika, Kiky, Yudha, and my family in Indraprasta. I could not have done it without your presence!

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### List of Abbreviations

Afd	Alternative for Germany
APD	Asylum Procedures Directive
BAMF	Federal Office for Migration and Refugees
CSOs	Civil Society Organizations
CDU	Christian Democratic Union
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
EU	European Union
INSA	National Institute of Applied Sciences
INGOs	International Non-Governmental Organizations
IOs	International Organizations
LFN	Letter of Formal Notice
MLG	Multi-level Governance
NGOs	Non-Governmental Organizations
QD	Qualification Directive
RCD	Reception Conditions Directive
TEC	Treaty Establishing the European Community
TPD	Temporary Protection Directive
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner for Refugees
VIS	Visa Information System

## CHAPTER I

### INTRODUCTION

#### 1.1. Research Background

The refugee influx into Europe is considered to be the largest population movement in Europe since the Second World War. According to the United Nations High Commissioner for Refugees (UNHCR), in 2015, 1,000,573 people reached European soil.<sup>1</sup> Among them, over 50% are from Syria, 15% from Afghanistan, 6% from Eritrea and 4% from Iraq.<sup>2</sup> People who risk their life in order to seek refuge in Europe, consisting of men, women, children and elderly, are prone to become the victim of “physical danger, exploitation and abuse, human trafficking, sexual violence, theft and extortion.”<sup>3</sup> It is worse for the vulnerable group, such as women and children, who can also become the victim of gender-based violence.<sup>4</sup>

These people leave their home country and risk themselves to go through hazardous ways just to arrive in Europe. However, not all of them have arrived

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<sup>1</sup> UNHCR, “Over one million sea arrivals reach Europe in 2015,” accessed September 27, 2017, <http://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

<sup>2</sup> Victoria Metcalfe-Hough, “The migration crisis? Facts, challenges and possible solutions,” *Overseas Development Institute Briefing*, October 2015, accessed on October 7, 2017, <https://www.odl.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9913.pdf>, 2

<sup>3</sup> Ibid

<sup>4</sup> European Parliament, “Labour Market Integration of Refugees: Strategies and good practices,” Directorate General for Internal Policies, Policy Department A: Economic and Scientific Policy, accessed October 5, 2017, [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL\\_STU\(2016\)578956\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf), 25

safely. It is reported that over 3,700 people died in the sea and never reached Europe.<sup>5</sup> Even though that they are aware of the risk, some of them are left with no options but to seek a new place to live in order to survive. The major pushing factor that causes them to leave their home country is mainly because of the political factor, which is to escape from the war and prosecution.<sup>6</sup> This could be seen from their country of origin, which are considered as countries that are facing conflict or crisis. For instance, the existence of ISIS and the civil war in Syria. Nonetheless, not everyone who are seeking refuge in Europe are escaping from war or conflicts. There are also people who leave their home countries to improve their lives, which are called as economic migrants.<sup>7</sup>

The international effort to overcome the problem of refugees and conduct the governance of international refugee regime has been initiated through the 1950 UNHCR Statute and the 1951 Refugee Convention.<sup>8</sup> It is written on the article 35 of Refugee Convention that states shall cooperate to fulfil "... its duty of supervising the application of the provisions of this Convention."<sup>9</sup> When there is an absence of protection from the state, it is the international community's responsibility to fill in such role. In solving the issue of large movements and refugees, the United Nations calls for a stronger cooperation and action, including

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<sup>5</sup> UNHCR, "Over one million sea arrivals reach Europe in 2015," accessed September 27, 2017, <http://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

<sup>6</sup> European Commission, "An Economic Take on the Refugee Crisis, A Macroeconomic Assessment for the EU," *Institutional Paper* 033, (July 2016), accessed September 27, 2017, [https://ec.europa.eu/info/sites/info/files/file\\_import/ip033\\_en\\_2.pdf](https://ec.europa.eu/info/sites/info/files/file_import/ip033_en_2.pdf)

<sup>7</sup> European Law and Publications, "The EU and refugee crisis," accessed October 8, 2017, <http://publications.europa.eu/webpub/com/factsheets/refugee-crisis/en/>

<sup>8</sup> James C. Simeon, *The UNHCR and the Supervision of International Refugee Law*, Cambridge University Press, 2013, 13

<sup>9</sup> Ibid

the immediate and long-term programs.<sup>10</sup> State is not the only actor in the governance of refugees. Humanitarian and development actors are also considered as important actors that should work together to achieve collective outcomes.

The member states of the European Union have already become a part of international human rights and refugee law, which is reaffirmed in United Nations General Assembly Resolution 69/167 in 2014 to promote the human rights of all migrants, regardless of their status.<sup>11</sup> Therefore, the member states are expected to provide assistances and protect the refugees in accordance to the agreed legal frameworks. These actions will portray the commitment of a state in solving the issue of refugees. States that have already committed to solve the issue need to continuously enhance their effort to ensure that the refugees are well-treated and protected.

Based on the urgency of the refugee influx in Europe, this research focuses on the refugees in Europe, particularly on the aspect of refugee governance. European Union has established a number of policies to overcome the issue of refugees. These policies have to be implemented by the member states and functions as a guidance in responding to refugee issues. Member states should also implement and adhere to the policies while coordinating with other member states to make sure that the implementation of polices work well. In addition, European

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<sup>10</sup> United Nations General Assembly, "In Safety and Dignity: Addressing Large Movements of Refugees and Migrants," Report of the Secretary-General, 2016, accessed September 26, 2017, [http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/21-Apr\\_Refugees-and-Migrants-21-April-2016.pdf](http://www.un.org/pga/70/wp-content/uploads/sites/10/2015/08/21-Apr_Refugees-and-Migrants-21-April-2016.pdf)

<sup>11</sup> Victoria Metcalfe-Hough, "The migration crisis? Facts, challenges and possible solutions," *Overseas Development Institute Briefing*, October 2015, accessed on October 7, 2017, <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9913.pdf>, 3

Union, the member states and other relevant actors in the region have to work hand in hand in conducting efforts to provide protection and assistances to the refugees under a good refugee governance. However, the conduct of refugee governance faced challenges in the European Union and among the member states. Thus, this undergraduate thesis took a closer look on the aspect of refugee governance in Europe.

## **1.2. Research Problem Identification**

### **1.2.1. Description**

Governance is regarded as a significant issue in Europe, particularly on the policy process between EU, member states and other relevant actors. Thus, the levels of governance in Europe is alluring to be researched and analyzed. It is also important to be emphasized that the actors within the levels of governance have a great role in the policy process in EU and the implementation in member states.

A major problem on the issue of refugees is the conduct of governance that poses challenges to the member states of European Union. There are already existing legally-binding treaties, regulations and other agreements that aim to improve the well-being of refugees. The matter of asylum and migration in European Union is regulated by the Treaty of Maastricht 1993, and later extended in the Treaty of Amsterdam 1999 and Lisbon Treaty 2009.<sup>12</sup> In addition, a Common European Asylum System (CEAS) to increase cooperation among EU member

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<sup>12</sup> Ibid



states was introduced in 1999.<sup>13</sup> This policy became a legal framework on the refugee governance, particularly on the aspect of setting minimum standards in tackling refugee issues in Europe. However, the implementation of asylum policies including CEAS is decentralized, with the individual member states responsible for the core decisions, implementation and most of the funding. This condition is problematic because each member state could define the aspect of minimum standard differently.

The European Union has also fought to champion the CEAS. Among the existing legal documents and regulations, this thesis will take a closer look on the implementation of CEAS. As a set of laws that aims to provide minimum standards and procedures for the member states, CEAS is expected to bring a more coordinated response towards refugees. In the field of asylum and migrations, Germany and Sweden are the top two countries among member states of European Union that are considered as key destination countries for the asylum seekers<sup>14</sup> because of the generous approach towards the applicants, particularly on the aspect of protection and provision of assistances. However, there are differences in the implementation of CEAS in Germany and Sweden. In 2016, Sweden changed its policy and decided to restrict its generous approach towards refugees. On the contrary, Germany commits to receive more refugees and implement open-door policy. Thus, this undergraduate thesis aims to find the factors that cause the differences in CEAS implementation in Germany and Sweden.

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<sup>13</sup> European Parliament, "Tampere European Council 15 and 16 October 1999: Presidency Conclusions," accessed February 12, 2018, [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm)

<sup>14</sup> Lisbeth Kirk, "German and Swedish leaders welcome migrants," *euobserve*, September 8, 2015, accessed on February 10, 2018, <https://euobserver.com/beyond-brussels/130162>

### **1.2.2. Research Scope**

The scope of this undergraduate thesis consists of limitation on time, actor and location. The time limit starts from the influx of refugees to Europe in 2011 until 2016, the year when Sweden decided to change its policy on CEAS implementation, while the actor is limited to Germany, Sweden, and European Union. This undergraduate thesis will focus on the CEAS as an asylum policy in European Union and the conduct of refugee governance on the issue of asylum policy. The location of this undergraduate thesis will also be limited to European territory.

### **1.2.3. Research Question**

The implementation of CEAS is indeed very important to be analyzed in order to assess the impact of the policy in solving refugee crisis. The author is interested to find out why Germany and Sweden have differences in implementing the CEAS. Thus, the research question of this undergraduate thesis is: what factors caused the differences in the implementation of Common European Asylum System (CEAS) in Germany and Sweden?

### **1.3. Aim and Contribution of the Research**

#### **1.3.1. The Aim of the Research**

The aim of this research is to find the factors that caused differences in the implementation of Common European Asylum System (CEAS) in Germany and Sweden between 2011-2016.

#### **1.3.2. The Contribution of the Research**

This research can be a reference for further research in the field of asylum policy, particularly on the Common European Asylum System (CEAS). It can also be beneficial for the readers who are interested in understanding the implementation of European Union's policy and the conduct of refugee governance in Europe. In addition, this research can also be continued to map the implementation of CEAS in the member states of European Union.

### **1.4. Previous Studies**

Numerous scholar and academicians have published journals, papers, and other publications about refugee governance and EU asylum policy. Previous studies on refugee governance could be categorized into two groups. The first group is studies that focus on cases of a single actor related to asylum policy, be it the European Union, an organization related to refugees or a member state. For instance, Bolin et al. researched about the political parties and local refugee

reception in Sweden<sup>15</sup>, Julia Schmälter analyzed the European Commission's effort in enforcing compliance of CEAS to the member states<sup>16</sup>, and Dudášová that researched about the Germany's political consequences of the refugee crisis.<sup>17</sup> The categorization of these studies are studies that focused on a single actor.

The second group is studies that is conducted in a broader scale, including but not limited to groups of member states of EU and organizations. For instance, Sarah Wolff analyzed the influence of International Organizations (IOs) on refugee policies and trans regional governance.<sup>18</sup> Wolff concluded that IOs have a significant role in the refugee governance in Mediterranean countries. As another example, Tanja A. Börzel conducted a research that aims to find the cause why Europe failed to conduct governance in solving various crisis. It is argued that the member states did not apply the agreed policies well because of the domination of Euro-nationalists on the politicization of EU policies and institutions.<sup>19</sup> Other researcher on EU asylum policy, Florian Trauner, argued that the implementation of EU asylum policy could overburden the southern member states as well as the northern member states that continue to ignore the policy.<sup>20</sup> These studies imply

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<sup>15</sup> Niklas Bolin, Gustav Lidén and Jon Nyhlén, "Political Parties and Local Refugee Reception in Sweden," *XXII Nordic Municipality Research Conference (NORKOM)*, 2013, 6

<sup>16</sup> Julia Schmälter, "A European response to non-compliance: the Commission's enforcement efforts and the Common European Asylum System," *West European Politics*, DOI: 10.1080/01402382.2018.1427947

<sup>17</sup> Marianna Dudášová, "Political Consequences of the Refugee Crisis – The Case of Germany," 2016, *Economic Review*, vol. 45 no.3

<sup>18</sup> Sarah Wolff, "Migration and Refugee Governance in the Mediterranean: Europe and International Organisations at a Crossroads," *Istituto Affari Internazionali*, accessed on February 10, 2018, <http://www.iai.it/sites/default/files/iaiw1542.pdf>

<sup>19</sup> Tanja A. Börzel, "From EU Governance of Crisis to Crisis of EU Governance: Regulatory Failure, Redistributive Conflict and Euroskeptic Publics," *Working Paper KFG The Transformative Power of Europe*, no. 74 (August 2016):3, [http://www.polsoz.fu-berlin.de/en/v/transformeurope/publications/working\\_paper/wp/wp74/WP\\_74\\_Boerzel.pdf](http://www.polsoz.fu-berlin.de/en/v/transformeurope/publications/working_paper/wp/wp74/WP_74_Boerzel.pdf)

<sup>20</sup> Florian Trauner, "Asylum policy: the EU's 'crises' and the looming policy regime failure," *Journal of European Integration* 38, no. 3: 311-325, DOI: 10.1080/07036337.2016.1140756

that refugee governance has a significant effect to a group of actors in the same categorization (member states or organizations).

Different than the studies above, this undergraduate thesis took a middle approach by analyzing the implementation of EU policy in two of its member states. This undergraduate thesis does not choose a single member state case or generalize the MLG among the EU member states. However, it compares the implementation of asylum policy between two different EU member states and takes into account the role of actors related to refugee governance in each level. The author believes that it is very important to conduct this research in order to identify the factors that caused the differences on the implementation of CEAS in Germany and Sweden.

### **1.5. Theoretical Frameworks**

According to Miles and Huberman, conceptual framework “explains, either graphically or in narrative form, the main things to be studied – the key factors, concepts, or variables – and the presumed relationships among them.”<sup>21</sup> It is a key part of the research and consists of the system of concepts, assumptions, expectations, belief, and theories that supports and informs the research.<sup>22</sup> This undergraduate thesis uses three theories and three concepts as the theoretical frameworks. These theories are liberal intergovernmentalism by Hoffman and Moravcsik, multi level governance by Marks and Hooghe and policy change which

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<sup>21</sup> “Conceptual Framework,” *Qualitative Research Design*, accessed September 12, 2017, [https://www.sagepub.com/sites/default/files/upm-binaries/48274\\_ch\\_3.pdf](https://www.sagepub.com/sites/default/files/upm-binaries/48274_ch_3.pdf)

<sup>22</sup> Ibid

is compiled from various scholars. Meanwhile, the three concepts that are employed are governance, compliance and refugees.

This undergraduate thesis chose the European refugee crisis as the background of issue. In order to understand the qualification of refugees that is related to the EU regulations and directives, the concept of refugees that is employed is based on the United Nations High Commissioner for Refugees (UNHCR), which is defined as “people fleeing conflict or persecution, ... defined and protected in international law, and must not be expelled or returned to situations where their life and freedom are at risk.”<sup>23</sup>

The first theory that is used is liberal intergovernmentalism. One of its proponent, Stanley Hoffman, acknowledges that there are significant actors other than the national government that contribute to the process of integration. Hoffman also argued that states are rational actors governed by principles of authority and hierarchy<sup>24</sup> and the existence of European Union does not diminish the role of the state but on the contrary strengthen its role.<sup>25</sup> Andrew Moravcsik’s contribution include three main arguments. First, state is a rational actor in Europe. Second, power in the European Union is the result of bargaining amongst states. Three, liberal theory is needed to explain the formation of national preferences within the state.<sup>26</sup> This theory is used to highlight the significant role of EU as a supranational

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<sup>23</sup> UNHCR, “Refugees,” accessed on August 22, 2017, <http://www.unhcr.org/refugees.html>

<sup>24</sup> Simon Bulmer and Christian Lequesne (ed), “The EU and its Member States: An Overview” in *The Member States of the European Union*, New York: Oxford University Press, 2005, 5

<sup>25</sup> Ibid

<sup>26</sup> Ibid

organization in Europe but also emphasize that the member states could employ rational choice in their engagement to the union.

The theory of liberal intergovernmentalism recognizes the involvement of other actors other than national government as the most significant actor. These layer of actors could be explained more comprehensively by using the theory of multi-level governance that is often used as framework in EU studies. One has to understand that multi-level governance is not equivalent to global governance. The theory of global governance is often used to analyze a global issue, while multi-level governance focuses on the existing layers on the conduct of governance. According to Karns, Mingst, and Stiles, the actors of global governance consist of states and their subnational and local jurisdictions, IGOs and their bureaucracies, Non-Governmental Organizations (NGOs), experts and epistemic communities, networks and partnerships, multinational corporations and private foundations.<sup>27</sup>

Similar to this, multi level governance also consist of the various actors as mentioned above. Both theories acknowledge the existence of multi-actors in analyzing issues. However, this undergraduate thesis employed MLG because the chosen issue occurred in Europe (regional rather than global) and the author desired to emphasize on the layers of governance. The author used the concept of governance to understand conduct of refugee governance in European Union and member states. Generally, governance is a set of theories and issues of social

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<sup>27</sup> Margaret P. Karns, Karen A. Mingst, and Kendall W. Stiles, *International Organizations: The Politics and Processes of Global Governance (3<sup>rd</sup> edition)*, Boulder: Lynne Rienner Publishers, 2015, 8

coordination and the nature of all patterns of rule.<sup>28</sup> Governance also related to all forms of interactions through social interests which the actors involved to produce the policies, practices, and effects that define the current patterns of governing.<sup>29</sup> It is written in the charter for Multilevel governance in Europe that the actors need to work together in partnership because no single level could solve any challenges.<sup>30</sup>

Gary Marks introduced MLG in 1992 to understand the decision making process within the EU and its function on three analytical levels, which are political mobilizations (politics), policy-making agreements (policy), and state structures (polity).<sup>31</sup> There are two main aspects of MLG, the first one is ‘multi-level’ aspect meaning that “non-central state authorities have the capacity to open, or remove the center-periphery gate and cross the domestic-foreign gate without laissez-passer”.<sup>32</sup> The second is the aspect of governance, which is the involvement of NGOs in the daily politics in the EU which shift the past state-society gate.<sup>33</sup> Therefore, the relevant actors of EU are not only national and supranational level, but there are “overlapping competencies among multiple levels of governments and the interaction of political actors across the levels.”<sup>34</sup>

Not only on multi-level policy networks, MLG also focuses on multi-actors, particularly on how different actors are linked by actors who move freely in formal

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<sup>28</sup> Mark Bevir (ed), *The Sage Handbook of Governance*, New Delhi: Replika Press Pvt Ltd, 2011, 1

<sup>29</sup> Ibid

<sup>30</sup> “Charter for Multilevel governance in Europe, “20 February 2014, accessed May 10, 2018, <https://portal.cor.europa.eu/mlgcharter/Pages/MLG-charter.aspx>

<sup>31</sup> Simona Piattoni, *The Theory of Multi-level Governance: Conceptual, Empirical and Normative Challenges*, New York: Oxford University Press, 2010, 55-56

<sup>32</sup> Ibid

<sup>33</sup> Ibid

<sup>34</sup> Ibid



existent level of government and authority.<sup>35</sup> Governance focuses on coordination and centered upon levels of government, which are subnational, national, and supranational.<sup>36</sup> The interaction and joint coordination among different levels of government without dominance of one level also highlighted on the theory of MLG.<sup>37</sup> In the European polity, power is shared, not not formally separated. The sharing of power occurs horizontally, which is between EU institutions, and vertically, between national, sub-state and EU levels. Moreover, Hooghe argued that the application of MLG is related to cohesion policy.<sup>38</sup> Different than Putnam's two-level theorization, namely national and supranational, MLG proves that there are other layers of analytical levels that matter.

Marks and Hooghe identified new patterns of relations between different levels of government. MLG provides the opportunity to cross the boundaries between center and periphery, domestic and international and between state and society.<sup>39</sup> Through MLG, the role of international society movements and advocacy coalitions are increased that cross the boundaries between domestic and international without asking for permissions to the national authorities.<sup>40</sup> The concept of MLG starts on central state: up to supranational level and down to sub-

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<sup>35</sup> Ibid

<sup>36</sup> Marks, Hooghe and Blank (1996:342) as quoted by Andy Smith, *Multijurisdictional Regulation*, in Mark Bevir (ed), *The Sage Handbook of Governance*, New Delhi: Replika Press Pvt Ltd 301, 2011

<sup>37</sup> Peter Scholten and Rinus Pennix, "The Multilevel Governance of Migration and Integration," in Blanca Garcés-Masareñas and Rinus Pennix (ed), *Integration Processes and Policies in Europe: Contexts, Levels and Actors*, Springer, 2016, 93

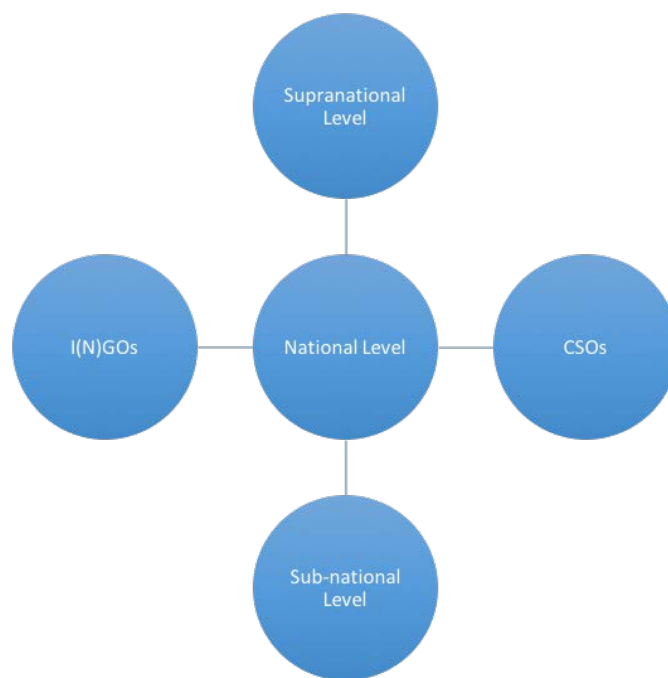
<sup>38</sup> Simona Piattoni, 2010, *The Theory of Multi-level Governance: Conceptual, Empirical and Normative Challenges*, New York: Oxford University Press, page 56

<sup>39</sup> Ibid

<sup>40</sup> Ibid

national level, *ceteris paribus*, one would expect greater interactions among actors in this level.<sup>41</sup> This idea can be illustrated as follows.

Figure 1.1 The illustration of the multi-level governance theory



Source: author's illustration

Figure 1.1 presents the illustration of the levels of governance that are related to the conduct of refugee governance. The three main levels are supranational, national, and sub-national level. Along with these levels, International Non-Governmental Organizations (INGOs) and Civil Society Organizations (CSOs) also contribute to the conduct of governance. Each level of

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<sup>41</sup> Ibid

governance has more than one actor that is related to the issue. During the policy implementation, the process occurs from national level to sub-national level.

This undergraduate thesis will also use the concept of compliance, defined as “the act or an instance of complying; obedience to a request or command”<sup>42</sup> that functions to describe the obligation of member states in implementing European Union policies. This process could be influenced by various matters that may result in changes during the policy implementation. This condition could be explained by the theory of policy change.

According to Bennett and Howlett, policies change because of social pressures<sup>43</sup>, while Peter Hall argued that the most important factors that could lead to policy change are ideas.<sup>44</sup> Hall’s research led to other scholars’ supporting argument stating that compared to material interests, ideas are the greater factors that drive change.<sup>45</sup> Berman and other scholars such as Béland and Cox, Blyth, Hay, and Katznelson and Weingast argued that material interest is the motivation of political behaviour in terms of policy change.<sup>46</sup> Thus, the aspect of material could explain the reason why policies changed during the process of implementation. Based on these statements, material and ideational factors will be used to explain the change that occur during a policy implementation.

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<sup>42</sup> Tola Amodu, “The determinants of compliance with laws and regulations with special reference to health and safety,” accessed October 11, 2017, <http://www.hse.gov.uk/research/rrpdf/rr638.pdf>

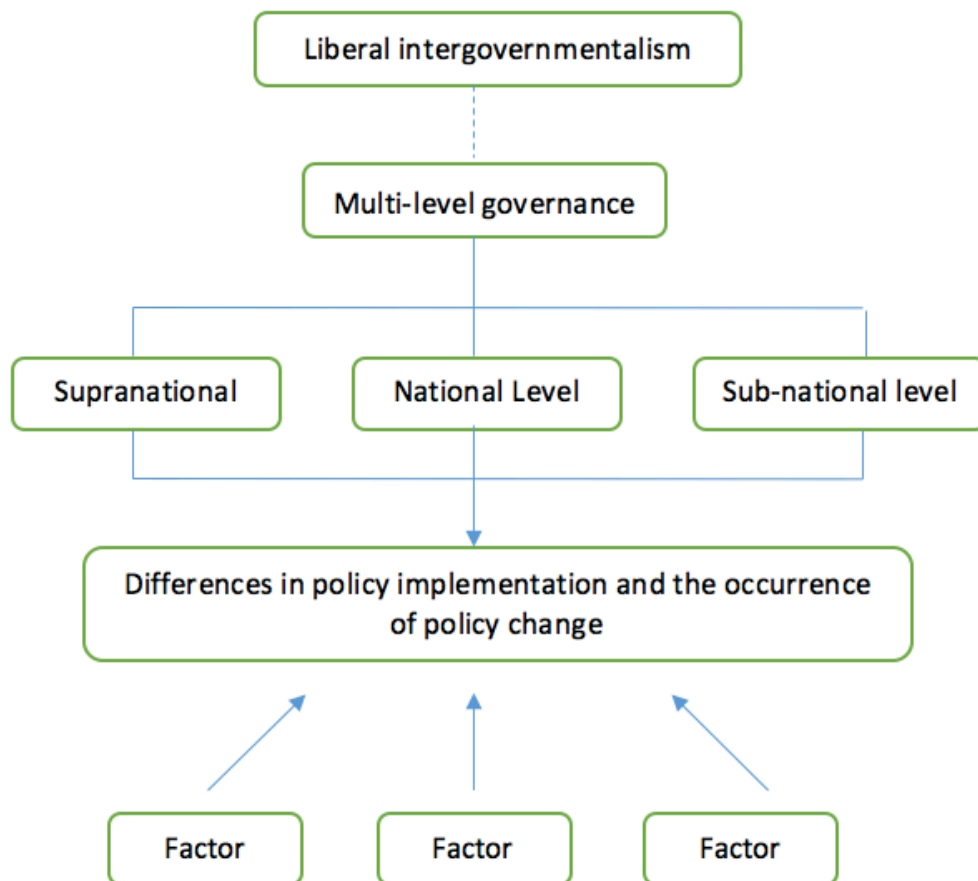
<sup>43</sup> Colin J. Bennett and Michael Howlett, “The lessons of learning: Reconciling theories of policy learning and policy change,” *Policy Sciences* 25: 275-294, 1992, 275  
<https://www.sfu.ca/~howlett/documents/16845049.pdf>

<sup>44</sup> Peter A. Hall, “Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain,” *Comparative Politics*, vol. 25, no.3, 1993: 275-296

<sup>45</sup> Jones and Baumgartner, Sabatier and Jenkins-Smith in Lina Matulovic, “What Triggers Change in Asylum Policy? A comparative study of policy change,” 12

<sup>46</sup> Baumgartner (2012) and Matulovic in Lina Matulovic, “What Triggers Change in Asylum Policy? A comparative study of policy change, 13

Figure 1.2 The theoretical framework of this undergraduate thesis



Source: author's illustration

Figure 1.2 presents the theoretical framework of this undergraduate research. Liberal intergovernmentalism provides the theory of other actors' existence other than national government. In order to explain these other actors, the author employed multi-level governance to analyze the actors in the levels of governance which consist of EU level, national level and sub-national level. In these levels, the author found differences and policy change on the process of policy implementation that are caused by factors. This undergraduate thesis aims to find

the factors that caused the different implementation. Among the three levels of governance, the author emphasized on the national level that has the biggest influence on the policy implementation.

## **1.6. Research Method and Data Collection's Technique**

This subchapter purposes to describe the research method, the data collection technique and the thesis structure of this research.

### **1.6.1. Research Method**

This undergraduate thesis is a qualitative research that applies description in explaining the issue and uses comparative politics as the method to find the contrast in the implementation of CEAS in Germany and Sweden. According to John W. Creswell, the definition of qualitative research “begins with assumptions, a worldview, the possible use of a theoretical lens, and the study of research problems inquiring into the meaning individuals or groups ascribe to a social or human problem.”<sup>47</sup> Creswell emphasizes on the process of research from philosophical assumptions to worldviews through the theoretical lens.

The author uses “Doing Research in Political Science: An Introduction of Comparative Methods and Statistics” by Pennings, Keman and Kleinnijenhuis as a

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<sup>47</sup> John W. Creswell, *Qualitative inquiry and research design: Choosing among five approaches* (2<sup>nd</sup> ed.), Thousand Oaks, CA: Sage, 2007

reference in conducting comparative method. They argued that comparison is “an instrument to verify or falsify relationships between two phenomena.”<sup>48</sup> Comparative method also contributes to ameliorate knowledge about society and politics.<sup>49</sup> It is emphasized that the ‘art of comparing’ produce insights about how things occur and develop, formulate statements from the case and give meaning to the researcher.<sup>50</sup> Thus, this undergraduate thesis uses comparative method to find out why Germany and Sweden have different implementation of CEAS by looking at the facts in three levels of governance in both countries.

The comparison in this undergraduate thesis is conducted by finding publications on the implementation of CEAS in Germany and Sweden in three levels of governance, which are European level, national level and sub-national level. The implementation of all CEAS regulations and directives in each level in Germany is compared to the implementation in Sweden. From this comparison, the author found differences in each level of governance. Then, the author analyzed the factors that caused the different implementation of CEAS and conclude the findings on this undergraduate thesis.

### **1.6.2. Data Collection’s Technique**

The type of this research is a descriptive analysis to answer the research question. In order to obtain the data, this research employed document studies and

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<sup>48</sup> Paul Pennings, Hans Keman and Jan Kleinnijenhuis, *Doing Research in Political Science (2<sup>nd</sup> edition)*, London: SAGE Publications Ltd, 2006, 23

<sup>49</sup> Ibid

<sup>50</sup> Ibid

desk analysis. The source for the primary data will be obtained from the European Union's official website and documents (reports and legal documents), and the secondary sources will be collected from journals, academic literatures, books, reports, articles, and news from the European media that are relevant to the topic of refugee governance in Europe and the implementation of CEAS.

### **1.7. Thesis Structure**

This undergraduate thesis will be divided into five chapters. The first chapter describes the research background, research problem identification, research question, the aim and contribution of the research, previous studies, theoretical framework, research method and the thesis structure. The second chapter describes the establishment and development of Common European Asylum System (CEAS) until 2016. The third chapter explains the implementation of CEAS in Germany and Sweden and highlights the existing differences on the implementation and transposition of CEAS. The fourth chapter contains the analysis of factors that caused the differences on the implementation of CEAS in Germany and Sweden. Finally, the fifth chapter will state the conclusion of the research and answer the research question.