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Comparative analysis of the EU and US migration systems regarding the protection of forcibly displaced persons

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Abstract: The purpose of the study is to conduct a comparative analysis of the migration systems of the European Union and the United States of America in the field of protection for internally displaced persons. The objectives of the study are to analyze the problems and prospects of asylum systems in the EU and the USA through the prism of international standards. The study uses comparative, institutional and systemic approaches, as well as an analysis of regulatory and legal acts. The main differences in the approaches to granting asylum and in the distribution of responsibility between the EU and the USA are identified. The EU employs a socially oriented approach, while the USA takes a centralized, selective approach to refugee protection. The study's results have practical value for improving national migration policies and increasing the efficiency of refugee protection systems.

Keywords: migration, migration policy, EU, USA, migrants.



Introduction

In modern scientific studies of migration policy, considerable attention is paid to comparing approaches to protecting internally displaced persons in the European Union and the United States. Studies by European researchers highlight the development of the Common European Asylum System as a tool for harmonizing protection standards, while underscoring the limited effectiveness of responsibility-sharing mechanisms between states (Niemann & Zaun, 2023). The application of the Dublin Regulation creates an imbalance in the burden on border countries, calling for reform of the system (Druček et al., 2024).

Studies of the functioning of the asylum system within the Immigration and Nationality Act indicate the complexity of the centralized system, which is associated with the length of application review procedures. The limited nature of humanitarian programs, such as Temporary Protected Status, which do not provide universal access to protection, has also been identified (Anadón, 2023).

A comparison of approaches indicates that the European model is focused on social protection and integration, while the American model is focused on control and selection. At the same time, there is a lack of systematic research in the scientific literature that would comprehensively combine the analysis of legal, institutional and social aspects of the functioning of both systems, which necessitates further research (Fullerton, 2023).

Research Aim and Research Questions

The aim of the study is to conduct a comprehensive comparative analysis of the migration systems of the European Union and the United States of America in the field of protection of internally displaced persons. To achieve this goal, the following tasks have been defined: to analyze the regulatory and legal framework of the functioning of the asylum systems in the EU and the USA through the prism of international standards; to study the institutional mechanisms for implementing asylum policy; to identify the features of the procedures for granting refugee status; to compare approaches to the distribution of responsibility between states; to evaluate models of socio-economic integration of internally displaced persons; and to identify key problems and prospects for improving migration policy in both systems.

Research Results

One of the main differences in the migration policies of the EU and the USA is the distribution of responsibility. The European Union operates the principle of the "first country of entry", enshrined in the Dublin Regulation, which places primary responsibility for considering asylum applications on the countries through which migrants first enter the EU. In the United States, by contrast, there is no similar mechanism for nationwide distribution between states, which allows for more centralized management of processes. However, the problem of excessive pressure on the southern border of the United States remains significant.

The European Union has shown considerable flexibility in recent years in responding to mass population movements, in particular through the implementation of the Temporary Protection Directive. This instrument was activated in 2022 to protect Ukrainian refugees. The directive allows for



the rapid granting of status to an asylum seeker, as well as access to the labor market, education, and social services without the need to individually consider each case. In the United States, there is a similar mechanism – Temporary Protected Status, but its application is more limited and applies only to citizens of certain countries, and not to all forcibly displaced persons. Asylum procedures in the United States are usually characterized by their length and complexity, as well as a high rate of refusals. An important role in this process is played by the judicial system, particularly immigration courts, which can delay consideration of cases for several years.

In EU countries, there are also certain difficulties with the duration of consideration of asylum applications, which reduce the system's efficiency and create an additional burden on national institutions. In response to these challenges, gradual harmonization of standards in the field of migration policy is underway, particularly regarding asylum procedures, conditions for receiving applicants, criteria for determining refugee status, and ensuring legal protection and access to social services. An important direction is also the unification of rules for the distribution of responsibility between member states.

One key area of analysis in migration policy is the effectiveness of social integration of internally displaced persons into host societies. Within the framework of the European model, priority is given to the formation of a social protection system that provides temporary or permanent housing, access to medical services, educational opportunities and conditions for participation in the labor market and public life. In the USA, emphasis is placed on migrants' labor-market participation and independence. his approach promotes rapid economic integration but also increases the risk of social vulnerability.

Given the above differences in approaches to migrant integration, it is appropriate to make a more detailed comparison of the institutional and practical characteristics of the EU and US migration systems. The key differences and common features of their functioning according to the main criteria are summarized in Table 1.

Table 1

Comparison of the US and EU migration systems

Criterion	USA	EU
Legal framework for implementing migration policy	International obligations, national law (Immigration and Nationality Act)	International law (Geneva Convention relating to the Status of Refugees) and Common asylum system
Mechanisms for implementing asylum policy	Centralized system through federal authorities (USCIS, immigration courts) and Temporary Protected Status instruments	Common institutions and national authorities; coordination mechanisms between countries, Temporary Protection Directive
Features of asylum procedures	Single procedure with administrative and judicial review	Partially unified and varies depending on the country
Approaches to the distribution of duties and responsibilities	No interstate distribution, decisions are centralized at the federal level	Determined through the Dublin Regulation

Source: author’s development



Within the EU, migration policy often gives rise to internal contradictions among member states, which significantly complicates the formation of a coordinated strategy to manage migration flows, distribute asylum seekers, strengthen control at external borders, and ensure effective integration of migrants. National interests and the level of readiness to receive migrants determine the heterogeneity of approaches, which affects the integrity of the common policy.

In the United States, migration policy is also characterized by high political sensitivity, but key decisions are adopted at the federal level, which contributes to the system's institutional integrity despite its dependence on changes in the current administration's political course.

Mechanisms for deterring illegal migration play an important role in ensuring control over migration flows, maintaining state security and reducing the burden on national asylum systems. In particular, the EU is actively developing the external dimension of migration policy, concluding agreements with third countries aimed at limiting illegal migration, strengthening border controls and facilitating the readmission of migrants who do not have legal grounds to remain in the EU. The US is focusing on strengthening border controls and restrictive measures on the southern border. Both models have their advantages and disadvantages, and their further development will depend on global migration trends and political decisions.

Conclusions

A comparison of migration approaches shows that in EU operates as a complex multi-layered migration system focused on social protection, but its effectiveness is often hampered by a lack of coordination between member states. In turn, the United States model is based on more centralized management and regulated procedures, which contribute to greater control over migration flows but can, at the same time, narrow the possibilities of obtaining asylum. Thus, both systems demonstrate different approaches to balancing security and humanitarian obligations, and their evolution will be determined by the dynamics of international migration and public policy priorities.

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