

Joint Dissertation Review

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| Name of the student: | Ines Trabelsi |
| Title of the thesis: | The Gap between Policy and Practice: <i>Dublin Regulation III in Post-Overburdened Italy</i> |
| Reviewer: | Antonín Bernard Thompson Mikeš, Ph.D |

1. KNOWLEDGE AND CONNECTION TO THE FIELD

(relevance of the research question, research objective, literature review):

Informed by legal analysis, data analysis (EU, NGO, and state reports), as well as direct interviews with experts, this thesis has analyzed at a micro-level Italy's noncompliance with procedural safeguards stipulated under Articles 4 and 5 of the Dublin Regulation. The author finds that poor administration, lack of capacity and weak oversight combines with limited training and an over reliance on external support to limit the capacity of the Italian state employees to process requests and provide adequate information to Asylum seekers according to the standards prescribed by the Dublin regulations and therefore infringe the regulation.

The work meets the expected academic standard, is concise, and provides a clear framework in terms of objective and research design. The literature review is comprehensive and provides a clear rationale for the reason for areas requiring further study.

2. ANALYSIS

(methodology, argument, theoretical backing, appropriate work with sources):

The thesis approaches the topic from the rights-based perspective of the Implementation School and focuses on the factors leading to non-compliance with the regulation, and infringement of the rights of asylum seekers. Infringement in this sense is described in 'post-overburden Italy' (discussed in Chapter 2) is seen from the eyes of the survey respondents to stem from a higher-level lack of interest in ensuring that Asylum law and the processes described in EU legislation are followed to the letter. Indeed, the author describes very eloquently how the military background of the officials in charge of processing asylum applications may, in fact, reduce the success of some applicants as the orders from above are ambivalent as to the actual procedures required. This combined with chronic understaffing, an aging workforce, over reliance on external teams (EASO) and a general political climate that is anti-immigrant further reduces the willingness of the state officials to actively aid in ensuring the success of applicants.

The research design utilizes an exploratory qualitative case study informed by expert interviews. This combined with a theoretical analysis of the existing literature and legal analysis of the Regulation (EU) No 604/2013 (Dublin Regulation). This is supported by content analysis of data extracted from NGO reports, European Commission reports, state reports, and the Asylum Information Database. The limitations of this approach have been examined and recognized by the author, and she has made an attempt to mitigate the negative side effect of such a limited sample size.

Indeed, the author has conducted a well-reasoned study which focused on active participation of relevant authoritative actors who are involved in the asylum process / subject knowledge experts in the field. Gaining access to subject experts enabled the author to collect responses to a set list of research questions presented in the form of a semi-structured interview. This data set not only allowed for current theoretical approaches to be examined but also allowed for the author to gather a wider overview of the conditions, situation and success rate of the entire process. The author clearly express that there were a variety of limitations to this type of work, and indeed the work itself. Of course, accessing state employees (or even official statistics) who process applications was not possible (and remains nearly impossible), but the information gathered and analysis conducted is an excellent first step, and demonstrates the authors academic capabilities, and leads the author to point of several areas requiring further research or even areas of the current theoretical corpus which are, perhaps, in need of revision.

3. CONCLUSIONS

(persuasiveness, link between data and conclusions, achievement of research objectives):

Clear link between research outcomes, on-the-ground reality and the theoretical framework which is the foundation for the work. The research objectives have been met and the author provides food-for -thought (areas requiring further study)

4. FORMAL ASPECTS AND LANGUAGE

(appropriate language, adherence to academic standards, citation style, layout):

The author has provided a comprehensive review of the literature (and has analyzed a wide swath of documents and policy instruments- listed in the appendix) as well as secondary data analysis () to support the research findings.

The work is well written, grammatically flawless and meets all expected academic standards for citations, organization and formatting.

The work is written in a clear voice with a clear flow, there is a clear linkage between the subchapters and the research objective.

5. SUMMARY ASSESSMENT

(strong and weak point of the dissertation, other issues)

The end result is a finding that; a lack of control and sanction are sufficient to explain noncompliance with asylum law and the Dublin regulations. The author attempts to explore if there are proper national and EU control and penalty systems in place and question the efficiency of EU agencies in that task. (pg 43) This work attempts to test the validity of the factors behind the non-enforcement of community law in general. The outcome of this analysis is essentially that there is no active resistance to the application of the regulation, but there is also no active attempt to fully meet all obligations either (failing to provide full information or conducting interviews, creating administrative burdens/or scheduling interviews in a way which limit success or are superficial in nature).

As noted above, the analysis of the results of the semi-structured interviews has been supported by document analysis of tangible data like EU legislations, state reports, NGO reports, EU reports as well as a scholarly literature. The author clearly demonstrates that, in the Italian case, the state is failing to fulfill its responsibilities towards asylum seekers, and can no longer claim that the burden of a large number of claimants is impacting the capacity to process and provide protection. Indeed, the author has clearly demonstrated that infringement of the Dublin regulation is not due to overburden, but due to extraneous factors which are difficult to quantify, and even harder to sanction. (given the lack of any effective means for the EU to effectively sanction states, let alone gather credible data which would lead to a sanction being applied to a state)


Overall the author has clearly understood the limitations of the research design and has stated how those limitations may impact the relevance of the work.(pg 26-27) and has endeavored to overcome these limitations through the use of alternative resources and supporting data. In essence the author finds that Italy does not comply with the Dublin Regulation due to two major factors 1) a poor administration, and 2) a lack of control and sanction. The work could indeed be expanded upon; however, the work is appropriate for the level and limited due to the page limit imposed by the faculty. With that in mind the following questions may be posed by the committee.

Proposed questions for the committee:

1.) Why not perform a comparative study of 'good' practices elsewhere vs. these 'incorrect' practices in Italy? Although you present *violations*, we as readers are not provided with a model or threshold in order to compare the reported non-compliance. Is any data available for comparison? If yes, why not include it in the work?

2) How could you incorporate a differing approach, for example an economics-based approach? You approach this topic from a purely rights-based viewpoint?

3) You have an entire section focused on recommendations - but it is unclear as to how much research has been focused on these areas, hence we have no idea if they would actually be effective. Can you elaborate on these recommendations? Is there any evidence of best practice? Do you have examples for comparative purposes?

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| Grade (A-F): | The author has done an impeccable job of providing an insightful analysis of the underlying cause of non-compliance with the Dublin regulations, at the micro-level. The literature review is comprehensive, the limitations of various theoretical approaches has been discussed and the research conducted with a fair degree of rigor. The work meets, and exceeds academic expectations. I recommend the thesis for defense and evaluate as an "excellent" example of academic achievement which exceeds the expectations for this level |
| Date: | Signature: Antonín Mikeš, |
| 12.06.2019 |  |