An Analysis of the Migration Policies of the European Union and Their Effectiveness in Managing the Current Migration Crisis

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An Analysis of the Migration Policies of the European Union and their Effectiveness in Managing the Current Migration Crisis

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Abstract

The current migration of individuals into the European Union is creating an unparalled and unprecedented crisis that has completely overwhelmed the EU Member States. Migrants entering the European Union have done so via dangerous and deadly sea and land routes, resulting in a devastating humanitarian crisis throughout Europe. As conflicts and instability around the world continue to evolve and escalate, larger flows of migrants continue to pour into the European Union causing the irregular migration of people across Europe’s borders. To counter this, European Union officials have attempted to create migration policies based on border management and security ideals. However, many authors, researchers, humanitarian groups, non-governmental organizations, and some policymakers have countered this approach and called upon the European Union to expand its policies to include more humanitarian measures. Up to this point, the Union remains thoroughly fragmented and indecisive in its response. With this research on the European Union migration policies, along with case studies of EU Member States such as Germany, Hungary, and Greece, the goal of this thesis is to advance new approaches to this difficult situation and to provide policy recommendations, program advice as well as suggestions for further analysis.

Keywords: European Union, migrants, policy, humanitarian, security, border management, irregular migration, Germany, Hungary, Greece.
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Chapter 1: Historical Background and Current Trends

Introduction

On April 18th, 2015, an overcrowded boat carrying an estimated 900 migrants from Libya to Europe across the Mediterranean Sea sank as it overturned. In its aftermath, only twenty-eight people were rescued and only twenty-four bodies were recovered. Just two days later, on April 20th, 2015, another migrant boat, this time off the coast of Greece, capsized, causing three to die, including a small child, and leaving almost eighty to be rescued from the frigid Mediterranean waters (Frantz & Mullen, 2015). More recently, on August 27th, 2015, the Libyan Coast Guard conducted a rescue operation, in which 500 migrants were intercepted on a boat off the Libyan coast, with 200 more people from the boat found to be dead or missing. Finally, in another rescue by the Libyan Coast Guard a small vessel was intercepted and found to have fifty-one migrants inside the cargo hold who had suffocated (UNHCR, 2015a). These tragedies represent just a few small examples of the beginning of a larger, more pertinent trend that has dominated European affairs over the course of the last few years. In December 2015, the International Organization on Migration (IOM) noted that over one million irregular migrants and refugees had entered Europe in 2015 alone (IOM. 2015a). As part of this development, between January 2015 and August 2015, the United Nations High Commissioner for Refugees (UNHCR) reported that over 300,000 migrants had crossed into Europe using the various Mediterranean Sea routes, leaving over 700,000 to have crossed within the last six months of 2015 alone (UNHCR, 2015a). This rapid flow of migrants into Europe, particularly across the Mediterranean Sea among other dangerous routes, has overwhelmed the resources and
The migration policies of the European Union

institutions across Europe. Fueled by unstable conditions around the globe, this then has led to both dangerous consequences for migrants and European Union (EU) states.

Statement of Purpose

Current patterns of irregular and asylum-seeking migration are overwhelming the southern part of Europe and creating an unparalleled crisis that has shocked the EU and world. While the Member States of the EU have long been accustomed to the mass migrations of people across its borders, the current flow of migrants is reaching unprecedented levels. With conflict, poverty, and volatility increasing across nation-states throughout the Middle East and Africa, migrants have increasingly begun to risk their lives crossing dangerous borders through Mediterranean Sea routes and long, complicated land routes. Because of this, EU Member States, especially countries such as Italy and Greece, are facing internal crises of their own that have greatly limited both their financial ability and resource capabilities to adequately manage the issue. In addition, the EU as a whole has struggled to find and create a comprehensive policy aimed at addressing this mounting humanitarian crisis due to conflicting national interests and internal security concerns.

Looking to counter-act this influx of migration, EU officials have been gridlocked on how to best approach the situation. The current rising trend of irregular migration and asylum-seekers across the Mediterranean Sea has created significant financial, social, and political problems for the twenty-eight EU Member States, and has led to competing and narrowly focused national policies related to migration. With limited cohesive legislation and even more limited cross-national policy dialogue, the impact of the fiscal burden for the incoming migrants has been pushed onto the Southern European states, adding to the stress of states still reeling from the 2008 global financial crisis. More significantly, the massive inflow of migrant
populations has so severely choked many the EU Member States that nationalistic and negative citizen perceptions of the incoming migrant groups have further hindered and threatened already fragile national policies. This negative perception of the incoming migrants has created a stalemate when attempting to create unified EU legislative measures. While the 1997 Treaty of Amsterdam first brought the issue of migration to the center of EU policies, recent approaches under the 2015 EU Agenda on Migration and other complimentary pieces of EU legislation have produced varying outcomes. As a result, many EU Member States have created their own policies aimed at stemming the flow of migrants. This has thus complicated the regulatory nature of EU migration policy and added more inefficiency to its already fledgling implementation. In all, as the flow of irregular migrants into the EU tops one million, the importance of a cohesive and holistic policy within the EU becomes more critical for humanitarian, security and political reasons (IOM, 2015a).

This thesis will explore these recent legislative approaches and attempt to further understand the effect they have had on the current migration crisis. To do this, the paper will attempt answer the following research questions: Are the current policies towards irregular and asylum-seeking migrants into the EU sufficient to adequately address the migration crisis which is threatening the very existence of the EU? If not, what measures could be incorporated to help solve this problem. More specifically, it will investigate how these EU regulations address the critical factors within the crisis and will analyze whether these interactions have helped to facilitate a solution to the problem or if they have further impeded it. It will also take particular notice of how the concept of EU solidarity has become an increasing obstacle in connection with the management of this issue and will attempt to determine if the current approaches under the Agenda on Migration adequately address this central concern. To do accomplish this goal, this
thesis will explore three case studies analyzing EU Member States Germany, Hungary, and Greece to understand how the policies discussed within the literature review have affected these states in different ways. Based on this research, the final sections will then analyze all of this information and provide policy recommendations for the most pressing needs and trends found within the research. The overall goal of this thesis is to add more knowledge about the general topic to the current debate. More prudently, it will offer a concise overview of the key elements, legislations, root causes and issues ingrained within this problem.

**Historical Background**

Irregular migration and asylum-seeking refugees have been a part of Europe’s history since World War II (WWII). Since then, the changing global system has played dynamic role in affecting both the patterns of migration flow and the development of European migration policy. This changing system was especially relevant during the birth of the European Coal and Steel Community and later the European Economic Community (EEC) in the 1950s, when the migration of people across Europe increased as new geopolitical landscapes were created in the forms of both physical boundaries and invisible cultural borders (Dustmann and Frattini, 2012). Due to the post-WWII movements between 1945 and 1950, it is estimated that net migration within Europe was between twenty and thirty million people (Fassmann and Munz, 1994). In addition, other forms of shifting global polity began to affect migration in Europe after WWII. The beginning of the Cold War in the 1950s between the United States and the Soviet Union was critically integral in affecting this change, as it began to both politically and socially divide Europe and create waves of political refugees and asylum-seekers into Western Europe. While this divide was happening, efforts at decolonization throughout the 1950s and 1960s spurred massive independence movements in Africa. This further intensified the
movement of people as political and economic spheres changed along with people’s basic human freedoms (Dustmann and Frattini, 2012). This decolonization period saw over one million people move into France from former French colony Algeria between 1954 and 1962. Many more colonists returned to Great Britain, Belgium, France, and the Netherlands too (Zimmerman, 1995). In particular, though, in the 1950s, large movements of people from Southern Europe and the non-European Mediterranean countries began to migrate into both Western and Northern Europe. This movement was due to increasing economic opportunities post-WWII and due to serious labor shortages within the northern parts of Europe (Dustmann and Frattini, 2012). During this time, almost five million people from the Mediterranean States emigrated to Northern and Western Europe due to these labor shortages (Zimmerman, 1995). In all, after WWII, boundaries, political structures, economic systems, and social cultures, began to go through an intense era of change. This change led to large deviations in migration patterns as people moved from the edges of Europe to its center.

In the 1960s and 1970s large-scale migration from former African colonies became a predominant trend, along with a large wave of inter-European movement. This movement was highlighted by the oil crisis of 1973, which caused dramatic increases in unemployment throughout both Western and Northern European nations. This migration directly coincided with the establishment and subsequent expansion of the EEC in 1957. Under the EEC, Europe began forming larger common markets and larger networks of freely moving capital, goods, and people, which all affected migration movements (Dustmann and Frattini, 2012). Finally, in 1991, the collapse of the Soviet Union also led to large scale refugee movements. Conflict, along with political and economic restructuring within Eastern European states and the newly created Russian Federation, forced the migration of populations and asylum seekers to Central
European countries like Germany (Tishkov, Zayinchkovskaya & Vitkovskaya, 2005). This conflict related migration was particularly true for the Balkans, where religious and ethnic war led to the migration of asylum seekers and refugees from Albania, Serbia, Kosovo, Croatia, and Bosnia and Herzegovina into Southern European countries like Greece (Tishkov, Zayinchkovskaya & Vitkovskaya, 2005). Between 1991 and 1993, due to the Balkan War, over 700,000 asylum seekers entered Western Europe from these states (Fassmann and Munz, 1994). Between 1950 and 1992, an estimated fourteen million documented immigrants came into Europe (Fassmann and Munz, 1994). In all, Europe’s immigration history from WWII until the turn of the century encompassed mostly movements of people within European boundaries, with a few notable exceptions during the decolonization period in Africa. This movement highlights Europe’s long history with immigration, and showcases its ingrained response to coping with the mass migration of people.

**EU Legislative History**

Having looked at a brief history of migration patterns in Europe after WWII, it is equally important to understand how historical EU policies related to immigration play a role in the current migration crisis. The history of immigration legislation within the EU derives from the more general policies instituted by the EU during its inception. One of these common regulations includes critical policy notion that continues to cause tensions between the EU Member States even today. Beginning as a cooperation for economic and energy prosperity in the 1950s, the notion of EU integration meant that Member States slowly began giving up some autonomy. For the purposes of immigration, this integration concept would have reverberating consequences in the future. To some EU states, this strategy forced them to participate in migration activities that they otherwise would deem inappropriate or inconsistent with their own
national values. The most dramatic form of this integration, occurred in 1985 when the then ten existing EU nations, along with a few other non-EU states, signed the Schengen Accord. This agreement provided the EU with a common visa system, a right to work freely within Schengen nations, and the ability to maintain and distribute information within Schengen countries for border security purposes. Most importantly, though, Schengen enabled the freedom of movement for persons within the Schengen agreement area, providing unlimited and unimpeded access to different parts of the EU (Gardner, 2007). While this agreement does not specifically outline policies for migration, it does provide the beginning of a context for policies regarding control and authority structures over immigration. The main clause behind the Schengen Accord, which allows for the free movement of people, will later become one of the more controversial aspects of EU migration policy. More prominently, it would become a major issue among EU Member States, later hindering the creation of a strong and cohesive E.U migration policy.

This movement of people defined under Schengen would be further validated and later expanded under the overarching Maastricht Treaty of 1992, which created the EU as it is known in today’s context (OJEC, 2010). As part of this treaty, the newly-formed EU began to expand beyond the concept of just a common market system, creating both political and security ambitions as well. As part of this expansion, the twelve EU states agreed to increase their competencies to include the establishment of an economic and monetary union in order to create stronger social dimensions within the overall community. They also established a common security and foreign policy agenda as well as strengthened the legitimacy of EU democratic institutions (OJEC, 2010). Most importantly, it established the framework for EU citizenship, declaring it above national citizenship, and thereby laying the groundwork for the future
expansion of inter-EU integration policies. In essence, the Maastricht Treaty opened the door for the collective ideology that would come to define the EU, expanding its integrated nature beyond purely just an economical system, to encompass social, political, and security-related elements as well.

Following the expanded competencies under Maastricht in 1992, the next crucial policy relating to EU migration policy was the 1997 Treaty of Amsterdam. This treaty presented important procedures and protocols related to border controls, asylum, immigration, and police and criminal procedures (UNHCR, 2003). More intricately, this treaty looked to create standardized processes for cooperation within EU Member States relating to asylum-seekers and immigration, while also protecting the rights of third-country nationals. This treaty essentially proclaimed asylum-seeking and immigration competencies to be governed by the EU as a whole. The goals of the treaty included the creation of uniform VISA processes, the establishment of standards for the inter-EU movement of third-country nationals, and the strengthening of border check systems. It also attempted to address potential future concerns by calling on Member States to adopt stronger refugee status protocols. This included the establishment of criteria for the reception of asylum-seekers into the EU, along with formalizing and strengthening standards for protection status and conditions on residence and stay (UNHCR, 2003). Overall, the Treaty of Amsterdam represented the first clear attempt by the EU to formulate policies and procedures related to immigration, while also removing some autonomous aspects of immigration from the Member States to the EU.

Two years after the Treaty of Amsterdam was signed in 1997, the European Council created a five-year program under the Tampere Conclusions called the Justice and Home Affairs Department to enforce the ideals established under the Treaty of Amsterdam. Under this
department, a common EU asylum and immigration policy was established aimed at ensuring the concepts of justice, freedom and peace, established under the Treaty of Amsterdam (IOM, 2009). With this new department, policy objectives for immigrants, asylum seekers, and border management strategies were separated into four main categories. These categories included the creation of partnerships with external countries of origin, the establishment of a common EU asylum system, stronger human rights policies for third-country nationals, and better border control management systems to deal with migration flows. Within each category, broad regulations and rules were then set to meet policy goals. In 2004, these policy goals were expanded under the Hague Programme, which emphasized a strong need for comprehensive EU policy in all stages of immigration, including defining the human and civil rights of immigrants and asylum seekers. These same rules would, in somewhat vague terms, be reestablished under the Lisbon Treaty signed in 2009 (IOM, 2009).

The Lisbon Treaty was a critical agreement within the overall framework of the EU. Under this treaty, a new point of balance was established within the EU as previously held disputes between EU Member States were addressed and an update of EU processes as a whole were made (Maganza, 2007). Generally speaking, the Lisbon Treaty acts as a consolidation treaty, utilizing the first two sections to amend the Maastricht Treaty of 1992 and the 1957 Treaty of Rome which established the European Economic Community (Maganza, 2007). Within these amendments, various processes and protocols related to legislation drafting, majority voting, member composition of the European Council, and the powers held by the European Parliament were changed to reflect both the expansion of the EU and the current institutions within it. In addition, this Treaty also formalized the institution of the European Commission, creating a presidential office to oversee its members, while also creating a position
within this commission for the running of its foreign affairs and security policy agendas (Maganza, 2007). Most importantly, in regards to migration policy, the Treaty reiterated a call for a common EU asylum system. Under this system, the Treaty insisted that there should be a uniform EU asylum status for incoming asylum-seekers, a temporary common protection system for displaced migrants in the event of a crisis, and a common criteria for establishing which Member States are responsible for incoming asylum applications or similar protection inquiries (Boronska-Hryniewiecka, Brudzinska, & Sasnal, 2015). Overall, this treaty represented another vital step in formalizing the institutions of the EU along with the branches of government within it. By adding a deeper integration component, while also expanding its foreign affairs, security, and common asylum competencies, this treaty would later have an important effect on EU migration policy.

Finally, the last critical historical piece of legislation passed by the EU is the Dublin Convention, signed in 1990 and later revised in 2003 and 2013 (European Union, 2013). This Convention has become one of the most controversial and debated policies within the EU’s overarching migration policy and has had significant consequences within the framework of Europe’s current crisis. This convention simply states that all asylum application requests must be processed in the country in which the asylum seeker first enters. This clause was established in order to avoid multiple asylum requests among Member States while also theoretically creating a more simplistic and fluid system (European Union, 2013). This practice also aimed to keep asylum seekers from moving deeper into Europe’s interior through secondary movements (Carrera, Blockmans, Gros, and Guild, 2015). However, this Convention has created serious problems within EU countries of entry, including placing a severely disproportionate burden on already struggling nations in Southern Europe. The overwhelming tide of migrants from the
current crisis has caused humanitarian problems, shortages of resources, and the creation of inadequate reception centers and facilities within these states (Carrera, Blockmans, Gros, and Guild, 2015). Currently, the policy has become so impractical and inefficient that nations such as Germany and Finland, once avid defenders of the policy, no longer consistently abide by its regulations (Matthee, 2015). In the end, the Dublin Convention has become one of the main points of contention within EU migration policy and is seen as an area of glaring concern for the EU’s future (European Union, 2013).

These general policy regulations have become the foundation for the current migration crisis facing Europe. With controversies over legality and authority of the incoming migrants crossing the Mediterranean Sea, the EU Member States have clashed in how these previous policies affect the current situation. In essence, these policies come down to how illegal immigration is explained by the EU, and how effective EU policy is in achieving its stated goals. According to the European Commission, illegal immigration is defined in two main ways. It is either, “...the clandestine entry of third-country nationals in the territory of the Member States by land, sea, and air, the practice of third-country nationals to overstay their visas or change the purposes of their entry and residence without permission,” or “...the continuation of residence of rejected asylum-seekers in the Member States despite their obligation to leave the territory of the EU after a final negative decision on their asylum application is taken” (Mavrodi & Jonjic, 2012). This policy context is critical in understanding the conditions in which EU states qualify the status of immigrants within their borders and presents an overarching baseline for people defined within this crisis. In all, illegal immigration and the policies surrounding its management have become the central focus of perhaps the most pressing immigration crisis in Europe’s history (Mavrodi & Jonjic, 2012).
The Controversy among EU Member States

The current debate between EU Member States comes down to how to best manage the rapid flow of incoming migrants. While some states want more restrictive security measures, others want more burden-sharing and management of the crisis within the entirety of the EU. Within this divide, three main camps have emerged. The first group includes the Southern EU states of entry, and includes most predominantly the states of Italy and Greece (Parkes, 2014). This group has been hit the hardest by the migration crisis, and has faced severe issues regarding lack of resources, overwhelmed and inadequate institutions and systems, and financial instability. To the Southern EU states, it is imperative for both humanitarian and management reasons to increase resources and financial support to these states. It is also critical to develop mechanisms and schemes for other EU states to resettle and relocate the tens of thousands of people that continue to overcrowd border reception centers (Parkes, 2014). The second group, the Northern states, comprises Germany, France, the Scandinavian states, and the United Kingdom (UK). These states generally agree that more burden-sharing is important in order to relieve the pressure on Southern states along with better managing the flow of people (Boronska-Hryniewiecka, Brudzinska, & Sasnal, 2015). However, these states remain irritated by what they perceive as the Southern states’ failed ability to properly utilize EU mechanisms to better manage this crisis. More aptly, they are frustrated by the large flows of secondary movements from these Southern states, which have allowed hundreds of thousands of migrants to bypass normal asylum protocols under the Dublin system. Most migrants have entered these northern territories because these states are generally the more preferred location for asylum-seekers due to stronger economies and resources available for integrating refugees (Boronska-Hryniewiecka, Brudzinska, & Sasnal, 2015).
The third group includes the Eastern European states, most notably Hungary, Austria, Poland, and the Czech Republic (Pastore, 2015). This group, which has seen huge waves of secondary migration particularly between since October 2015 due to an increase in arrivals of migrants into Greece, vehemently opposes any type of uniform or mandatory resettlement or quota system. To them, it is each individual state’s responsibility to best protect the interests of their country and to only allow in the number of asylum-seekers that most adequately matches their resources, abilities, and best practices (Pastore, 2015). This group has been criticized by the overarching EU government, along with international human rights groups, because they have imposed a series of highly restrictive border control measures aimed at drastically cutting down on incoming migrants. In essence, these three groups present varying ideologies and approaches on how to best deal with the current migration crisis affecting the EU. These deep divisions have made it even tougher to achieve united legislative solutions.

The Current Crisis: Root Causes and Derivations

The migration crisis affecting the EU today is a result of crumbling political and economic situations seen around the world. The UNHCR, in its 2014 Global Trends Report, highlighted this increase in worldwide turmoil. This report revealed that while in 2011 42.5 million people were displaced by global conflict and violence, by the end of 2014 that number had jumped to almost 60 million (UNHCR, 2014). More specifically to Europe, the UNHCR estimates that in 2011 around 70,000 people entered Europe due to conflict (UNHCR, 2014). Just five short years later, the IOM states that the number had jumped to over one million people (IOM, 2015a). In essence, since 2011 the overall movement of people due to displacement has briskly accelerated, and because of this more displaced people have begun to move towards Europe. Data from both the UNHCR and IOM indicate that the world’s largest
countries of origin for refugees since 2011 are Syria, Afghanistan, Somalia, Eritrea, and Iraq (UNHCR 2014, 2015b). Citizens of these countries have fled primarily for reasons of conflict and persecution, with most looking for protection under international law.

Since 2011, Syria has produced the largest number of displaced peoples and refugees (Hume and Pawle, 2015). Due to a large-scale civil war, along with increasing violence from extremist groups like the Islamic State of Iraq and Syria (ISIS) and Al Nusra, over 13.5 million Syrians are currently in need of humanitarian aid and services (Amnesty International, 2016). This Syrian crisis, along with escalating conflict within this region since 2011, has created a logjam of refugees within neighboring nations such as Turkey, Pakistan, Lebanon, Iran, Ethiopia, and Jordan (UNHCR, 2015b). Currently, over 2.5 million Syrian refugees are being hosted in Turkey, while another 1.1 million are residing in refugee camps in Lebanon (Amnesty International, 2016). This swell of refugees into neighboring states of conflict has placed significant pressure on host states. Declining local economies, limited resources, and crumbling infrastructure of refugee camps, have made the lives of incoming refugees even more difficult, especially as the camps continue to grow at staggering rates (UNHCR, 2015b). Because of this intense situation within host nations for refugees, along with the lengthy and limited legal pathways available to them in order to gain asylum status, many people have chosen to utilize trafficking and smuggling networks to more quickly move into Europe (UNHCR, 2015b). Taking advantage of the EU’s open Schengen border system, many migrants, once landing in states of first entry like Italy and Greece, easily push deeper into the EU. Through secondary movements, they then end up in more resource-rich states like Germany, the UK, and Sweden (Matthee, 2015). This migration system has, in turn, overwhelmed Southern and
Eastern European states and angered Northern European states, leading to a rift in policy coherence and setting the stage for further policy controversies as part of the current crisis.

The turmoil of the Arab Spring in 2011, along with emerging conflicts in Syria and Iraq has accelerated the displacement of people within the current migration crisis. This trend can be seen in data collected by EU institutions like the IOM and Frontex, the EU’s main border security agency. Starting in 2011, EU border crossings jumped 35% from previous numbers in 2009 and 2010, and in 2013 applications for asylum jumped to over 350,000, the largest since the E.U started tracking data in 2008 (Park, 2015). Initial surges in 2011 caused thousands of Tunisians arrive onto the island of Lampedusa in Italy after the political unrest in that nation. The surge was followed by another wave of sub-Saharan Africans from Libya in 2011-2012 after the fall of former Prime Minister Muammar Qaddafi (Triandafyllidou, 2013). More recently, the crises in Syria and Iraq from ISIS, along with the ongoing civil war in Syria, have sent hundreds of thousands of refugees to Europe’s borders (Park, 2015). Overall, migrants have found themselves with little resources or help from national or international organizations or governments. Under the weight of crippling poverty, lack of basic services, and growing insecurity, hundreds of thousands of civilians have been killed in conflicts across the world. Because of this, migrants find no other option than to risk dangerous journeys to Europe under just as oppressive conditions, in search of an uncertain, yet better future. In all, recent deteriorating security and economic conditions have led to a spike in migrants and asylum-seekers from Syria, Eritrea, Somalia, Iraq, Nigeria, South Sudan, Libya, Tunisia, and the Central African Republic since 2011 (Park, 2015).
The Migration Routes

The Mediterranean Sea has become a prime route for irregular migrants and asylum-seekers over the last few years. In 2014, over 219,000 migrants crossed the Mediterranean, and in 2015 over one million made the journey (UNHCR, 2015b; 2015a). These sea routes have comprised of three main paths that migrants have used to enter Europe. The first includes the Western Mediterranean route. This passage crosses from Northern Africa, primarily Algeria and Morocco through the Strait of Gibraltar to Spain and the Balearic Islands (see Figure 1) (Lusenti & Watanabe, 2014). While irregular border crossings from this route declined in 2012 and 2013, after a then high 8,500 detections in 2011, it experienced a 70% spike in 2014. This increase saw 12,500 crossings from migrants fleeing conflicts in Cameroon, Chad, Mali, Sudan, the Central African Republic, Nigeria, and South Sudan (Lusenti & Watanabe, 2014; Park, 2015). In 2015, the number again declined to less than 4,000 crossings as migrants, smugglers and traffickers began to more fully utilize the Eastern and Western corridors (IOM, 2015a).

The second major passage includes the Central Mediterranean route. This pathway is one of the major entry ways for irregular migrants from Western Africa and the Horn of Africa to the EU. This route crosses over from Northern Africa, primarily Tunisia and Libya, to the Italian islands of Lampedusa, Sicily, and Pantelleria, along with the nation state of Malta (see Figure 1) (Triandafyllidou, 2013). Instability, as a consequence of the Arab Spring movement, along with other poor economic conditions and the civil war in Syria, have led to a strong increase in migrants using this path. This was particularly true in 2013, 2014, and the early months of 2015 (Lusenti & Watanabe, 2014). These crossings have typically experienced large flows of Syrians and Somalis, and increasingly Eritreans. Eritrea, a small nation of only six million people to the north of Ethiopia, has witnessed tremendous flows of people leave its country over the last few
years alone (Laub, 2015). This Eritrean displacement is due in part to a mandatory national service program that, according to the UN Commission, exhibits human rights violations such as arbitrary detention, forced labor, and sexual torture. These acts, along with mounting systemic poverty, have led to over 500,000 Eritreans becoming refugees in the last few years. While most refugees have gone to camps in Sudan and Ethiopia, over 80,000 have made their way to the EU utilizing the Central Mediterranean route (Laub, 2015). In 2015, the IOM reported that almost 150,000 migrants crossed into Italy via the Central Mediterranean route (IOM, 2015a).

Finally, the last major passage route across the Mediterranean includes the Eastern Mediterranean route. In late 2015, and already in 2016, this route has become by far the most traveled route into Europe (IOM, 2015a). This corridor includes both the sea passage from Turkey to either Cyprus or southern Greece, along with land routes crossing from northern Turkey into Greece (see Figure 1) (Lusenti & Watanabe, 2014). This route has experienced a strong increase in migrant crossings as conflict in Syria, Iraq, and Afghanistan have led to a major influx of Syrian, Iraqi, and Afghan migrants (Lusenti & Watanabe, 2014). In 2015, over 821,000 migrants crossed through this route with only 3% of those entering via land channels (IOM, 2015a). These major routes, in particular the Central and Eastern ones, continue to experience increased levels of travel as world instability and conflicts further push people from their homes and countries of origin due to political, economic, or social strife.
Figure 1: EU Western, Central, and Eastern passage ways map (Lusenti & Watanabe, 2014).

The Trends

Since 2011, the rise in incoming irregular migrants, along with asylum-seeking refugees, has been staggering. In 2009 and 2010, for instance, the number of irregular border crossings into the EU represented only around 104,000 persons (European Parliament, 2015b). After this, statistics quickly rose, with one exception. In 2011, over 141,000 irregular border crossings were detected (European Parliament, 2015b). However, in 2012, due to serious efforts particularly by Italy, the number significantly declined to around 72,000 persons (European Parliament, 2015b). In 2013, due to escalating conflicts around the globe, irregular border crossings rapidly rose again, eclipsing 107,000 in 2013, and over 283,000 in 2014 (European Parliament, 2015b). These same trends are evident in data surrounding asylum-seeking requests as well. In 2009, over 264,000 asylum applications were processed in the EU, followed by over 259,000 in 2010, 309,000 in 2011, and 335,000 in 2012 (European Parliament, 2015a). In 2013, the number of requests increased by over 30% to over 435,000 applications, and in 2014 that
number again increased by almost 45%, hitting over 626,000 applications (European Parliament, 2015a). During this time, Germany, Sweden, Italy, France, and Hungary overwhelmingly processed the largest number of applications, handling almost 75% of all applications to the EU in 2014 (European Parliament, 2015a). These numbers, however, would climb even higher in 2015, setting the stage for future issues among asylum-seeking resettlement disparity and continuing to deplete the resources of already weary entry states.

The Current Numbers

Since record numbers of migrants from around the world have begun to enter Europe, the question of who is going to accept them has been a critical area of debate. While over one million migrants entered Europe last year primarily through Greece and Italy, not all of those who entered have applied for international protection or asylum, and even fewer have been accepted and moved to their new host countries. Because of this, many migrants continue to live in refugee camps or detention centers, waiting potentially for months for their applications to be processed. Others have decided to use illegal channels to enter Europe. According to Eurostat, in 2015 a record of 1,321,560 asylum requests were made in the EU, with over 350,000 of these being Syrians who applied for first-time asylum, far outpacing Afghans (over 175,000), and Iraqis (around 125,000) (BBC News, 2016). This amount represents an explosion from 2014, which experienced only around 626,000 asylum applications (Eurostat, 2016). Reflecting the accords within the Dublin Regulations, the processing of incoming migrants has fallen predominantly on the Southern states of Italy and Greece, and more recently other Balkan states such as Bulgaria (UNHCR, 2016a). In total, the flow of people in 2015 consisted of over 820,000 who arrived by land and sea to Greece, over 150,000 by sea to Italy, almost 30,000 to Bulgaria by land and around 4,000 to Spain, Malta, and Cyprus by sea (IOM, 2015a).
However, despite the majority of people entering Europe through the Southern States, most placement requests for asylum have fallen onto the Northern states of Germany and Sweden (Eurostat, 2016). This has become more true as the Dublin Conventions have been either challenged in European courts for human rights reasons or ignored due to the impracticality of sending migrants back to overwhelmed detention centers in Italy or Greece (Boronska-Hryniewiecka, K., Brudzinska, & Sasnal, 2015; Matthee, 2015). In 2015, Germany received over 476,510 asylum applications, outpacing Hungary which was second with approximately 177,130 applications, and Sweden which also received over 160,450 (Eurostat, 2016). Overall, in 2015, Germany, Italy, Hungary, Austria, and Sweden accounted for almost 75% of all application requests, demonstrating the lack of proportionality in terms of requests across all the twenty-eight Member States (Eurostat, 2016). Despite this large number of claims, in 2015 only 292,540 applications were officially approved for asylum, with Germany approving 140,910, Sweden 32,215, Italy 29,619, France 20,630, the Netherlands, 16,450, and the UK 13,905. However, due to the lengthy asylum process this number could include approved claims were first processed a year or two before 2015 (BBC News, 2016). With so few acceptances, and with certain EU states unwilling to accept asylum-seekers, an astounding build-up of migrants is occurring at reception centers in countries of first entry, causing heightened security tensions and creating a desperate atmosphere for already suffering people. Figure 2 below presents the numbers of asylum applicants to each state in 2015, depicting the disproportionate burden-sharing among states accepting asylum applications (Eurostat, 2016).
Following the pattern of the last six months of 2015, the flow of irregular migration has been predominantly centralized within the Western Balkan states, most notably Greece, in early 2016. With over 80% of all arrivals coming via this Eastern route, pressure from secondary movements and EU resettlement schemes to other Balkan states have steadily increased (Hume and Pawle, 2015). Already in the first two months of 2016 (January and February), over 115,000 irregular migrants have arrived on Greek islands (UNHCR, 2016a). Secondary movements of people, including those from 2015 as well as 2016, have led to over 87,000 new arrivals to the Republic of Macedonia, 92,000 to Serbia, almost 102,000 to Croatia, 96,000 to Slovenia (estimated due to incomplete data), and 108,000 to Austria (UNHCR, 2016a). Hungary, while a main state of entry for migrants in 2015, has had limited arrivals in 2016, due to highly
restrictive policies and closed borders. Following this restrictive border and security oriented trend, in early January 2016, Sweden, Finland, and Denmark all placed significant barriers or checkpoints along their borders in order to curb the tide of irregular migrants into their countries (Bilefsky, 2016). In late January and early February 2016, Austria, Serbia, the Republic of Macedonia, and Croatia followed suit and applied similar restrictive and entrance barring policies along their borders as well (Arens, 2016). The UK and Ireland, too, have removed themselves from participating in future EU-wide relocation or resettlement schemes, utilizing their EU participation opt-out clauses to essentially shut the door to incoming migrants (Boronska-Hryniewiecka, Brudzinska, & Sasnal, 2015).

Prominent among these newest arrivals to Greece are Syrians, who represent almost 50% of the arriving population (Hume and Pawle, 2015). This is followed by Afghan refugees at 20% and Iraqi refugees at 7%, both of which are suffering from high displacement rates due to lingering conflicts with groups like the Taliban, Al Qaeda, and ISIS (Hume and Pawle, 2015). An analysis of Italy in 2016 has witnessed far fewer migrants entering the EU through this entry state. In January 2016, the UNHCR reported only 5,273 new arrivals (UNHCR, 2016b). These new migrants represented predominately the nationalities of Nigeria, Gambia, and Guinea, fueled by recent conflicts, mostly notably from Boko Haram, along with instances of severe poverty (UNHCR, 2016b). Having examined the context behind the crisis and the intricate geo-political and complex layers inherent within it, the following chapter will look at the specific methodology of this thesis, along with the questions and objectives that it looks to explore. After exploring the approach behind this paper, the following chapters will then present a synthesized analysis of the current migration crisis as well as advance new trends and developments to the established body of knowledge on this topic.
Chapter 2: Research Design and Methodology

Research Design

The purpose of this thesis is to contribute to the ongoing study of the current migration crisis affecting the EU due to irregular migration and asylum-seeking movements of the last several years. Among other aspects, this paper provides an analysis of the recent legislation from May 2015 to December 2015 in order to better understand the EU perspective on how to address the critical issues of the crisis. While analysis of recent legislation will be primarily from May 2015 to December 2015, the overall research analyzes the EU migration crisis from 2011 to the beginning of 2016. This period of time was chosen to encapsulate the main root causes of the conflict that have led to the current flow of displaced people into Europe.

Using a literature review consisting of insights from policy makers, experts, and other researchers, this thesis will interpret the overall effects that EU legislation has had on the ongoing crisis and discuss whether or not these laws have helped or hindered the resolution of the crisis in general. This review is split into three sections aimed at providing maximum comprehension on the topic. The first section will consist of an overview of key pieces of EU legislation, offering an important synopsis of the crucial elements being examined in this paper. The latter two sections will then reflect a more traditional literature review format, presenting commentary and critiques of EU policy relevant to this paper. Using a multi-country case study, this thesis will more deeply explore the recent effects that EU legislation has had on three countries in EU, showcasing the different perspectives, ideologies, and conflicts inherent within this complex situation. Case studies have inherently been shown to provide rich context within qualitative method studies that can highlight important causal processes (Stake, 1995). It is because of this that they will be used within this paper, and will be a valuable analytical tool in
achieving the main objectives of the thesis. In the end, this thesis will use the findings from both
the literature review and the three case studies to provide a rich discussion of the overarching
trends and issues affecting EU migration policy. It will then advance recommendations that can
be utilized to help solve this dangerous crisis.

This study will be exclusively qualitative in its methodology and analytical in nature, as it
will look to investigate and explore the current policy data already available by the EU. It will
be non-experimental and will use only unobtrusive methods such as content and secondary
analysis. The primary strategy is the exploration of the contents and practices of EU reports,
research, policy papers, working papers, and other relevant publications from government and
non-governmental groups and organizations. In addition, the research will use the traditional
theory paradigm to address its multiple objectives. As the subject under investigation is
constantly evolving every day, it is important to stay up to date on the current and readily
available source material. Therefore, sources of information such as newspapers, press releases,
and other forms of non-peer reviewed material have been utilized as well in this thesis.

**Research Question and Objectives**

To guide this paper’s analysis, a number of different questions and objectives will be
addressed. Due to the ongoing nature of the topic, much of the research within the area is still
limited in scope and depth. Nevertheless, the paper will look to fill in some of the key gaps and
trends emerging from this topic. Through this analysis, it will focus on the following questions:

*Are the current policies towards irregular and asylum-seeking migrants into the EU sufficient to
adequately address the current migration crisis which is threatening the very existence of the
European Union? If not, what measures could be incorporated to help solve this problem?* With
these questions in mind, the paper will attempt to add to current research and provide additional insights and recommendations on this ever-evolving and complicated topic.

To further guide this inductive study, the following objectives will also be used to supplement the research question and to provide substance to the final analysis in this paper. These objectives include:

1. To investigate and research the current common policies within the EU regarding irregular and asylum-seeking migration.
2. To better understand the conceptualization behind the ideologies of current EU policies.
3. To address the potential gaps in policy, which might be responsible for the escalation of this problem.
4. To provide recommendations of how to create more efficient or holistic policies aimed at de-escalating the current migration crisis.

Overall, this research hopes to assist in better evaluating and understanding the intersection between EU migration policy and the current crisis affecting the EU and its Member States.

**Conceptualizations**

Due to the complexities inherent within the topic, a number of challenges occur when conceptualizing the various concepts and terms. With increased media attention due to the severity of the crisis, a number of critical terms have been either generalized or misrepresented. This generalization has led to potentially confusing ideas within the discussion of the overall topic. Because of this, it is important that many of these terms are defined so as to avoid confusion and to further clarify certain statements or concepts.

The most significant issue in need of conceptualization is the phrase “European migration crisis.” Under this broad term, this thesis will refer to the events surrounding the increased
irregular migration and asylum-seeking flows into Europe from 2011 to the beginning of 2016. This five-year period has been selected not only due to the increased rates of both irregular migrants and asylum-seekers into the EU during this time, but also because it coincides with numerous global events that took place starting in 2011. In addition, the timeframe shows the intersection of the crisis as a consequence of the Arab Spring and Syrian conflicts, which helped to spur a rapid increase in the movement of people. Finally, the period will allow for sufficient time when attempting to analyze increased migration trends and statistics.

The next critical element revolves around the classifications of people currently entering Europe. These terms include irregular migration, migration, migrant, refugee, and asylum-seeker. Too many times these terms have become synonymous with each other and have been difficult to distinguish between. For the purposes of this paper, they provide a distinct context needed to explain certain aspects of EU policy or programs. The current crisis gripping the EU today revolves primarily around irregular migration. Irregular migration is a complex term with a vague meaning that can often differ from country to country. The IOM itself dedicates an entire paragraph to defining irregular migration. It explains it as:

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country (IOM, 2015b).
When looking at the issues related to this paper, irregular migration will be the predominant form of migration analyzed as it provides the majority of the cases causing key problems within the EU today. Equally importantly, the IOM definition of irregular migration will be utilized, as it is the key agency which tracks the current movement of migrants within Europe right now.

In addition, it is also critical to conceptualize the stages in which people enter the EU as well as their overall status once they go through certain processes. For the purpose of this research, the terms listed below will be defined using the framework by Zurich’s Center for Security Studies and the authors Alexandre Lusenti and Lisa Watanabe, along with definitions from the IOM and European Migration Network (EMN). These classifications will be used as they offer the clearest and most effective definitions. In addition, they are being defined by organizations and groups most intricately involved in the current crisis. Listed below are the critical conceptualizations for terms referring to a person’s status upon entering the EU:

**Migration**: This overarching term is essentially defined by the Zurich Center for Security Studies as the movement of people, or a person, either within a state or across an international border, no matter the length or cause (Lusenti and Watanabe, 2014).

**Migrant**: According to the EMN, a migrant is classified or defined in fairly vague or general terms. This includes a person who, having previously lived in a different third country or Member State, establishes a new permanent residence in a state of the EU for a time period that is, or could lead to, at least 12 months (EMN, 2014).

**Refugee**: Following the rules and protocols defined under the UN Geneva Conventions, the IOM defines a refugee as a person who, facing a clear or credible fear of persecution due to religion, race, nationality, political opinions, or membership to a particular social
group, has left the country of his or her nationality and subsequently asks for protection from that country in which they have been persecuted (IOM, 2015b).

Asylum-seeker: According to the Zurich Center for Security Studies, an asylum-seeker is conceptualized as a person who has applied for asylum or protection status under the Geneva Conventions, but has yet to receive a final decision on the status of his or her application from relevant international or state institutions (Lusenti and Watanabe, 2014).

In addition to terms referring to people involved within this crisis, definitions for a number of concepts relating to EU policy and programs are needed to better clarify specific policy elements. These include:

Country of Origin: According to the EMN and subsequently through EU documents, one’s country of origin refers to the state of nationality or former permanent residence for a currently stateless person (as they are either an irregular migrant or still in the asylum-seeking process) (EMN, 2014).

Country of Transit: The EMN defines a country of transit as a state or nation in which either regular or irregular migration flows move (EMN, 2014). In essence, this is defined as the country or countries a migrant passes through in order to get to their country of destination, which differs from their country of origin (EMN, 2014).

Readmission Agreement: This agreement, which is featured prominently in many pieces of EU legislation, represents an accord between the EU and a third country related to migration issues (EMN, 2014). Through this agreement the two sides attempt to establish effective procedures for migration-related matters, including the identification and safe return of those who do not fulfill the conditions for entry or residence in the EU (EMN, 2014).
Resettlement: Resettlement is a technical term utilized significantly within EU legislative and programmatic contexts to refer to the transfer of a third-country national or stateless person, based on their need for international protection (EMN, 2014). Resettlement involves the movement of that person from a third country to an EU Member State where they are granted either refugee status or a similar protection status to legally reside in that state (EMN, 2014).

Third Country National: This term, as defined by the EMN, represents a classification of a person who is not an official citizen of the EU and is not enjoying the rights protected under the right of movement clause of the Schengen Accord (EMN, 2014).

Voluntary return: A voluntary return is a technical term utilized in many EU legislative programs that refers to the independent or assisted return, based on the free will of the migrant, to their country of origin, or to a country of transit or other third country (EMN, 2014).

Irregular entry: An irregular entry, according also to the EMN, refers to the unlawful crossing of borders without full compliance with entrance requirements as dictated by that state (EMN, 2014).

Finally, in order to better understand the main actors discussed in this paper, the following definitions are offered:

Member States: Member States refer to the twenty-eight states that comprise the EU. These states include: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom (European Union, 2015).
Associated States: Associated states are not EU Member States but are still involved in some elements of universal EU legislative policy and agreements. These states include: Iceland, Norway, Albania, Bosnia and Herzegovina, the Republic of Macedonia, Montenegro, Serbia, Turkey, Israel, Moldova, Switzerland, Faroe Islands, Ukraine (European Commission, 2015a).

Third Country: A third country is simply defined as a country that is either not a member of the EU or an EU associate state, or is a country not part of the free movement of people as defined by the Schengen Accord (EMN, 2014).

This paper will only address policies and practices that investigate irregular and asylum-seeking migrants within the EU. Due to the constant intersection in which these terms are utilized in the literature and in popular media, it is important to incorporate them into the research. The above terms and definitions will provide adequate context for a better understanding of EU policy measures and programs presented in the following chapter of this paper, along with the critiques of those regulations by researchers, policy experts, and other knowledgeable authors.

Operationalization

For the purposes of this research, the operational definition of a migrant will be taken from the European Union website and glossary. The EU defines a migrant as, “A broader term of an immigrant and emigrant that refers to a person who leaves from one country or region to settle in another, often in search of a better life” (EU Immigration portal, 2015). While the term is often broadly used interchangeably within media and publication sources focused on immigrants and emigrants, for the purposes of this study the definition above will be used to define a migrant in the current migration crisis within the EU. All other relevant concepts have been conceptualized and defined in the sections above.
In addition, for this study no instruments were utilized to assist in this research. To ensure accurate or consistent flow of information (and to avoid research bias), an attempt was made to use a variety of sources that include varying perspectives from different interest groups and organizations. This was made more difficult as new developments occurred within the scope of the ever-evolving crisis and source material was not necessarily always peer-reviewed or accredited. However, despite this, all research and subsequent analysis was compiled using secure research practices and reliable source databases.

**Population and Sampling Method**

For this study there was no specific population frame. The population of interest was solely migrants who are attempting to enter the EU through irregular or asylum-based means. This could include populations of all ages, races, ethnicities, and genders. Data and analysis of the aforementioned populations have come predominantly from the IOM, UNHCR and other EU, governmental, or non-governmental source material, as they continue to have the most up-to-date and credible information as the crisis develops.

**Data Collection Procedures**

Data collection for this study came solely from qualitative data sources. Research strategies utilized included Concordia library materials, online and digital library sources, and when possible, source materials from groups, organizations, or government entities that are working within the scope of the EU and migration policies and practices. However, some short data collection procedures were used to identify both the legislative source material and to inform the case study selections. In looking at the EU regulatory source material, it was apparent that there were a number of different legislative statutes that could have been used to analyze the current situation. While some historical context on EU-wide legislative material was briefly
mentioned in the thesis to fully understand the current mindset of the EU’s migration policies, it was imperative to not look too far back at older legislation, as new laws are passed almost monthly. Because of this, it was decided to begin the legislative analysis with the May 2015 Agenda on Migration as it provided the most recent large-scale piece of migration-related legislation that would become the backbone of subsequent regulations. This document offered the most comprehensive source that, at the time, provided the EU with a roadmap for adequately addressing the current crisis. While the EU has pivoted from this agenda more recently as new developments further place Europe into a precarious position, in the end it still serves as the best starting point for fully understanding the EU perspective on the current crisis. Legislative material was collected and analyzed until December 2015, as the timetable for the writing of this thesis prevented further regulatory analysis of the situation.

In looking at how to best identify the three case study countries for the scope of this research, analysis and recurring themes from the literature review offered the best overall glimpse at which EU countries were either most affected by the migration crisis, most affected by EU legislation, or were the most prominent actors in addressing the issues within the crisis. It became apparent very quickly from numerous authors within the literature review that EU Member States’ perspectives on the topic could be further divided into three segmented areas: the Northern states, Southern states, and Eastern states. Each of these regions are defined by a relatively different ideology on how to deal with the current crisis or how they themselves have been affected by it. Within the Northern states, Germany was selected due to its overall status as a key leader within the EU. Not only has it been intricately involved in developing comprehensive EU policy, but it has also been the most open with their migration acceptance policies. Under this more inclusive stance, Germany has witnessed hundreds of thousands of
migrants race to its borders and currently leads the EU in asylum application requests (Eurostat, 2016). No other nation within the Northern state group offered the same perspective in dictating policy as well as experience in seeing overwhelming flows of migrants into their state.

In looking at the Southern European states, it was evident that a case study to analyze the effects of EU policy on Greece was imperative to this research. With over 820,000 irregular migrants entering Greece in 2015 alone, it was clear they have been one of the most affected states by this crisis (IOM, 2015a). Finally in selecting Hungary as the case study representing the Eastern European states, it was apparent that it, like Germany, offered the most impactful blend of legislative influence and overall effect within the migration crisis. As a key transit country for most of the summer of 2015, 350,000 people crossed its borders in 2015. After Germany, Hungary was also responsible for the second most asylum application requests across the EU (Kallius, Monterescu, and Kumar-Rajaram, 2016). In addition, Hungary has evolved into a fierce opponent of the current overarching EU policy and has instituted a number of restrictive policies aimed at keeping migrants out, rather than letting them in. This mindset, which vastly differs from that of Germany, offered an important counter-perspective within the topic and helped to present a more holistic viewpoint on the main ideologies within the EU states. The three case studies were chosen not only because of their importance as crucial actors within the context of the EU migration crisis, but because of analysis offered by authors and researchers within the literature review.

**Data Processing and Analysis Procedures**

Data collected for this paper was analyzed using a qualitative analysis process to evaluate and compare trends, themes, and gaps within EU policy research. It culminates in a discussion and conclusion about the findings. Potential solutions to creating a stronger, more
comprehensive EU policy are also offered. To do this, analysis was done at two different levels. First, after researching critical EU legislation, a literature review was conducted to gain insight into the various positive and negative perceptions the effects the regulations have had on the EU as a whole. These academic viewpoints were critical in identifying the major overall trends, issues, and complexities inherent within this topic. Next, the case study analysis explored how these pieces of legislation influenced three critical states within the EU, and how they comprehensively were impacted by the EU’s current migration policy. After providing the case studies on three countries, this thesis was able to overlay this information with the trends and insights gained from the analysis on the EU legislative material. Overall, the paper explored the more impactful and succinct trends reverberating throughout the migration crisis. By looking at these pieces of legislation and seeing the impact they have had on specific EU Member States, more direct, holistic policy recommendations could then be made in the end.

Validity and Reliability

Inherent within this thesis and analysis, are issues of internal validity, along with some problems of reliability. Due to the way the research in this study was conducted, it may be difficult to replicate. For instance, operational and conceptual definitions within this paper, may prove problematic when attempting to repeat the research. Because of the way some of the terms in this thesis have been generalized and misrepresented by both the media and academic research, certain definitions, statistics, or issues could have slightly different effects. This is particularly true when trying to interpret the differences between an illegal immigrant, irregular migrant, and asylum-seeker in statistics and research. Depending on the circumstances and sources used, these definitions can be conceptualized or operationalized differently, presenting potential areas of confusion for future researchers. In addition to this validity concern, however,
another important limitation emerges. Due to the rapidly-evolving nature of this topic, peer-reviewed and academic sources for up-to-date information were not always available. With a lack of scholarly resources, less reliable material had to be used, potentially leading to both ethical and validity issues. To counter these potential areas of high internal validity, much care was taken when choosing source material. Attempts to use credible and valid resources were always prioritized. Most statistical information was taken from recognized intergovernmental organizations and international non-governmental organizations to better ensure validity.

Due to the fact that this paper employed case study research, weakened reliability is also a concern. Because the twenty-eight Member States of the EU all derive from different cultures, histories, mindsets, and perspectives, these notions all play a vital role in how they perceive and are impacted by EU legislation and the migration crisis itself. Because of this, generalizing trends, issues and problems between EU Member States can produce concerns. While Germany, Hungary, and Greece were specifically chosen based on their applicability in having a broader and more regional perspective and impact, there inherently will still be some problems, especially when providing recommendations based on collective ideas and trends. Overall, the spectrum of information provided by the three countries chosen still sufficiently brings in the necessary analysis tools within the scope of this paper’s research despite legitimate concerns.

**Limitations**

One of the key limitations of this research is the fact mass migration in Europe is ongoing and constantly changing. Because of this dynamic, many areas of research including important trends, issues, laws, and ideologies will most likely change by the time the project has been fully completed. Shifts have already taken place within Southern Europe where the trend of utilizing both the Central and Eastern Mediterranean routes shifted dramatically at the end of 2015 to the
Eastern route. Other global events, such as the conflicts in Syria, Iraq and Afghanistan along with the rise and fall of extremist groups like ISIS, Al Qaeda, and Boko Haram, will also continue to have important influences on the migration crisis. In addition to the change, issues related to the research and data source material also presented a crucial limitation. Part of this challenge included problems with getting information from credible, academic and peer-reviewed sources. Finally, due to the complexities and confusions in understanding the differences between illegal immigrants, irregular migration, and asylum-seekers, problems in properly comparing different pieces of information, along with analyzing them, proved difficult at times.
Chapter 3: Literature Review

Introduction

Creating a comprehensive migration policy between EU Member States is a long, arduous, and complicated process that has encountered a number of opposing perspectives and ideologies. While over the course of the last year especially, the EU has worked extensively to provide different proposals, directives, and regulations aimed at addressing the migration crisis. Some policy makers, researchers and think tank experts though are skeptical. Concerns exist over how much these legislative efforts will address the mounting needs of both the Member States and the incoming irregular migrants and asylum-seekers. Adding to the complexity of the issue, many authors note the internal strife between Member States. Overall, considerable disagreements have been expressed over critical policy elements signaling that the current legislation will not be enough to overcome the evolving crisis. After reviewing the concerns expressed by scholars, academics, and policy experts, and from investigating the current legislation presented by the EU and supporting states, it is apparent there are very different perspectives in terms of the approach and actions that the EU should take to address the crisis. The following literature review will present the currently competing perspectives on the EU’s migration policy. It will also offer some EU legislative directives that have helped to shape the EU’s recent migration strategy approach and paradigm. This review, however, will not follow the traditional literature review format in all of its parts. The first section will vary slightly and look exclusively at providing an overview of key pieces of recent EU legislation. After these regulations are presented, the next two sections will follow a more traditional literature review format, offering a variety of perspectives and commentaries from the main
experts on the topic. By providing an overview of policy proposals by the EU, it will be easier to understand the commentaries and critiques of numerous authors.

An Overview of EU Policy Proposals related to the Migration Crisis

The Agenda on Migration. While a cohesive migration policy strategy has been difficult to align between Member States, some important pieces of legislation have been created by the European Council and Parliament to combat the growing concerns over irregular migration and asylum-seeking application practices. These efforts have been focused predominantly on emergency responses, border security, various operational measures (including relocation, resettlement, return and readmission), budgetary support, internal enforcement measures, and a strengthening of relationships between the EU and third countries such as Libya, Turkey and Lebanon. Under this approach, a number of measures have been taken. Most comprehensively, in May 2015, after lengthy negotiations between EU Member States, an official Agenda on Migration was created. Through this agenda, a wide-reaching protocol aimed at addressing the central and core issues behind the migration crisis was established. Under this protocol, a number of key priorities were created. These objectives included:

- Proposals for immediate action, including budgetary increases for border security and rescue operations
- A strengthening of information services and a stronger operational focus on criminal trafficking networks
- Temporary relocation and resettlement schemes, which emphasize fair and balanced proportions of responsibility sharing through a system that takes into account a state’s GDP, unemployment rate, population size, past asylum seeker relocation history, and the number of asylum seekers already relocated
• The implementation of a new hotspot processing approach, involving Migration Management Support Teams and putting them in the most heavily stressed and pressured areas of migratory flows to work and cooperate with local resources and organizations
• The establishment of stronger working relationships with third countries to address the core problems causing and exacerbating the current migration crisis through regional development and protection programs (European Union, European Commission, 2015i).

In addition, this proposal set out four crucial pillars which attempted to more structurally define the ideology by which the EU would focus its goals. Within this scope, the agenda outlined pillars reducing incentives for irregular migration (Pillar I), increasing border management (Pillar II), implementing a stronger common asylum program (Pillar III), and creating a new framework on legal migration (Pillar IV) (European Union, European Commission, 2015i).

**Adding to the Agenda on Migration.** While the Agenda on Migration was critical in providing the general guidelines needed to address the main issues affecting the migration crisis, multiple annexes and directives to this agenda have also been created, aimed at establishing more specific and tangible goals associated with the overall EU migration philosophy. This includes an October 2015 proposal entitled *Managing the refugee crisis: State of play of the implementation of priority actions under the European Agenda on Migration* (European Union, European Commission, 2015h). Under this proposal, the EU provided an update to its Agenda on Migration, highlighting both successes in its implementation along with reevaluations of new steps needed to address the changing trends within the crisis (European Union, European Commission, 2015h). The proposal presented a reaction to new data collected by the EU showing a trend of over 710,000 refugees, displaced migrants, and asylum seekers having entered Europe during the first nine months of 2015 (European Union, European Commission,
Annexes to this proposal added more depth to the EU agenda through four important annexes. The first annex offers specific follow-up objectives to key priority actions within the Agenda on Migration (Annex 1) (European Union, European Commission, 2015c). The second and third annexes present a detailed analysis of the current migration situation from both Italy and Greece (Annexes 2 and 3) (European Union, European Commission, 2015d, 2015e). And finally, the last annex provides specific benchmarks for facilitating a more cohesive Common European Asylum System (CEAS) (Annex 6) (European Union, European Commission, 2015f).

**Emergency assistance.** Another key legislative initiative within EU migration policy that adds to the Agenda on Migration involves rapid emergency assistance to Member States in need. Emergency assistance in particular has been a necessary component of Europe’s recent migration policy, as noted in its Agenda on Migration. On September 14th, 2015, EU officials approved a Council Decision aimed at providing emergency assistance under Article 78(3) of the Lisbon Treaty to Italy and Greece (Council decision (EU), 2015/1523). The legislation highlighted the Council’s efforts in enhancing solidarity and sharing of responsibility between Member States. The EU agreed to provide Italy and Greece with operational support in a temporary relocation scheme involving 40,000 persons defined by the European Parliament and Council as needing international protection (Council decision (EU), 2015/1523).

This decision was quickly followed up one week later by a new Council Decision aimed at relocating another 120,000 persons from Italy, Greece, and other Member States. This decision suggests a triggered response to a rapid increase in migrants not just to Italy and Greece, but to other struggling Member States such as Hungary (Council decision (EU), 2015/1601). A proposal for a Council Decision on September 9th, 2015, alludes to this, as it originally looked to update the emergency measures directive for Italy and Greece to include Hungary as well.
they experienced an intensive period of irregular migration via the Hungarian-Serbian border in late summer 2015 (European Union, European Commission, 2015m). However, while Hungary was presented with these large flows of people into its state, the problem in reality represented a more general issue within the region. Data collected by the Council supports this. Between May and August 2015 over 190,000 irregular border crossings were observed by Frontex and other border management agencies in the Western Balkan area (Council decision (EU), 2015/1601). While the original draft specifically designated Hungary as the Member State in emergency need and called for a temporary relocation scheme involving 54,000 persons, the draft was later rewritten to encompass more Member States who were also feeling the pressure from increased migration flows (European Union, European Commission, 2015m).

**Recent policies.** The most recent updates regarding the EU’s Agenda on Migration involve a strong focus on the Balkan area. At the end of October 2015, EU states affected by the increased use of the Western Balkan route by irregular migrants (including Serbia, Romania, Slovenia, Greece, Hungary, the Republic of Macedonia, Austria, Germany, Bulgaria, Albania, and Croatia) agreed on operational measures to be implemented immediately in the wake of the current crisis (European Commission, 2015c). These measures, while specific to the Western Balkans region, still directly correlate to measures outlined by the EU in its Agenda on Migration. Under this seventeen-point agreement, priority actions were presented in a number of areas. These responses included permanent information sharing, involving the creation of contact points and the submission of critical needs assessments to the EU for support. It also calls for supporting incoming refugees through increasing capacity for resources like food, water, health, sanitation, and shelter. The agreement furthermore encourages collaboration with organizations like the UNHCR, European Investment Bank, and other financial institutions,
while also increasing information accessible to migrants on human rights and current international protection laws. Looking more specifically at structural needs, the plan focuses on the expansion of reception centers, particularly in Greece, which will expand reception capacity to 30,000 by the end of 2015. The UNHCR will also provide resources for an additional 20,000 people (European Commission, 2015c).

Keeping with previous priorities on the EU Agenda on Migration, the seventeen-point approach also targets cooperation with external partners. This cooperation includes work towards better managing migration flows through the exchange of information, including biometric data when available, the registration of arrivals, the returning of migrants not in need of international protection, and through increased partnership with neighboring third countries such as Afghanistan, Pakistan, and Bangladesh (European Commission, 2015c). Finally, the plan looks to implement stronger border management controls by upscaling support for Frontex and other sea based operations through re-confirming the right to refuse entry to persons not wishing to seek international protection, as well as by tackling migrant smugglers and traffickers (European Commission, 2015c). This seventeen-point plan, which appears to align with the overarching strategy of the EU on migration, signals a focus on irregular migration from the Central Mediterranean corridor of Italy to the Eastern Mediterranean corridor within the Western Balkans, suggesting a new important trend within the crisis.

Other notable policies. Finally, in addition to these key pieces of EU legislation, other notable policies have been incorporated, further supplementing the EU Agenda on Migration. Looking internally, this includes the late September 2015 regulation entitled, Managing the refugee crisis: Immediate operational budgetary and legal measures under the European Agenda on Migration (European Union, European Commission, 2015j). This plan incorporates
the ideological frameworks of both the European Agenda on Migration and the State of Play proposal to produce immediate actions and future policy goals for implementation within the next six months. Adding to this, other important internally focused EU laws include the September 2015 EU action plan on returns and the September 2015 proposal for the creation of a safe list of origin countries (European Union, European Commission, 2015l; 2015y). In June 2015, the EU also created a pilot resettlement program aimed at testing a new temporary scheme granting emergency relief for Member States struggling with the pressure of incoming migration flows. This plan was initially presented as a way to counter-balance the inequality of resettlement among Member States (European Union, European Commission, 2015g). Overall, these EU documents have attempted to add to the Agenda on Migration and address the migration crisis through a more localized lens.

Looking to further address external issues, a number of key legislative documents were created as well. This includes a September 2015 joint communication examining the role of the EU’s external action plans that responded to many of the key priority variables listed under Pillar I and II of the Agenda on Migration (European Union, European Commission, 2015i). Under this joint communication, the EU acknowledged a mounting concern over displaced persons and refugee rates which, according to the UNHCR, reached almost 60 million worldwide in 2014 (European Union, European Commission, 2015l). It used this joint communication to present objectives aimed at addressing the root causes of violence, conflict, poverty, and abuse of human rights that force people to flee their homes. Other significant external policies include the May 2015 EU Action Plan against migrant smuggling and a December 2015 voluntary humanitarian admission scheme created with Turkey (European Union, European Commission, 2015o; 2015j). Supplementing the Agenda on Migration and internally-focused EU legislation, these external
documents have attempted to utilize key partners and outside resources to more comprehensively address the migration crisis.

In reviewing the legislation passed by the EU in response to the elevated rates of migration into Europe, it appears the central strategy focuses on five distinct priority actions. The two most significant points highlight establishing firmer regulations on resettlement and return as well as maintaining and increasing external support and cooperation from third party states. Other crucial objectives include creating a more coherent and cohesive CEAS, cracking down on smugglers and traffickers of migrants, and providing financial support for humanitarian aid, border controls, and other migration related activities. This strategy is evident in EU documents reviewing policy actions from 2015 as well as proposals for future actions. Moving into 2016, however, the EU acknowledges that much work still needs be done. This includes increasing efforts in addressing priority actions already agreed upon through legislative directives, proposals, recommendations, and communications. To date, a number of objectives have still not been fulfilled. Currently, only 272 of 160,000 people under the September 2015 Council Decisions have been resettled. In addition, of the eleven hotspot locations identified within Greece and Italy under the Agenda on Migration, only three have become operational as of December 2015. Many other objectives, including the increased return of people who fall outside the criteria for international protection, the reevaluation of the Dublin System, and further addressing legal migration, migrant smuggling, and external relationships of third countries also still need to be adequately addressed (European Commission, 2015d). Overall, while an investigation of the EU’s key legislative policies suggests a number of important guidelines and laws set out to help protect states and migrants, the implementation of those
priorities and the speed of their implementation appear to be too slow to counter the currently
growing flow of irregular migration into Europe.

**Overarching Literature Commending the European Union’s Response**

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**EU-centric policies.** While reviewing the literature on the EU’s response to the current
migration crisis, many authors, policymakers, analysts, and experts have offered contending
viewpoints as to the quality and effectiveness of the EU’s response. Some authors, particularly
Carrera, Blockmans, Gros & Guild (2015), Carrera, Den Hertog and Parkin (2012), Grundell
Tsourdi and Bruycker (2015) and Tocci and Cassarino (2011), have offered a more encouraging
reaction to the EU’s response to the migration crisis. They explicitly laud the progress the EU
has made over the course of the last year in addressing some of the key components of the
migration crisis, especially the measures to create more solidarity among EU Member
States. Carrera, Blockmans, Gros & Guild (2015) emphasize this by acknowledging the positive
steps taken within the current European Agenda on Migration to create more responsibility
sharing among Member States. They contend that these measures specifically provide a critical
semblance of financial, institutional, and legal solidarity frameworks which can be seen within
the areas of asylum policy and border control (2015).

Tsourdi and Bruycker (2015) echo similar sentiments towards the importance of EU
cohesion and its recent positive development, while particularly stressing the importance of the
recently implemented components of the CEAS. To the authors, the CEAS provides a concrete
mechanism for EU Member States to efficiently and fairly allocate responsibility among
themselves. Their contention revolves around the notion that the CEAS provides an important
institutionalization of cooperation between Member States. They argue that the creation of an
EU agency tasked with coordinating actions to build Member State and third country capacity, along with the establishment of the Court of Justice of the EU, offers cohesive and efficient mechanisms for support and action against the rising inward flow of people (Tsourdi and Bruycker, 2015). While they do offer some concerns over budget constraints and the limited mandate held by the CEAS and the European Asylum Support Offices (EASO) that it operates, the authors still point to the potential systematic efficiency that the program brings (Tsourdi and Bruycker, 2015). Carrera, Blockmans, Gros and Guild (2015) also comment on the positive nature of the EASO’s, noting their ability, particularly through the creation of the hotspot processing approach within the European Agenda on Migration, to more effectively operationalize and institutionalize support for struggling European states. Malmstrom (2014) as well as Lusenti and Watanabe (2014) agree with this analysis and positive outlook on the CEAS. Malmstrom (2014), in particular, presents a more humanity-based and moral argument, proposing that the CEAS will offer asylum seekers more humane treatment upon arrival to Member States. She contends that the CEAS will provide the EU with a more transparent, inclusive, and legal framework for incoming asylum seekers (2014). It will present rules and regulations on identifying, processing, and treating refugees, while creating a strong burden sharing system (Malmstrom, 2014). Lusenti and Watanabe (2014) side more ideologically with Tsourdi and Bruycker (2015), citing the CEAS and its implementation as critical in forging greater solidarity among Schengen and EU states.

Carrera, Den Hertog and Parkin (2012), along with Lusenti and Watanabe (2014), and Tsourdi and Bruycker (2015) reflect optimism over the EU’s financial increases in programs like Frontex, along with sea operations Triton, Hermes, Aeneas, Poseidon, Minerva, and Indalo, which all aim to increase border security under Frontex’s mission to “...promote, coordinate, and
develop European border management” (Frontex, 2015). Tsourdi and Bruycker (2015) specifically acknowledges the benefits of the newly created Asylum, Migration, and Integration Fund, which has been developed to enhance mechanisms over migrant resettlement.

**External policies.** Many of these authors, including Malmstrom (2014), Grundell (2015), Carrera, Den Hertog and Parkin (2012), Matthee (2015), Tsourdi and Bruycker (2015), Tocci and Cassarino (2011), and Pastore (2015), highlight or offer some sense of optimism with respect to the EU’s increasing external policies relating to migration. Malmstrom (2014) highlights this growing trend through an analysis of the EU’s Global Approach to Migration and Mobility (GAMM), which she deems as a critical component of the EU’s external migration policy. In presenting the GAMM, Malmstrom showcases the increased work by the EU with countries of origin and transit in preventing irregular migration, establishing readmission agreements, fighting migrant smuggling and trafficking, and ensuring the human and basic rights of migrants through the opening of legal channels of migration (2014). Grundell (2015) concurs, particularly in the area of human trafficking and smuggling, pointing specifically to Pillar I under the European Agenda on Migration (European Commission, European Union, 2015n), and further documented in the *EU Action Plan against migrant smuggling 2015-2020* (European Union, European Commission, 2015o). Grundell applauds the positive efforts demonstrated through EU external policies to more adequately combat the growing pressures mounting globally on migration (2015).

Carrera, Den Hertog and Parkin (2012) agree with Malmstrom (2014) about this positive external aspect of the EU’s current migration policy strategy. In particular, Carrera, Den Hertog and Parkin (2012) talk extensively about the EU’s work in strengthening capacity building through repatriation and cooperation agreements with nations such as Tunisia and Libya, which
are key exit nations for many attempting to cross the Mediterranean Sea. Matthee (2015) comments on this as well, offering an optimistic tone on the EU’s increasing external policy, indicating that the co-development of foreign policy initiatives and partnerships between EU and countries within Africa and the Middle East are positive steps forward in keeping the movements of people within countries of origin. Tsourdi and Bruycker (2015) build upon this growing trend in the literature. They contend that Regional Protection Programmes, created in response to the Syrian crisis, particularly in Jordan, Lebanon, and Iraq, have focused on providing protective and supportive measures for countries of origin and transit of high flows of migrants (2015). They continue by supporting the idea that these programs are implemented by governments, civil society agencies and United Nations (UN) agencies and have been instrumental in not only targeting Syrian refugees, but also vulnerable host communities who have felt the brunt of mass migrations (Tsourdi and Bruycker, 2015). To the authors, the Regional Protection Programmes offer an important opportunity for the EU in building capacity for third countries, while also expanding border controls and security (Tsourdi and Bruycker, 2015).

Tocci and Cassarino (2011) and Pastore (2015) agree about the rising potential of Europe’s external migration policy. Tocci and Cassarino (2011) reflect similar notions to those of Carrera, Den Hertog and Parkin (2012), Malmstrom (2014), Matthee (2015) and Tsourdi and Bruycker (2015), especially when describing the scope of the European Neighbourhood Policy (ENP). This program was created in 2004 to act as a partnership initiation program aimed at economic, social and political association (Tocci and Cassarino, 2011). While the authors do offer a somewhat positive outlook on the ENP as a whole, they take a strikingly more pessimistic tone, conceding that despite potential for the ENP to address critical migration issues and root causes, a lack of funding is a significant obstacle (Tocci and Cassarino, 2011). Finally, Pastore
(2015), like Tocci and Cassarino (2011), offers a veiled optimism over the EU’s external strategy. In this, he notes that future items on the European Agenda for Migration, like the creation of a European Coast Guard and the implementation of more measures under the CEAS, have the potential to be strongly beneficial for Europe (2015). However, he adds that this will only be the case if these measures are clearly incorporated into a cohesive system of government in which all Member States allow for a loss of competencies and sovereignty in exchange for efficiency and solidarity (2015). In analyzing these measures, initiatives and programs, which aim to mostly confront policy from a context of border security, most authors acknowledge the difficulties and problems in implementing and creating a perfectly efficient and holistic European approach to migration policy. Despite their concerns however, they recognize and support certain aspects of recent efforts of the EU to better overall manage the migration crisis issue.

**Concerns with the European Union’s Response**

**Local concerns.** Despite some positive reactions, a large number of authors express considerable concerns over the current policies touted by the EU. This is evident in the literature regarding the EU’s overarching strategy paradigm for tackling the crisis. Mavrodi (2015) addresses this and takes major issue with the idea of creating a migration policy based significantly under the idea of border management, security, and readmission and return mechanisms. Using the 2012 *Action on Migratory Pressures- A Strategic Response*, a policy paper by EU’s officials and policymakers as a prime example, Mavrodi (2015) contends that the recent trend of policies demonstrates an inexplicable focus on these security and management components of policy rather than addressing the critical root causes that have led to this continuous flow of irregular migration towards the EU (2015). He cites that IOM, which notes
the ineffective nature of this approach in reducing the number of irregular migrants or asylum seekers into the EU (2015). Additionally, he continues by noting increased vulnerability of incoming migrants through this strategy, because it might perpetuate a rise in trafficking and migrant smuggling activities (2015). Carrera, Blockmans, Gros and Guild (2015), strongly agree with Mavrodi (2015), emphasizing the need for more than just a border control and management paradigm. They go on to quote the Parliamentary Assembly of the Council of Europe, which noted that the EU should avoid “a narrow emphasis on border control and security” (2015). Instead they should focus on a, “holistic, rights-based and effective approach involving countries of transit and origin” (Carrera, Blockmans, Gros and Guild, 2015). Parkes and Angenendt (2009) concur and offer a historical perspective that presents the EU’s migration policies as heavily security and control oriented, rather than freedom and justice based.

Other authors agree with this skepticism towards the EU’s current initiatives. Fargues and Di Bartolomeo (2015) argue that current operations have over-exceeded the capabilities of Frontex and, more aptly, have stretched and diluted their resources to an inefficient breaking point. Fargues and Di Bartolomeo (2015) likewise point with concern to Triton and Poseidon’s potential mandate, given that they are under Frontex’s limited mission, which emphasizes protecting EU borders over potentially saving migrants’ lives as a particularly poignant criticism of the EU’s current policy approach. Andrijasevic and Walters (2010), however, take a more ideological approach to their criticisms. They use the metaphor of the EU as a gated global community, a concept echoed by Van Houtum and Pijpers (2007), Guibernau (2010) and Hansen (2010), that utilizes agencies such as Frontex to implement border control and management strategies (2010). These strategies, they continue, are linked to old western imperialistic tendencies to keep specific people out (Andrijasevic and Walters, 2010). Tsourdi and Bruycker
(2015) add to this, noting that the consequences of this border control strategy include a lack of protection for incoming migrants, a limiting of legal entry channels, and most importantly, a rerouting of migrants to riskier entry pathways into the EU.

Moraga and Rapoport (2014) continue this skepticism towards EU policies. Specifically, they critique the EU’s highly controversial asylum policy under the Dublin Convention of 1990 which states that asylum-seekers must register for asylum in the country of first entry (2014). The authors argue that the regulation has created unfair and unequal treatment of refugees across the EU, while creating mechanisms that have failed to implement the proper safeguards or to improve the prospects for integration for asylum seekers (2014). Matthee (2015) supports Moraga and Rapoport’s(2014) ideology, claiming the Dublin regulations place a disproportionate amount of pressure and stress on countries of entry such as Greece or Italy. Matthee (2015) does admit that some blame can also be placed on these countries of entry. Bureaucratic breakdowns within the states have led to failures or intentional disregard, in implementing EU regulations on migrant registration and protective rights (2015). Despite this, he contends that the restrictive nature of the Dublin regulations places certain Member States in situations that over-exceed their resources and capabilities (Matthee, 2015). Triandafyllidou and Dimitriadi (2013) agree and state that the Dublin regulations serve only to protect the inner states from migration. By using readmission agreements, partnerships with third countries and border controls, unwanted asylum seekers are kept from entering countries in Northern and Western Europe (2013). This system, the authors go on to say, which is perpetuated by Northern and Western countries, creates problems echoed by Moraga and Rapoport (2014) and Matthee (2015). These include unbalanced burden sharing among Member States and an ineffectiveness in protecting the rights of asylum seekers (Triandafyllidou and Dimitriadi, 2013).
Pastore (2015) also comments on the systemic issues brought out by the Dublin Convention. Focusing on the recent reversal of Germany in the summer 2015 and its stance on Dublin, Pastore (2015) utilizing them as an example of the inefficiency of EU policy. Pastore states that Germany, which at first was a staunch defender of the Dublin regulations, reversed its position just a few short weeks later in August 2015 and suddenly refused to check where incoming Syrian refugees had entered Europe (2015). While this caused serious tensions between Member States, Pastore’s case study of Germany’s reversal fuels Matthee (2015) and Moraga and Rapoport’s (2014) perceptions of the unsustainable nature of the Dublin Agreement’s effectiveness. Carrera, Blockmans, Gros and Guild (2015), while siding with the authors above, take a more humane approach to their criticism of Dublin. They argue that while the recent relocation and resettlement schemes under the EU present a welcome change to Dublin’s regulation protocol, they critically emphasize that the regulations still do not take into account asylum seeker preferences when seeking relocation (2015).

**Solidarity issues.** The biggest trend in the literature reflects the largest weakness within EU migration policy and includes its lack of solidarity, effective collaboration, and unity among EU Member States. Porumbescu (2015), Pastore (2015), Parkes (2015), Collett (2014), Park (2015), Matthee (2015), Parkes (2014), Parkes and Argenendt (2009) and Boronska-Hryniewiecka, Brudzinska, and Sasnal (2015) all either directly or indirectly point this out, producing a sizable consensus about the issue. To begin with, while admittedly taking a more socio-economic perspective, Porumbescu (2015) bluntly asserts that the EU needs to quickly adopt uniform measures that can adequately manage large flows of resources and people. Pastore (2015) agrees, stating that the recent Agenda on Migration is a valuable coordinating document with numerous potential measures that can be implemented. Overall, he
argues that it offers little in improving integrated communication and political structures, leaving critical questions unanswered surrounding priority definitions, key unifying messages, and acceptable tradeoffs or compromises (Pastore, 2015). Parkes (2015) further adds to this, saying the EU cannot bother to think about a comprehensive strategy when it has not even answered the basic questions of what Member States are actually facing or how it can best be managed. He continues by analyzing the challenges through a geopolitical lens and argues that to the Member States, migration ranks as an intricate source of inter-state tension, and fuels a conflict between the states that is less about cooperation and more about competition, interests, and the projection of power (Parkes, 2015). In essence, Pastore (2015) Porumbescu (2015) and Parkes (2015) all present key overarching arguments that hit the most important elements of the critics’ central complaints surrounding the EU’s current migration crisis strategy.

Collett (2014) and Park (2015) agree that a lack of solidarity is a key issue within EU policy. They argue that this mistrust comes from localized politics and indicates that an increasing number of voters throughout Europe believe that government officials have lost control of the migration issue (2014). Because of this, “…many national governments have retreated from pan-European collaborative positives at the negotiation table, which has, in turn, negatively affected the possibility of further policy development at the EU level” (Collett, 2014). Park (2015) agrees with these sentiments on the increasingly polarized climate within the EU and points to countries like France and Denmark who have both at times balked at accepting migrants due to security concerns. He points to growing nationalist, anti-immigration, anti-Muslim political parties in countries like Poland, Slovakia, Hungary, and the Czech Republic, who have placed restrictions on the type of migrants able to be relocated within their borders
(2015). They usually exclude Muslim asylum seekers who make up a large proportion of the asylum seeking population (Park, 2015).

Matthee (2015) adds to this issue of the growth of nationalism with EU states and its effect on overarching EU policy. He notes not only the restrictive policies implemented by Eastern European countries, but highlights the trend of radical anti-immigrant or nativist parties gaining political popularity across Europe. Matthee points to the 25% of the vote gained in 2015 by the French Front National Party, the 27% gained by the Freedom Party of Austria in 2015, and the second place finish by the Danish People’s Party in Denmark (2015). These emerging parties are examples of the growing fractures erupting throughout Europe that are potentially having an effect on local governing structures (Matthee, 2015). Muddle (2012), however, cautions trusting this link between migration patterns and the rise of the radical right, emphasizing in his study that this relationship is not always automatic. Guibernau (2010) echoes this concern and argues that while an indirect relationship between xenophobic vulnerabilities and radical right supporters does exist, the data on the demographic of voters who support parties mentioned by Matthee do not always correlate. In fact, his research indicates that radical right supporters as members of the lower middle class as opposed to lower, unskilled class that is often stereotyped under the right-wing party spectrum (Guibernau, 2010). Despite this, Matthee (2015) pushes the notion that the twenty-eight Member States have deep interest-ridden conflicts affecting their decisions on migration policy (2015). These conflicts have caused not only pressure between states, but also pressure on local governing bodies, who now face a wide-range of different voting perspectives on migration related issues (Matthee, 2015). Parkes (2015) adds to this noting the geopolitics inherent in this lack of trust and solidarity, pointing specifically to Austria’s tactics, along with other actions by Member States, including Italy’s threat to leave the
Parkes (2014) stresses the importance of the stand-off between the different regions of Europe. Focusing on the debate between the Southern European states and the Northern European states, he notes that the fractured relationship centers on the unequal burden that the Southern states are facing in connection with the migration issue (2014). Northern states, Parkes argues, have demanded stronger and more robust security measures along the Southern borders (2014). They withhold or reject calls for resources until these demands are met (2014). By contrast, Parkes contends, Southern states feel the mounting pressure of the humanitarian aspect of the crisis (2014). While they desperately need resources and financial support, they tend to reject the conditions under which the help is attached by the North (2014). Parkes and Angenendt (2009) presents a more historical perspective of these issues by demonstrating the longevity in which these fractures have existed within the EU. They divide the controversies not only between Northern and Southern states which face burden-sharing problems and tensions over the misuse of EU funds, but also Eastern and Southern states (2009). This feud they contend derives from the EU’s 2005 Global Approach on Migration and a lingering controversy over where to best implement resources and capital (Parkes and Angenendt, 2009). In addition, they point out tensions between resource-rich and resource-poor states fueled by disagreements over levels of migration, particularly surrounding relocation and resettlement as well as between big and small states which have seen tension between states wanting more autonomy and independence versus greater interdependence and less sovereignty (Parkes and Angenendt, 2009).
Boronska-Hryniewiecka, Brudzinska, and Sasnal (2015) offer a similar perspective on the solidarity fracture between regional European areas. These authors expand on Parkes (2014) and Parkes and Argenendt’s (2009) theories regarding the disagreements between the Northern and Southern European states, arguing that some of the main friction can be derived from the Dublin regulation (Boronska-Hryniewiecka, Brudzinska, and Sasnal, 2015). In alignment with the European Court of Justice and the European Court of Human Rights, they believe migration has overburdened the states of entry (Boronska-Hryniewiecka, Brudzinska, and Sasnal, 2015). The authors contend that the Southern states see systematic deficiencies in current asylum protocol (2015). They have pushed Northern states to accept more asylum seekers, enact more military action against smugglers and traffickers, create processing centers for migrants in African states, and widen search and rescue operations throughout the Mediterranean (Boronska-Hryniewiecka, Brudzinska, and Sasnal, 2015).

The authors also outline the debate from the Northern states’ perspective (2015). They claim that these states, while wanting to expand burden sharing responsibilities, are frustrated by the Southern states inability to properly adhere to EU registration and processing protocols (2015). To the Northern states, this failure encourages migrants to unlawfully move north (Boronska-Hryniewiecka, Brudzinska, and Sasnal, 2015). While some Northern states, according to the authors, are willing to offer some sort of voluntary assistance, others like Germany and the United Kingdom are less willing to spend on the inefficient programs and processes they deem to be rampant throughout the Southern states’ systems (Boronska-Hryniewiecka, Brudzinska, and Sasnal, 2015). Finally, Boronska-Hryniewiecka, Brudzinska, and Sasnal present a perspective from the Eastern European states, which they argue have their own issues with both the Southern and Northern European states (2015). In particular, they
suggest that these Eastern European states think that there should be no mandatory resettlement schemes across Europe and that they should be allowed to move forward with their own asylum acceptance policies, regardless of their restrictive nature (2015). Pastore (2015) also comments on this fracture between Eastern and Western states. He reaffirms that this Eastern European Visegrad Group, is adamant about only supporting voluntary measures for quotas and resettlement schemes, and pushes the Eastern ideology that this will positively allow for each Member State to best utilize its own resources, experiences, and practices.

Pastore (2015), though, condemns the EU’s mandatory resettlement plans. He points to the political risks of forcing Member States to participate in this top-down approach of trying to create solidarity and cautions that enforcement of the mechanism will likely be difficult (2015). Pastore (2015) warns that not only will this forced relocation system potentially conflict with the needs of refugees, but it also has the potential to exacerbate Euro-skeptic and xenophobic tensions highly prevalent within many EU states. Tsourdi and Bruycker (2015) agree, but their critique rests on the notion of inequality. Although they side with Pastore (2015) and Moraga and Rapoport (2014), they argue that the refugees’ own preferences are not taken into account (2014). They are equally critical that the mandatory resettlement plan does not take enough into account the different economic levels of each Member State (Tsourdi and Bruycker, 2015). These economic differences, they state, create significant problems in terms of solidarity, including presenting economical discrepancies in everything from social assistance programs to the running of reception centers (2015). Most critically, it undercuts and hinders the core objective of restricting secondary movements (Tsourdi and Bruycker, 2015). Finally, they argue that this relocation policy has been created without a significant discussion between EU states over what an equitable share of the migration crisis burden would look like for Member States.
This has thus led to a solution created without discussion over one of the most contentious aspects of EU migration policy (Tsourdi and Bruycker, 2015). Moraga and Rapoport (2014) likewise make this link between Member States financial circumstances and refugee settlement, but relate it more to the EU’s problem with addressing costs. To them, the biggest miscalculation by the EU in regards to its relocation and resettlement schemes is that they only assess true costs to the incoming refugee, instead of seeing the underlying opportunity costs from potential economic efficiency gains—an important notion according to Dalla Zuanna, Mein, and Pastore (2015), as the EU could lose up to 100 million workers between 2015-2050 due to declining population growth (Moraga and Rapoport, 2014).

Another key issue related to a lack of solidarity and mistrust between European states includes the lack of enforcement by the EU of policies and procedures related to migration. While acknowledging that recent EU legislation contends that it will address this critical issue, the authors point with concern to the forty infringement decisions announced in mid-September 2015 for failure to adequately implement components of the CEAS (Carrera, Blockmans, Gros, and Guild, 2015). Likewise, they note the unsatisfactory nature of the Czech Republic’s current detention centers which have been found to hold migrants for between forty to ninety days in poor conditions (2015). They indicate Hungary’s violation of the Schengen Treaty through their construction of a wall along the Hungarian, Serbian, and Slovenian border, as well as other asylum and border violations, as indications that this promise is not holding much weight (Carrera, Blockmans, Gros, and Guild, 2015). According to Parkes and Angenendt (2009) this has been shown historically through EU legislation offering policies on a voluntary or opt-in basis have created a non-committal atmosphere by which Member States can use national solutions to address European problems, no matter how problematic or burdensome they might
be for other Member States. In all, Carrera, Blockmans, Gros, and Guild (2015), along with Parkes and Angenendt (2009), demonstrate the implicit compliance and enforcement failures that have further led to the degradation of solidarity and relationships among EU Member States. Tsourdi and Bruycker (2015) sum it up succinctly when looking at the EU’s solidarity issues, stating that the vicious circle of mistrust among the Member States can only be alleviated if mechanisms and strategies for accountability and responsibility are fairly assessed.

**External concerns.** In addition to immense solidarity fractions between regional states, policy researchers have called out the EU for not addressing the root causes of the current mass migration, contending that policy efforts aimed at border security do not go far enough in resolving this imperative issue. Tsourdi and Bruycker (2015) demonstrate this by pointing at the EU’s external migration policies, admonishing them for relying too heavily on capacity building and not enough on underdevelopment. Moraga and Rapoport (2014) add to this as they contend that EU’s initiatives only address symptoms of the greater migration problem, directing their efforts at border controls and money transfers instead of looking at root problems within third countries. Collett (2014) furthers this concept and states that it is particularly important with regard to the Syrian conflict. With 34% of all sea-based incoming migrants in 2015 being Syrians, the gravity of the situation continues to increase for the EU (UNHCR, 2015b). With over 2.5 million refugees have already registered by UNHCR as of 2015, she contends that many of those currently placed in the countries of Turkey, Lebanon, and Jordan, could be looking to head into the EU (2014).

The UNHCR (2015b) itself has made it clear in its recommendations to the EU that Member States must look to create safe, efficient corridors for travel into the EU for asylum-seekers, Grundell (2015) agrees with this notion on safe, efficient corridors for travel. However,
when looking at safety from a smuggling and trafficking context, he adamantly contends that the 
management of migration flows from third countries under the border control and security 
measures paradigm is not adequate for addressing the trafficking of human beings (Grundell, 
2015). To him, the main reason the EU continues to fail in its policies regarding trafficking and 
smuggling is because it falls mostly under policies aimed at migration (Grundell, 2015). This 
eglects key aspects of the protection of migrants and the prosecution of traffickers (although the 
*EU Action Plan Against Migrant Smuggling 2015-2020*, will hopefully address some of those 
concerns) (Grundell, 2015). Agreeing with the recommendations of UNHCR, both Mavrodi 
(2015) and Grundell (2015) emphasize that the lack of policy surrounding safe passage to the 
EU is a critical over-looked gap within the overarching EU migration policy, and one that needs 
to be addressed quickly.

Carrera, Parkin, and Den Hertog (2013) agree with this and criticize the EU for its Euro-
centric approach to partnerships with third countries. Most aptly, the authors point to the ENP 
and its focused goals and actions on return and reintegration, pointing out that at times, this can 
conflict with the development issues inherent in certain African nations (Carrera, Parkin, and 
Den Hertog, 2013). They present the historical context of the EU’s home-affairs driven 
approach to external nations as a prime concern moving forward (Carrera, Parkin, and Den 
Hertog, 2013). They further contend that this has been particularly poignant since the 
Lampedusa incident in Greece in 2014, which caused emotional Member States to create policies 
based on short-term, narrow-minded lenses instead of through long-term, sustainable strategies 
(Carrera, Parkin, and Den Hertog, 2013). Tocci and Cassarino (2011) agree with Carrera, 
Parkin, and Den Hertog’s (2013) assessment and present historical contexts aimed at showing 
how the ENP has created a framework and situation by which they are trading human rights and
democracy for border control and security through cooperative readmission and asylum procedure systems. They further contend that before the Arab Spring in 2011, the EU’s short-sightedness in turning a blind eye to the underlying fragility of states and regimes they worked with, completely compromised the long term sustainability of states like Egypt and Tunisia, whose leaders are gone, but root problems persist (Tocci and Cassarino, 2011). Overall, the authors adamantly see long-term sustainability and development of external policies as a critical gap within the EU’s overall migration policies. With support from Carrera, Blockmans, Gros, and Guild (2015), they implore the EU to further address these mounting root causes, particularly in vulnerable regimes in Africa and the Middle East (Tocci and Cassarino, 2011). Parkes (2015) continues this critique of external partners, noting Turkey’s current threat to allow waves of refugees into Europe as a signal that the EU is not doing enough to work with neighboring states. Citing further humanitarian issues and crises, many of the authors contend that the current EU policy towards migration needs to be re-evaluated and expanded. To them, a more holistic and comprehensive approach that addresses the significant gaps mentioned within this review of literature is strongly needed.

In general, after reviewing both the legislation as well as the literature on the laws and regulations implemented by the EU to counter the current migration crisis, many of the researchers and authors agree that while there has been momentum in creating a comprehensive and cohesive legislative agenda, there are still significant gaps within the current strategy. While the process of evaluating the policies can be complicated and offer a number of constantly changing paradigms and ideologies, it is still imperative that these policies be analyzed in order to further evaluate a crisis that has already directly or indirectly engulfed most of Europe. The review of literature, while still fairly limited given the overwhelming technical documents and
resources available, in addition to the wide array of perspectives from experts, policymakers, and researchers, still offers a glimpse into the major themes associated with the various challenges that surround this issue and topic. In the following chapter, case study analyses of Germany, Hungary, and Greece will further elaborate on the themes and trends brought out by this literature review and will showcase how these larger issues affect states on a more localized level. After this, an analysis of both sections will be provided in Chapter 5, aiming to develop a clearer picture of the critical problems surrounding the EU migration crisis.
Chapter 4: Case Studies

Introduction

In order to better understand the different approaches taken by the EU Member States, it is critical to look more specifically at individual Member States. This focus provides a more direct analytic approach to how current EU legislation affects different states, depending on available resources, geographic location, and influence within the EU community. The approach will offer clarity on how EU legislative components have played a role in either hindering or helping certain states address the current migration crisis. While some states have been more receptive to the mandates imposed by recent regulations, others have been lax in their interpretation of the rules. This has resulted in either direct opposition to the EU or leading to potential humanitarian issues. Other states, particularly in Southern Europe, have little to say about the legislative matters. Essentially, they are only looking to the other EU states to help them ease the financial and resource burden from tremendously high irregular migration rates. By looking at Germany, Hungary, and Greece, the main perspectives and ideologies within the EU on migration policy will become apparent, and the systemic issues facing all the states will be exposed.

Germany

Throughout the last decade, Germany, led by Chancellor Angela Merkel, has emerged as a key leader within the EU. Utilizing its significant resources, booming economy, and strong influence within Europe, the nation-state has become the leading voice on recent migration policy and has taken a crucial leadership role in attempting to address the mounting crisis. Germany has fully embraced its role as the main destination country for migrants entering Europe, providing significant resources and aid, and even bending EU legislation to further
welcome migrants in. Through this role, Germany has become the de-facto leader of not just the EU, but the Northern bloc of EU states that includes France, Sweden and the UK. These states, while critical of the Southern Member States and their handling of the flow of migrants into the EU, are staunch advocates of a mandatory burden-sharing system that more equally distributes incoming migrants across the twenty-eight Member States. Their ideological position, which has been criticized as too open and not security-oriented enough, reflects an area of growing tension between EU Member States.

**Germany’s migration history.** A welcoming of hundreds of thousands of migrants into the German nation has not come without its consequences. Many EU Member States, most notably Hungary, have criticized Germany’s approach to migration and have even placed blame on Germany for its recent escalation of the crisis. Internally, many citizens and politicians of Germany are becoming disgruntled with Germany’s increasingly inclusive system and have called on Chancellor Merkel to scale back the integration policies that have allowed over one million people to cross into Germany’s borders from asylum-seeking or secondary movements within Europe (Abraham, 2016). By accepting its role as a welcoming and inclusive state, Germany has become one of the most crucial actors in the migration crisis. With its leadership status, Germany represents one of the most important countries tasked with shaping EU legislative policy to address the tide of incoming migrants.

Germany’s open-armed approach to migration reflects its long history and ethics related to migration within Europe (Lee, 2015). German Interior Minister, Thomas de Maiziere, articulated this ethical commitment by explaining that it is both Germany’s humanitarian duty and responsibility to accept asylum-seekers (Lee, 2015). From the significant movements of people from East to West Germany after WWII to the even greater flows of people moving
throughout the country after the fall of the Berlin Wall in 1989, immigration has been thoroughly ingrained within Germany’s history (Lee, 2015). It has left them well-equipped to handle large immigration flows (Lee, 2015). Between 1945 and 1949, over 12 million displaced people and refugees entered West and East Germany, demonstrating both countries’ capacity for accepting high volumes of people (Lee, 2015). Between 1955 and 1973, West Germany started a massive labor work program to fuel its growing economy. Through bi-lateral agreements with Turkey, Yugoslavia, Italy, Greece, and Spain over 2 million people were brought into the country (Lee, 2015). This was in addition to the 1.4 million repatriates that entered Germany between 1950 and 1987 from Eastern Europe (primarily from Romania and Poland) and the former Soviet Union, or the 3 million more repatriates that came between 1988 and 2005 (Lee, 2015). Currently, Germany is home to the third largest immigration population in the world with 20% non-German citizens, further emphasizing its long relationship with immigrants (Abraham, 2016). While ethical and historical reasons for accepting so many migrants is central in understanding Germany’s approach to the current migration crisis, there are economic benefits too. Not unlike much of Europe that is undergoing a strong demographic shift, Germany faces a large aging population that could end up with a shortage of up to 2.4 million workers by 2020 (Lee, 2015). The demographic shift is partly why Germany has accepted so many Syrian asylum-seekers, as many Syrians hold higher education degrees that qualify them for critical German jobs (Ilgit and Klotz, 2015). With key historical, ethical, and economical contexts guiding their current migration approach, Germany has become a humanitarian beacon of hope for many incoming migrants, particularly after its decision to break from a major piece of EU legislation in the summer of 2015.
Germany’s shifting it approach: As the migration crisis has unfolded and escalated, so too has Germany’s ability to fully adhere to EU policy. Before summer 2015, Germany was still a staunch supporter of all aspects of EU legislative policy. As a leader within the EU project, Germany demanded all states directly follow EU policy as a measure of cohesion. In fact, it grew increasingly frustrated by the inabilities and failures of Greece and Italy to utilize these policies in addressing irregular migration flows. However, after the summer of 2015 Germany’s ideology changed. After a massive explosion of migrants entered Europe through the Balkans and an increase in secondary movements overwhelmed states like Hungary and Austria, Germany reversed its position and suspended its participation in the Dublin Convention in August 2015 (Pastore, 2015). As a result, Germany’s Federal Office for Migration and Refugees essentially stopped checking to see where Syrian refugees had entered Europe. This allowed unimpeded access into Germany through secondary movements (Pastore, 2015). Germany then joined French President Francois Hollande in calling for a binding agreement on a quota system for the resettlement and relocation of incoming asylum-seekers. This enraged already angry Eastern European states who now blamed Germany for perpetuating and escalating the crisis due to the Dublin suspension (Pastore, 2015).

Germany then curiously set another critical precedent and on September 13th, 2015, it began issuing temporary border controls with Austria. It stated that its reception centers were overwhelmed and they could not handle incoming migrant traffic (Pastore, 2015). This temporary restriction, which Germany staunchly denied as being against the Schengen Agreement’s free movement principle, would set a dangerous principle. Hungary, Slovenia, Slovakia, Serbia, Croatia, Poland, Czech Republic, and Austria later implemented similar measures, placing the legitimacy of the Schengen Accord in serious doubt (Pastore, 2015). They
also suspended their safe country policies, claiming the lack of capacity to block the uncontrollable flow of migrants through other states, and further blamed other EU entry states for allowing secondary movements to cause this controversial response (Ilgit and Klotz, 2015). Overall, the actions of Germany’s border management and migration policies have had reverberating consequences and set precarious precedents throughout the EU.

**Germany’s inclusive history.** Prior to these events, Germany’s migration policies often reflected the values of openness and responsibility previously echoed by Merkel and Maiziere. In 2013, Germany became the first country to implement a humanitarian program for special needs Syrians (Ilgit and Klotz, 2015). In 2014, it continued to create more inclusive policies by expanding their list of safe third countries, shorting asylum claim processes to three months, and lifting restrictions for both migrant employment and residence (Ilgit and Klotz, 2015). In early 2015, citing humanitarian reasons stemming from detention times that lasted up to six months, Germany stopped all deportation of migrants back to Hungary. This was an approach previously utilized against Greece in 2011 due to their poor reception center standards (Ilgit and Klotz, 2015). In addition to these more humane approaches, Germany has also been extremely lax in the past five years in enforcing its deportation laws. Over 200,000 people who have been denied asylum currently live in Germany. These individuals have received healthcare, are permitted to enter the job market, and their children have been allowed to go to German schools (Abraham, 2016). More recently, Germany has established a streamlined asylum process for Syrians and religious minorities from Iraq and Eritrea, suspending its interview component for these groups (Lee, 2015). Since the suspension of Dublin, asylum-seekers have been required to apply at one of over twenty reception and facilitation centers set up by Germany’s Office for Migration and Refugees (Lee, 2015). Germany has instituted a unique
distribution quota system called the Konigsteiner Key across the federal states of Germany (Lee, 2015). Under this scheme, 21% of asylum-seekers are distributed to the state of North Rhine-Westphalia, Germany’s most populous state, 15% are sent to Bavaria, the richest and largest German state, and 5% are sent to Berlin, the German capital (Lee, 2015). Germany has dedicated over $1 billion to its reception and facilitation centers in an attempt to better equip and manage the incoming flow of people (Lee, 2015). Due to a strong economy, large available resources and robust integration policies, Germany has been able to be more inclusive, managing the incoming tide of refugees while upholding humanitarian standards.

**Local troubles.** Despite its inclusive policies, Germany still faces a complex conundrum related to migration. It is forced to continue perpetuating the values of EU cohesiveness while continuing to accept migrants. At the same time, its local and state budgets are becoming short on money, and growing anti-immigration attitudes are forming at the local level (Abraham, 2016). Within the state, many politicians are pushing for more restrictive policies, citing the hordes of unmanaged migrants into their state as an economic and security risk. Anti-Islamization and xenophobia have become rampant within the country, and groups like the Hooligans Against Salafists, the Alternative for Germany, and the Ultras have emerged. These groups aggressively protest the current German policies, which sometimes lead to violent attacks against refugee shelters (Lee, 2015). In early 2016, the German states of Baden-Wurttemberg and Bavaria began instituting more restrictive policies, authorizing the search and seizure of money and valuables from incoming migrants in order to offset mounting costs (Arens, 2016). Surprisingly, the growing anti-immigration protests have not caused any major shifts in German openness or migration policy. But as Germany keeps receiving hundreds of thousands
of migrants each month and the crisis continues to escalate, the local pressure from German citizens could be too much to ignore in Berlin.

**EU migration commitments.** Germany, along with Sweden, has received around 50% of all asylum requests since 2011 (Ilgit and Klotz, 2015). In 2015, Germany received over 476,510 asylum requests, with 294,730 coming in just the last six months of the year (Eurostat, 2016). Most of these requests came from Syrian asylum-seekers (Lee, 2015). However, requests from Kosovo, Afghanistan, Albania, Serbia, and Iraq also comprised of a large portion (Lee, 2015). In the last three months of 2015, 86,300 first-time Syrians applied for asylum in Germany, amounting to around 60% of the 145,100 that applied to the EU during that time (Eurostat, 2016). In addition, 14,600 Afghani first-time asylum-seekers applied to Germany, representing almost 18% of the 79,300 that applied to the EU during that same period (Eurostat, 2016). Between January and June 2015, the German Office for Migration and Refugees made 114,060 asylum decisions, or around 18,000 to 19,000 decisions per month. They accepted 34.7% (Lee, 2015).

Germany has made numerous commitments to accept more migrants through various EU legislation. Through an emergency EU relocation scheme for Italy and Greece in May 2015, Germany was mandated to accept even more people into its borders. As part of this agreement, Germany was to accept 5,258 more migrants or 21.91% of the 24,000 proposed people Italy, and 3,505 migrants or 21.91% of the 16,000 proposed people from Greece (European Union, European Commission, 2015a). In later legislation aimed at addressing the swell of people entering Italy, Greece and Hungary at the end of 2015, another emergency scheme was announced by the EU to relocate an additional 120,000 people (European Union, European Commission, 2015b). Under the agreement, Germany agreed to accept 4,088 people from Italy,
14,149 people from Hungary, and 13,206 people from Greece as part of its mandated 21.91% share (European Union, European Commission, 2015b). This share is slightly higher than the 18.42% share presented in the original Agenda on Migration relocation scheme in early May 2015 (European Union, European Commission, 2015i). As part of a separate piece of EU legislation that looks at resettlement of refugees through the UNHCR, Germany agreed to accept another 3,086 migrants, or 15.43%, of the overall resettlement scheme (European Union, European Commission, 2015g). It should be noted that most of the migrants to be resettled through these pieces of legislation have yet to be transferred due to inter-EU disputes and opposition to the overall schemes. While over one million asylum-seekers and irregular migrants entered Germany in 2015, Germany expects this number to grow even more during 2016, presenting a large future burden-sharing issue for the country that could become unsustainable.

**Conclusion.** Germany’s more inclusive approach reflects many of the key elements and ideologies noted under the European Agenda on Migration and subsequent EU legislative doctrines. Through increased humanitarian efforts and stronger asylum acceptance policies that echo and support the resettlement and relocation schemes established by the EU as a whole, Germany has utilized its leadership status in the EU to address the migration crisis through a more holistic and humane lens. It has advocated for EU solidarity and mandatory burden-sharing that not only takes the pressure off struggling Southern states, but also removes the onus for receiving migrants of the crisis from the Northern states. Because of this, Germany has actively supported united relocation and resettlement plans, in addition to advocating for more rapid and humane processes for asylum-seekers. It has worked tirelessly trying to maintain the cohesiveness of the EU as a whole, especially since restrictive policies among EU states have threatened to divide the union. This response, while staunchly opposed by many Eastern
European states that want more separation and flexibility from the EU, has started to sour German citizens. While Germany has pledged to spend $6 billion in 2016 to feed and house an estimated one million asylum-seekers in its country, it may not be enough to address the concerns of citizens who are rapidly moving into the anti-immigration camp (Hume and Pawle, 2015). Looking at Germany as a case study, it is clear that their more inclusive oriented policy positions and perspectives have led to varying consequences within the EU. This has not only strained relations among EU states, but within Germany itself.

**Hungary**

While Germany represents a country that stands united with the EU and wants to address the migration crisis through a paradigm of management and burden-sharing, Hungary represents almost the exact opposite. Having only entered the EU in 2004, Hungary has become one of the leaders of the bloc of Eastern European states that have strongly resisted Germany’s more liberal leadership (Abraham, 2016). Hungary, along with its Eastern European allies which includes Poland, Slovakia, Slovenia, Czech Republic, and Austria as well as less vocally, Estonia, Latvia, and Lithuania, vehemently opposes mandatory relocation and resettlement quota schemes, and claims that it is each country's prerogative to decide who enters their country and how many asylum-seekers they accept (Pastore, 2015). They argue that each state can protect its own interests, while also allowing in the right number of people that best fits their country's culture, available resources, abilities and best practices (Pastore, 2015). Hungary has been the most vocal about this position. Along with Slovakia, Hungary has even threatened to take the EU to court over the proposed May and September 2015 legislations to relocate and resettle more than 160,000 people. Hungary’s philosophy of migration represents protectionism and control of borders, with a heavy restriction on who does and does not enter the country (Higgins, 2015).
**Hungary’s restrictive ideology.** In September 2015, Hungarian Prime Minister Victor Urban dubbed the European migration policy “Germany’s problem” (Colmain, 2016). While that remark did not help Hungary and Germany’s deteriorating relationship, the statement was based on the fact that while Hungary did see over 350,000 people cross through their borders in 2015, most were only using Hungary as a transit state on their way to Germany (Kallius, Monterescu, and Kumar-Rajaram, 2016). With the increase in irregular migration into the Balkans, many migrants, particularly from Syria and Afghanistan, have used states like the Republic of Macedonia, Serbia, Hungary, and Austria as transit locations on the way to Germany. This is particularly true after Germany suspended Dublin in the summer of 2015 (Colmain, 2016). Through this, Hungary has essentially limited its activities to only registering and processing asylum-seekers. After adding in more restrictive policies towards the end of 2015, the number of asylum applications has dropped significantly. Most notably, these policies include the construction of a 110-mile long fence along the Hungarian-Serbian border that serves as a barrier to keep migrants from illegally crossing into the state (Colmain, 2016). This fence was built after a summer which saw over 3,700 people entering Hungary per day (Feher, 2015a). While many human rights groups and EU Member States such as Germany have called this fence a clear violation of the Schengen Agreement, Hungary has countered saying it complies with EU law that requires all immigrants to be registered by police when they enter the Schengen zone (Colmain, 2016). Hungary has also instituted a military declaration called “Decisive Action” (Feher, 2015a). Under this program, Hungary’s military forces have been trained to deter people from trying to cross into Hungary illegally and have been taught on how to handle crisis situations in coordination with the border police (Feher, 2015a).
Recently Hungary criminalized anyone traveling into the nation without the proper travel documents with up to three years in prison (Feher, 2015b). They also criminalized anyone who supports, aids, or helps illegal migrants. This is a reaction to the string of support from Austrian citizens who began entering Hungary to take migrants into Austria in the summer of 2015 (Kallius, Monterescu, and Kumar-Rajaram, 2016). As of mid-November, over 1,000 Syrians and Afghans had been jailed by Hungarian security for damaging the Serbian border fence line, further demonstrating their criminalization philosophy (Kallius, Monterescu, and Kumar-Rajaram, 2016). In September 2015, massive protests broke out near Keleti International Train station by tens of thousands of migrants living in camps around the station, along with thousands of Hungarian anti-immigrant protesters (Kallius, Monterescu, and Kumar-Rajaram, 2016). With the rising potential for conflict, Hungary relented and bypassed EU asylum processing laws to bring out ninety buses in which to take migrants into Austria (Kallius, Monterescu, and Kumar-Rajaram, 2016). After this event, Hungary tightened its border controls, erecting the fence with Serbia, and used tear gas and water cannons to keep migrants from illegally crossing into the state (Kallius, Monterescu, and Kumar-Rajaram, 2016). With the recognition of Serbia as a safe country of origin in September 2015, Hungary officially stopped processing asylum requests from migrants who transited from Serbia, deporting all those who attempted (Kallius, Monterescu, and Kumar-Rajaram, 2016).

The EU-Hungary divide. Hungary believes the EU has no right to require it to accept asylum-seekers (Feher, 2016). Claiming that Germany and the West’s multicultural approach does not work, Urban himself believes Hungary should have more autonomy within its domestic and foreign affairs. This is a significant break with EU structure and policy (Freeman, 2015). Urban succinctly demonstrated this when he identified the EU as an “Alliance of free
nations, not a United States of Europe” (Feher, 2016). Hungary believes the EU should close its borders and look externally for solutions. It calls for improving conditions in refugee camps in Turkey, Lebanon, and Jordan, and wants the international community, including the United States and Arab nations, to take in refugees Europe cannot handle (Freeman, 2015; Feher, 2015b). They also call for more funding to Frontex to provide stronger security measures, and have repeatedly called out Greece for its inability to do more to keep migrants within its borders (Freeman, 2015). While many of Hungary’s neighbors, including Croatia, have claimed that Hungary’s closure of its borders has further burdened them, Hungary still maintains its current stance and even intends to build fences along the Croatian border. It says it will consult more with its partners though before doing so (Freeman, 2015). The more Hungary goes against EU policy the more agitated the EU becomes. Recently, the EU declared it intends to take Hungary to court over local legislation making it harder for migrants to appeal asylum decisions. The EU claims it goes against EU law (Higgins, 2015). It also has threatened Hungary over allegations it has failed to respect the rights of asylum-seekers, and ignored EU doctrine that migrants cannot be deported while their asylum requests are being appealed (Holehouse, 2015). The EU has brought up violations against Hungary that take aim at its fast-track deportation system. The EU says it not only ignores the rights of migrants’ to an interpreter, but are based on judicial decisions made by unqualified individuals (Holehouse, 2015). Hungary still holds strong to the concept that the EU needs to get tougher with its migration policies as a whole and fears that without doing this the EU will soon become more destabilized (Feher, 2015b).

Local ideologies. These restrictive policies have been fully supported by anti-immigration parties within Hungary. In a recent poll conducted by the Hungarian state, 82% of people supported stronger immigration controls (Feher, 2015b). In another poll in September
2015, 73% of Hungarians agreed with the security border fence installed along the Serbian border (Feher, 2015b). In February, Urban further emphasized this support within Hungary, by ordering a national referendum on whether it should participate and support the EU’s asylum-seeker relocation plan (Feher, 2016). This referendum, which aims to collect local and political support for Hungary’s overall migration policy, further demonstrates the deep-rooted anti-immigration sentiments that fuel Hungary’s overarching policy. In 2015, Urban bluntly described Hungary’s cultural intentions regarding migration policy, stating that Hungary is a mono-cultural society that respects homogeneity as a strong Hungarian value, a concept he claims is foreign to western societies (Freeman, 2015). These feelings were apparent in the recent statistics on Hungarian asylum-seeker requests. While 177,135 asylum applications were submitted to Hungary in 2015, 109,178 were processed between just July and September 2015, while only 1,170 were processed between September to December, a significant decrease (Eurostat, 2016). In addition, in the EU’s mandatory relocation and resettlement legislation from May and June 2015, Hungary was mandated to take only 2.07% of people under the relocation scheme, or 496 people from Italy, and 331 people from Greece. Within the UNHCR resettlement scheme they were only required to accept 1.53% or 307 people (European Union, European Commission, 2015a; 2015k). As previously stated, most of the people under these schemes have not been relocated or resettled as of the end of 2015, particularly into Hungary. The country requested emergency assistance shortly after these schemes were instituted.

**Conclusion.** Hungary’s reaction to a cohesive, unified EU response to the migration crisis has been essentially opposition. While supported by its regional Eastern European partners in its disagreements with EU policy, Hungary has been by far the most vocal against it. Citing ingrained cultural and ideological differences, Hungary has criticized Germany’s leadership. It
has called for a different path for stricter EU security and border controls. Hungary is supportive of the EU’s recent attempts to coordinate more with Turkey and other external partners. But it also believes that the EU needs more external support and that EU multiculturalist approaches are inappropriate for properly addressing this crisis. Hungary’s restrictive border controls have essentially stemmed the tide of migrants coming through that country and forced them to find new routes into Western Europe. As the migration crisis enters its fifth year, Hungary is beginning to see more EU Member States support its ideology and implement similar restrictive actions. For the future, Hungary’s battle with the EU on migration policy could be settled in European courts in Luxembourg. These courts may have to rule on whether or not Hungary must play a role in any relocation or resettlement scheme. If they rule in favor of the EU, it remains to be seen how Hungary will respond. If the courts rule in favor of Hungary, it will present another major challenge to the EU project. In comparison to Germany, Hungary represents a more restrictive migration policy. It has taken a vastly different approach to resolving the current migration crisis, but its ideology is gaining more traction within Europe.

**Greece**

While Germany and Hungary have operated with different philosophies on how to best manage the current migration crisis, Greece has had a far different experience. Over the past five years, Greece has become one of the largest gateways for irregular migrants and asylum-seekers. Like Italy, Greece represents a Southern state that has been completely overwhelmed by the flow of migrants into Europe. These states have been highly criticized by other EU countries for failing to control their borders and have relied heavily on EU assistance and support to achieve even modest gains in stemming the tide of irregular migrants. Greece and the other EU Southern States have desperately called for EU-wide relocation schemes and quotas to help with
its inundated asylum system. It has pleaded for further EU-wide measures to help the struggling states. More specifically, the Southern states have called for an end to the Dublin Regulations and Dublin transfer rule. Other EU Member States have used these rules to deport migrants back to Greece and Italy for asylum processing (Ilgit and Klotz, 2015). Because of its prime geographic location with long extensive coastlines and easily porous borders, Greece has been an easy entry point for many irregular migrants (IOM, 2015c). In 2011, it accounted for almost 90% of all irregular entry into Europe. Over time it has been forced to combat irregular migration not only through the Aegean Sea but also along the northern border with Turkey and Evros (IOM, 2015c). In 2015, over 821,000 people entered Greece, with over 816,000 coming via sea routes (IOM, 2015a).

**Historical challenges.** Challenges for Greece have been compounded by a devastating economic recession in 2008. This recession led to a large public debt, a declaration of bankruptcy, and loans from the International Monetary Fund and the EU. The economic crisis dramatically altered the social, economic, and political climate of immigration in Greece (Kasimis, 2012). The nation’s GDP was reduced by almost one fourth, national incomes decreased, unemployment skyrocketed, and tensions rose between the state’s native residents and growing migrant populations (Kasimis, 2012). Because of these economic issues, strong xenophobic and anti-immigration trends have been on the rise in Greece. Citizens have resorted to nationalistic tendencies in dealing with the fallout effects from the recession (Global Detention Project, 2014). In the end, the rising migrant population along with a decimated national economy left Greece unprepared to handle the migration crisis both structurally and legislatively.
Historical interventions. Since the crisis first started, Greece has also tried some critical operations and interventions aimed at curbing irregular migration. In response to the shift in flows starting in 2010 from the Aegean Sea to the Evros River between northern Greece and Turkey, Greece responded by increasing deployments of police in the region and by increasing surveillance methods along the border (Global Detention Project, 2014). They built a 12.5 kilometer fence along the Evros River border and they received deployment help from the EU Frontex program to deploy Rapid Border Intervention Teams to help control the area. The result of this, however, was a shift in migration patterns that send migrants back to the Aegean Sea as the main path of entry into Greece (Global Detention Project, 2014). In 2012, Greece launched operation Xenios Zeus, aimed at rounding up irregular migrants in Patras, Attica, and Evros. Almost 66,000 migrants were detained through these operations and only 6% of these were later found to not have residence permits (Global Detention Center, 2014). In 2014, Greece instituted another series of controversial operations aimed at pushbacks and roundups of migrants (Global Detention Project, 2014). These operations have led to serious allegations by human rights organizations such as the UNHCR and Amnesty International criticizing Greece for pushing back asylum-seekers and declaring that migrants were being racially profiled and harassed by Greek authorities (Global Detention Project, 2014). In December 2015, Greece agreed to deploy guards from Frontex along the northern border and formally requested EU assistance with migration on the Greek islands (ITV, 2016).

Detention centers. A large part of Greek management of irregular migrants and asylum-seekers has come through the increased use of detentions. Irregular migrants and asylum-seekers used to be held in detention centers for up to 18 months under Greek law if they did not submit the proper asylum paperwork, or they could be legally deported (Global Detention Project,}
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This was further complicated by the fact that in recent years Greece has had one of the lowest application rates of asylum-seekers in the EU (Global Detention Project, 2014). As with Greece’s operations on roundups and push backs, Greece’s detention center policy has become a major source of controversy in the international community. Groups such as Committee for the Prevention of Human Rights, the Council of Europe Committee on Human Rights, Amnesty International, the UNHCR, and the European Court on Human Rights have denounced the poor conditions and management of the detention centers. They have called them a blatant violation of migrants’ human rights as accorded by international law (Global Detention Project, 2014). While Dublin transfers by many states have limited the amount of returnees to Greece, the increasing flows of people into the state, particularly from Turkey, have made the management of detention and holding centers more difficult. The election of the Greek Syriza party in 2014 brought in new national policies. These including the closure of a number of detention facilities, the release of unaccompanied minors from detention facilities and the abolition of the 18 month detention waiting period for asylum-seekers. In addition, the Syriza party has worked to create other alternative-detention programs such as open shelters, voluntary returns, and stronger integration initiatives. However, despite this positive initiatives, much still needs to be done in addressing Greece’s chaotic migration policy (Nallu, 2015).

Recent interventions and EU assistance. By the end of 2015, Greece’s migration system was still struggling to adequately address the flow of migrants. Emergency funding from the Asylum and Migration Integration Fund and Internal Security Fund has totaled over 8.6 million euros, in addition to the over 33 million already granted by the funds for 2015. These funds have helped to create more reception centers and provide food and resources to incoming migrants. Yet it has not been enough to fully counter the dramatic flow of people (European
Management and control problems within the border management systems persist. In December 2015, the EU threatened to take legal action against Greece for its failure to fingerprint asylum-seekers within three days of entering the country, among other violations (Holehouse, 2015). In addition, 731 migrants died in 2015 crossing the Mediterranean Sea via the Western Mediterranean route (although an additional 2,889 were killed in route to Italy) (IOM, 2015a). Thus far, 2016 has presented no signs of relief for Greece. In January and February 2016 alone, over 115,000 migrants reached the Greek islands, representing over 80% of the irregular migration during that time (UNHCR, 2016a; Hume and Pawle, 2015).

Greece has made some progress. In late 2015, Greece added over 20,000 reception places for asylum-seekers in coordination with a UNHCR rental scheme (European Commission, 2015b). In addition, Greece has committed to increasing its own capacity for reception centers by over 30,000. It has even come to an agreement with the Council of Europe Development Bank for a grant to construct another 700 reception places in Eleonas (European Commission, 2015b). By early 2016, it is hoped through these schemes an additional 35,000 places will be available (European Commission, 2015b). In 2015 Greece resumed forced and voluntary returns, deporting almost 20,000 migrants due to their status as labor migrants and not asylum-seeking migrants (European Commission, 2015b). Despite all this, Greece still lacks a comprehensive return strategy and does not operate enough detention center space to stop migrants from disappearing before they can be deported or returned (European Commission, 2015b). In looking at the EU Agenda on Migration, five hotspot locations have been identified in Greece: Lesbos, Leros, Kos, Chios, and Samos. Only the Lesbos hotspot, however, was operational by the end of 2015 (European Commission, 2015b). Under EU-wide relocation
schemes, Member States were mandated to relocate 66,400 people from Greece under two
different legislative relocation programs (European Commission, 2015b). However, by the end
of 2015 only 64 people from Greece had been relocated. Adding to this, only 370 candidates
registered for relocation and only another 297 were submitted for approval by the Member States
(European Commission, 2015b). For their part, only nine Member States had offered 305 places
for relocation under the schemes (European Commission, 2015b). In the end, while some
strategies have been put in place to address the systemic problems, Greece is still a long way
from being relieved of the pressure from irregular migration.

Conclusion. Greece has become the epicenter of the current migration crisis within
Europe. With hundreds of thousands of irregular migrants and asylum-seekers crowding their
shores and overwhelming their limited resources and reception centers, Greek migration policy
has been based essentially on support and direction from other EU Member States. Despite
being highly criticized for its role in perpetuating the migration crisis and allowing migrants to
push through the country into other European locations, support for Greece’s situation is still
within the critical interests of all Member States. While enhanced security measures and border
controls have helped other states to relieve the pressure of incoming migration flows, Greece,
due to its position as a port of entry, does not have that luxury. Faced with the dilemma of a
potential humanitarian crisis and the security of the EU, Greece’s acceptance of large flows of
migrants represents an adherence to international law. Unfortunately for Greece, the impact of
recent EU legislation has been minimal. While financial resources and personnel assistance has
provided some semblance of aid, larger legislative items such as a comprehensive EU relocation
scheme or the creation of hotspot zones, have fallen largely flat. Even emergency measures,
such as the ones to relocate 66,440 people from Greece, have been met with such opposition
from other Member States that hopes for greater assistance to aid Greece and other Southern states in the future continues to dwindle. With 2016 looking to have even worse irregular migration flows than 2015, Greece looks to potentially be in for another destabilizing and devastating year, particularly if the EU cannot reach larger legislative agenda goals to aid them.
Chapter 5: Discussion and Analysis

Introduction

The three case studies offer informative insights into the different perspectives, ideologies, and tactics being employed by various EU Member States with regards to migration policy. These differing approaches reflect responses to EU legislative policy towards migration. Each of the three states acquiesce to these policies to varying degrees. It is essential to take the themes and trends found in the case studies and to overlay them with the information extracted from the literature review. It is critical to develop an analysis that looks both through a national and EU-wide lens. The following section will discuss the main points gleaned from the research to present a more holistic and comprehensive analysis. By doing this, trends and overarching issues will be looked at the local state level, the EU level, and the external level in order to offer varying perspectives on how the EU’s migration policy is affecting the current migration crisis.

Local and State Level Trends

At the state and local level, the most pertinent trends related to this topic revolve around the quality and management of the reception centers along with the often negative responses by the local population. Of these trends, the most critical represented within the case studies and legislative materials include the humanitarian issues currently plaguing the reception locations for migrants. This was particularly evident in the case studies for Greece and Hungary. It was clear that local actors, including government and non-government organizations, did not have the resources or personnel to adequately support the increasing flows of people into their states. With so many people entering the country, the Greek reception centers have become so overwhelmed and overcrowded that incoming migrants have been able to easily move past
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critical check points and maneuver deeper into Europe through secondary movements. This last aspect has become an increasing point of tension between EU Member States. It has led not only to fractures in ideology but also legal threats among states. Hungary is at risk of humanitarian crises along its borders as huge numbers of people have been left waiting at the border for weeks, or months with limited food, water, or resources. Hungary’s restrictive migration policies, including the border fence with Serbia and their criminalization approach toward migrants, have not only severely hindered the international protection of migrants’ rights but have clearly placed added pressures on other EU Member States. In all three case studies, it was found that cities have become inundated with migrants attempting to either transit to the next host country or apply for asylum. In the meantime, they have lived in make-shift camps or parks with limited care, food, or other resources. The lack of resources has led to one of two approaches by Member States that have had reverberating consequences in terms of the EU migration policy. Some states, like Germany, Greece, and Italy, have had to sidestep and disregard certain elements of EU policy and protocol. Other states, such as Hungary, Denmark, Sweden, Austria, Slovenia, Serbia, and Croatia, have either completely or partially closed their borders to migrants, further escalating a potential human rights crisis.

EU legislation has sought to address these mounting concerns. The EU Agenda on Migration set clear objectives aimed at getting more aid and support to struggling entry states, in addition to creating a roadmap towards alleviating the migratory pressures of irregular migration. However, this agenda has failed to achieve many of its stated objectives, other than allocating or spending billions of euros. In addition, other regulations, such as the **Immediate operational, budgetary, and legal measures under the European Agenda on Migration, The Proposal for a Council Decision establishing emergency measures in the area of international**
protection for the benefit of Italy, Greece, and Hungary, State of Play of the Implementation of the Priority Actions under the European Agenda on Migration, and the Seventeen-Point Plan of Action for the West Balkans have also fallen short in their intentions. Europe continues to see more people entering Europe despite these policies, especially through Greece and the Western Balkans. Using the example of Greece, many of the approaches and regulations stipulated under the EU Agenda on Migration, have yet to be fully implemented or made operational. This further exacerbates problems for states of entry. While Greece, along with other entry states like Italy, certainly has its own operational and management problems, the assistance promised under EU legislation has been slow arriving and has done little to stop the flow or management the incoming migrants. While the case studies of Germany, Hungary, and Greece clearly articulate the problems related to EU policy and its varying effects on controlling the crisis, similar issues can be found in many other Member States and Associated States. In Italy, Serbia, the Republic of Macedonia, Croatia, Slovakia, Slovenia, Malta, and Austria, a lack of resources has caused these states to either abandon EU policies or shut their borders altogether.

In addition to this resource problem, the negative sentiment among local populations towards migrants was evident throughout all the case studies. From groups like the Hooligans against Salafists, the Alternative for Germany, and the Ultras in Germany to the strong anti-immigrant parties emerging in Hungary and Greece, it is clear that these types of groups are gaining both local support and political power as the crisis escalates. This negative perception stems from the notion that thousands of migrants are entering cities in an uncontrolled and unmanaged way. In some cases they are outnumbering the citizens themselves. As these perceptions increase, so does the influence that these local sentiments have on state migration policies. This is especially evident in two different examples in the Germany and Hungary case
studies. In Germany, national policy still directly aligns with overall EU legislative policy. As a result, a more open and welcoming approach is taken. Local groups in Germany though have begun to take serious aim at this. With regional states such as Bavaria and Baden-Wurttemberg beginning to implement more restrictive approaches to their management policies and as violence continues to emerge from anti-immigration groups, German Chancellor Merkel may not be able to continue Germany’s current path much longer. In Hungary, direct local support for restrictive policies is clear and has helped Prime Minister Urban continue to institute policies that counter EU legislative goals and objectives. This trend is not solely seen in these three countries. The literature highlights that similar processes are going on in Denmark, France, Austria, the UK, and many of the Balkan states. Local populations have become increasingly anti-immigrant and more supportive of security and border control approaches to addressing the crisis.

**EU-Level Trends**

The critical issue deriving from the research is the EU’s clear lack of cohesion and solidarity in addressing the current migration crisis. This was evident in the case studies of Germany and Hungary. Both demonstrate almost opposite ideologies and strategies for managing irregular migration and asylum-seekers. This disagreement has polarized the EU as a whole. As the crisis continues to unfold, the divide has gotten even wider with more states moving away from EU legislative policy and towards more restrictive measures. This lack of cohesion not only has created a strong mistrust among EU states themselves, but it has also had a direct impact on the effectiveness of EU legislation. Looking at the resettlement and relocation schemes instituted by the EU, only 200 to 215 people of the proposed 160,000 have been resettled as of 2015 due to mistrust and opposition to EU-wide migration strategy (Higgin,
In addition, the Dublin regulation, a key piece of EU protocol in processing asylum-seekers, has essentially been dropped by a number of Member States, including Germany, the largest advocate of EU policy. The EU has threatened its Member States with more than eighty-two separate legal actions, demonstrating the frailty of EU legislation (Holehouse, 2015). This strife between states has created a visible problem within the EU, marking a noticeable difference between EU regulations and actions taken by Member States. This clear mistrust and philosophical fragmentation has directly led to consequences for migrants. They have been stuck trying to figure out the best course of action for moving through Europe, despite unmistakable violations of international protection and human rights against them.

Connected to this lack of solidarity among states is the immensely problematic issue of EU enforcement of its own laws. With so many states challenging the EU’s overarching policies and so little being done to counter their stance, the entire EU project has been put into jeopardy. This has been most clearly evident in the case studies of Germany and Hungary. Their actions in creating restrictive obstacles has brought up potential violations of the Schengen Agreement, guaranteeing the freedom of movement between states. This principle is one of the hallmarks of the entire EU project, and it is under attack. The precedents set by Member States could have dire consequences even years after the migration crisis ends. Even the European Council President, Donald Tusk, has been pessimistic about the state of Schengen. In January 2016, he stated that “Schengen could fail” due to the current migration crisis if progress is not made immediately (Cendrowicz, 2016). With few enforcement mechanisms to back up legislative policy, the EU as a whole could suffer residual consequences of this crisis, dramatically endangering the integrated path of the EU. A lack of enforcement of EU law, clear ideological differences between states on migration issues and a limited amount of solidarity
among EU states in addressing the crisis was evident within the case studies, particularly when overlaying the agenda of EU legislative policy with the realities of EU Member State action.

External Trends

Externally, a clear gap in EU legislative policy revolves around its work with external partners. Recent events and deals with Turkey in March 2016 offer a potential shift in this arena. Until this point the EU has not fully utilized its external policies and partnerships to aid in the current crisis. While some larger EU policies have been made, including an expansion of the Common List of Safe Countries of Origin which included a key host nation like Turkey and the Role of EU External Action, overall external networking has been fairly limited. In the case study of Hungary, Prime Minister Urban even hinted at this noting that the EU needs to increase work with host nations such as Jordan, Lebanon, and Turkey, in order to improve refugee camps and support greater asylum systems. To date, most of the EU’s external policy has included solely financial incentives and packages to these third countries. More resources and capacity building for support should be advanced to create incentives to keep migrants in their home countries. In addition, one of the clear key gap areas within the EU’s external policies involves addressing critical root causes of migration into Europe such as poverty, persecution and conflict. While monetary mechanisms and some limited support approaches have been created, particularly in Africa, international displacement rates and global refugee rates continue to rise. More effort needs to be made to address the reasons why migrants risk their lives in the first place. This is especially true with regards to conflicts in Iraq, Syria, and Afghanistan along with issues of persistent persecution in Eritrea, four main contributors to the current crisis. The EU Agenda on Migration does talk vaguely about root causes in Pillar I of its agenda through the institution of EU delegations, more cooperation assistance, the creation of immigration liaison
officers, and through shutting down of trafficking networks (European Union, European Commission, 2015i). However, as with many other aspects of EU migration policy, not all of these objectives have come to fruition or been effective in curbing the trend of migrants in Europe.

One of the most curious aspects of EU external migration policy addressed by Hungarian Prime Minister Urban includes the lack of EU cooperation with other external nations who are not immediate neighbors. Through analyzing EU legislative policy, there was no mention of EU efforts at discussing, enhancing, or streamlining operations within the UNHCR to send more migrants to countries like Canada, Australia, or the United States. While these states certainly have their own national policies regarding migration, they could be valuable in alleviating asylum pressures from within the EU. As Europe continues to struggle to find places for migrants who are currently massed at border crossings and reception centers, a stronger effort at engaging other external states could be an important future direction that allows for critical asylum relief. While a permanent solution to this crisis must obviously come from an EU-driven blueprint and approach, utilizing external nations to relieve some of the current pressure within the Southern EU states may be beneficial. Overall, it was evident that the EU’s primary focus within its migration policy includes internal legislation rather than external cooperation, which has provided its own set of critical consequences.

The Council of Europe, an organization outside of the EU that looks at EU legislative policy and other EU related issues, has called Europe’s handling of the migration crisis disastrous (Holehouse, 2015). While this sentiment could be labeled as too strong, the underlying fact is the EU continues to see large numbers of people enter its shores with few legislative or policy-driven approaches proving effective to stop it. Inherent within this is the
EU’s overwhelming tendency to provide reactionary and defensive policies aimed at producing short-term legislative fixes rather than long-term strategies (Pastore, 2015). Because of this, numerous cracks have emerged. Whether internally or externally, critical gaps have developed within the EU’s CEAS, particularly in regards to the Dublin Conventions. Other gaps, specifically with regards to secondary movements of migrants, operational support for states of entry and transit along with external policy gaps, have also emerged within EU legislation providing serious problems for EU Member States. The entire EU project appears to be in flux as mistrust and key philosophical differences over how to manage the migration crisis has jeopardized the creation of holistic and united EU policy. This fragmented stance, along with impracticalities of some EU legislative policies, have led to enforcement problems of EU law and have further divided the EU states while also potentially perpetuating a human rights crisis. Overall, the three case studies of Germany, Hungary, and Greece emphasize the key trends and problems outlined in this analysis. They also expand on the overarching EU policy problems pointed out by authors in the literature review of this thesis. In the end, without addressing some of the key elements noted in this chapter, the EU will not only face mounting difficulties in addressing the current crisis, but it will also struggle to maintain the unity of the EU as a whole. The next chapter will outline key policy recommendations aimed at addressing a number of the topics presented in this section.
Chapter 6: Policy Recommendations

Based on the critical problems discussed above, the following policy recommendations are presented. These recommendations attempt to encapsulate the main problem areas represented within the current migration crisis, along with the issues extracted from both the case studies and the literature review. Recommendations include both specific and general approaches and are listed under short-term, mid-term, and long-term priorities:

Short-Term Solutions

1. Enhance and further finance stronger border management protocols and processes to fully identify all individuals entering the EU (Frontex, 2015). Through this, both EU security and humanitarian objectives can be met, in addition to international protection laws.

2. Improve search and rescue operations to save migrant lives at sea (UNHCR, 2015b). With over 3,000 deaths at sea in 2015, this form of transit must be monitored on humanitarian grounds and further protections must be employed (UNHCR, 2015b).

3. Increase knowledge management skills and training at both the operational and policy levels (Frontex, 2015). While greater information-sharing systems have recently been implemented, effectively utilizing that information and transferring it to proper policy channels, particularly while under increased pressure, must be addressed (Frontex, 2015).

4. Fully enforce current EU legislation regarding irregular migration and asylum-seekers and ensure that these enforcement mechanisms are being conducted as humanely and effectively as possible (Mavrodi, 2015). More aptly, make sure that international protection systems are effectively addressing the needs of incoming asylum-seekers (Fargues and Bonfanti, 2014).
5. Improve and expand reception center capacity and standards to not only provide sufficient support and resources to incoming migrants, but also to counter potential precarious positions with local communities (UNHCR, 2015b).

6. Create a more efficient transfer of information from border management agencies to high-level policy mechanisms to increase effectiveness of adequate and practical policy approaches (Frontex, 2015).

**Mid-Term Approaches**

1. Increase protection capacity, financial support, and economic development of third countries related to the current migration crisis (Tsourdi and Bruycker, 2015). This specifically includes assistance to refugee host nations, to help them alleviate local resources pressures and prevent the potential destabilization of local structures (Tsourdi and Bruycker, 2015).

2. In order to adequately address border management concerns, particularly at sea, it is essential that the EU further clarify and expand the role of Frontex to better understand its role when taking action within both security and humanitarian contexts (Frontex, 2015).

3. Increase financing to the CEAS to more effectively allow it to reach the type of system envisioned by the EU Agenda on Migration (Tsourdi and Bruycker, 2015).

4. Re-analyze the Dublin Conventions in a way that integrates a practical, more efficient redistribution scheme that not only conforms to human rights standards but also takes into account the migrants needs (Carrera, Blockmans, Gros, and Guild, 2015).

5. Create authorized and legal immigration entry ways for both economic migrants and humanitarian asylum-seekers (Mavrodi, 2015). Within this, create stronger employment
and residence incentives for legal immigrants to aid in supplanting the EU’s largely
decaying workforce (Mavrodi, 2015).

6. Continue to fight migrant trafficking by both disrupting smuggling corridors and by
reducing incentives for utilizing smuggling networks (Frontex, 2015). Programs aimed at
disseminating information to potential asylum-seekers about the risks associated with
using traffickers should also be implemented and prioritized.

7. Increase funding to the EU Asylum and Migration Integration Fund and the Internal
Security Fund, in order to alleviate some of the financial burden, particularly within the
Southern and Balkan EU states, that the migration crisis has caused (Tsourdi and
Bruycker, 2015).

Long-Term Approaches

1. Increase relations with third countries through a less Eurocentric approach that both
empowers and incentivizes external states to participate in alleviating migratory root
issues and transit crossings (Frontex, 2015). In addition, the creation of co-development
initiatives need to be accelerated so as to create incentives to keep migrants in third
countries, by addressing economic, social, and political problems within those nations
(Matthee, 2015).

2. Create a private resettlement scheme comprised of migrant family members, along with
private citizens, NGOs, and church organizations to further address the numerous
asylum-seekers still waiting for settlement in the EU (Tsourdi and Bruycker,
2015). Similar systems in the United States and Canada have been implemented and
have been fairly successful (Tsourdi and Bruycker, 2015).
3. Increase cooperation, trust and responsibility among EU Member States in order to create effective and practical policy mechanisms to aid in addressing the current crisis (Malmstrom, 2014). This includes finding solutions to relocation and resettlement schemes that have stalled in implementation, along with finding more cohesive approaches to the policy gaps inherent within Dublin, Schengen and the CEAS (Malmstrom, 2014).

4. Address the root problems of global displacement such as conflict, insecurity, systemic poverty, a lack of education and livelihoods, and persecution that are the drivers of the current migration crisis (UNHCR, 2015b). As part of this, the EU must find both political solutions to the root causes and human rights violations, along with providing more targeted funding of key areas of international concern such as within Syria (UNHCR, 2015b).

5. Create a global protection scheme in conjunction with the UNHCR aimed at resettling vulnerable groups, particularly Syrians, in external states such as the United States, Australia, and Canada (Tsourdi and Bruycker, 2015).

6. Establish more long-term migration and development policy goals that take into account a multi-sector approach that includes, foreign affairs, trade, cooperation, and social, economic, and political concerns (Carrera, Blockmans, Gros, and Guild, 2015).

Conclusion

The current European migration crisis has created an unprecedented number of problems within the structures of the EU. With the relentless flow of migrants into EU countries and inadequate mechanisms and systems in place to curb or support the incoming people, Europe has
found itself in a precarious position. While its legislative agenda has touted both humanitarian and security oriented approaches, these objectives have been met by heavy skepticism and outright rejection by both EU Member States as well as corresponding authors knowledgeable about this topic. As this thesis has shown, it is evident both from the case studies as well as the literature review that the EU must do more to address the plethora of negative trends, problems, and gaps inherent within its policies. Moving forward, the EU must utilize both internal and external support systems to adequately respond to some of the most pressing policy recommendations outlined in the section above. As part of this project, future researchers must look at the emerging and changing trends within this crisis to create more effective policy positions not integrated within this paper. As the migration crisis continues to loom over Europe, future research will need to assess up-to-date EU legislative policies in addition to recent interventions, programs, and agreements, particularly with host nations such as Turkey, to see how the conclusions represented in this paper have shifted or changed. In the end, the current EU migration crisis will continue to be an agonizing burden on the EU Member States as long as strife and divisions continue to linger in the migration management approaches and measures.
Epilogue

Since the end of 2015, a number of new developments and interventions outside the purview of this thesis have emerged. Most critically, a number of new legislative materials have been created to either amend previous EU regulations or to attempt new approaches at mitigating the problems analyzed in this thesis. Five key regulations or agreements have been implemented since December 2015, which offer important insights into the ongoing crisis and further highlight some of the main themes and trends represented in this report. They also offer a glimpse at the evolving nature of EU migration policy, presenting either new directions or amended focuses on previous legislation objectives. The following five regulations and agreements offer the most up-to-date perspectives on the EU’s response to the migration crisis and the complex difficulties still inherent within it.

The first key regulation came in mid-December 2015. This proposal, referred to as the Regulation of the European Parliament and of the Council on the European Border and Coast Guard, proposes the establishment of a European Border and Coast Guard to ensure the secure management of EU borders (European Union, European Commission, 2015n). The main philosophy behind this echoed a key concern of many Member States, who claimed the protection of internal EU borders cannot be done without the enhanced control of external borders (European Union, European Commission, 2015n). The regulation included the establishment of a monitoring and risk analysis center to more accurately track the incoming flows of irregular migrants, along with the direct deployment of Coast Guard liaisons to Member States to ensure the proper monitoring and assessment of these flows of people on the ground (European Union, European Commission, 2015). It also called for the agency to create new protocols to address emerging and urgent situations directly providing coordination, intervention,
and technical assistance to agencies on the ground (European Union, European Commission, 2015n). Finally, the regulation proposed cross cooperation with other agencies for Coast Guard related activities and for greater cooperation with third countries to address migratory pressures and causes (European Union, European Commission, 2015n). Overall, the EU has established this regulation as a way to not only strengthen their external border protection systems, but also as a way to ensure the fundamental human rights of people entering Europe (European Union, European Commission, 2015n). While this control mechanism will certainly have its critics and does not address some of the main issues associated with the flow of migrants, only time will tell if it will be effective in achieving its short- and long-term goals.

In early March 2016, the EU established a new legislative proposal entitled, *Communication from the Commission to the European Parliament, the European Council and the Council: Back to Schengen; A roadmap*. With this document, the EU looked to not only amend and revise its December 2015 Schengen Border Codes document but also to address a crucial area of concern within current EU migration policy (European Union, European Commission, 2016b). This proposal tried to specifically address ways to ensure the future of Schengen while also keeping all EU Member States united. It focuses primarily on Greece, using it as the key element in both protecting the security of the EU and maintaining the overall sanctity of Schengen (European Union, European Commission, 2016b). Through support for Greece, the regulation addresses six main objectives. These objectives include: looking into the main deficiencies inherent within Greece’s inundated external borders management system, providing immediate financial and resource support to Greece to address its failing asylum and tracking systems, and reassessing Greece’s limited internal border control mechanisms (European Union, European Commission, 2016b). It also calls for a more coherent EU approach
to handling Schengen-related issues and protocols by putting an end to the current “wave-through” approach that allows migrants of overwhelmed entry countries to make secondary movements into Europe (European Union, European Commission, 2016b). Finally, with closure of illegal secondary movements, the legislation also aims at a reinstatement of the Dublin transfer rule, an approach that hopes to make Member States more willing to accept resettled or relocated migrants in the future (European Union, European Commission, 2016b). This Schengen roadmap looks to address some of the key movement disputes which have crippled the EU throughout 2015, particularly those surrounding Dublin. While the reestablishment of Schengen is a critical move in helping to consolidate the strength of a united EU, concerns over international protection rights and Greece’s ability to quickly construct these mechanisms within this agreement still linger.

Following this Schengen document, two other critical agreements related to resettlement and relocation were produced by mid-March 2016. These two documents, entitled *Council decision amending Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece* and the *Communication from the Commission to the European Parliament, the European Council and the Council: First report on relocation and resettlement*, look to both amend and reestablish some of the key objectives created in past EU legislation surrounding resettlement and relocation. The legislation includes a timetable for the relocation of the 160,000 people from Greece and Italy established in emergency provisions legislation during the summer and fall of 2015 (European Union, European Commission, 2016a). The new regulations call for a relocation of 54,000 of the 160,000 people by September 26, 2016 (European Union, European
Commission, 2016a). The remaining 106,000 are then aimed to be relocated one year later (European Union, European Commission, 2016c).

These resettlement documents not only offer guidelines for relocating and resettling migrants in the future but also provide a glimpse at some of the key obstacles in doing so (European Union, European Commission, 2016c). Based on the fact that since March 16th, 2016, only 937 of 160,000 migrants have been relocated (368 from Italy and 569 from Greece) and only 4,555 people have been resettled out of 20,000 under a June 2015 UNHCR scheme, the EU admits its current struggles and failures (European Union, European Commission, 2016c). Most notably, it acknowledges a lack of political will on the part of EU Member States to participate in relocation and claims that the “wave-through” policy within the Balkans caused EU Member States to be reluctant to resettle migrants while irregular ones were relentlessly crossing into their states (European Union, European Commission, 2016c). It also notes the gravity of the situation, with the UNHCR claiming over 100,000 people could soon be stranded in Greece within a month due to border closures by Slovenia, Serbia, and Croatia (European Union, European Commission, 2016c). With 287 people relocated in the first two months of 2016, the EU is optimistic these new proposals will lead to increased and faster relocation and resettlement timetables in the future (European Union, European Commission, 2016c).

Despite this optimism, the two documents also highlight the impending obstacles in the way of achieving these goals. It notes that both the UK and Ireland are exempt from these schemes, and Austria and Sweden have issued requests with the EU to temporarily suspend participation within relocation programs based on the burdens from migration that their countries have already suffered (European Union, European Commission, 2016c). Hungary has not only refused to offer any places for relocated migrants within its state but along with Slovakia has
lodged legal actions before the Court of Justice of the EU to review the legality of the proposed legislative documents (European Union, European Commission, 2016c). The regulation furthermore notes that while both Italy and Greece have improved asylum and irregular migration systems through making more hotspot locations operational and by expanding EASO registration capabilities, much still needs to be done on their end to make relocations a viable solution (European Union, European Commission, 2016c). This includes increasing reception center capacity for migrant return, making all remaining hotspots operational, and by strengthening insufficient reception, coordination, and registration systems, particularly within Greece (European Union, European Commission, 2016c). In the end, these two policies outline the overarching problems within the EU’s attempts at resettlement and relocation that must be addressed. This includes insufficient pledges for space from Member States, constraining formal preferences by Member States for particular migrants, lengthy response times for calls for relocation, additional screenings and security checks instituted post-Paris terrorist attacks, unjustified rejections of relocation appeals and a lack of experienced and expert personnel at coordinating EASO’s (European Union, European Commission, 2016c). The recent documents on relocation and resettlement do demonstrate an important effort at alleviating the pressure of migrants from key migration nations of entry. However, they also highlight the persisting problems within the EU on this topic as well as the difficult path that remains in taking this policy route.

The most recent, and arguably the most important, agreement to come within the last four months includes the mid-March 2016 EU deal to send irregular migrants who have arrived in Greece back to Turkey (Kanter, 2016). Despite major objections from human rights groups, the agreement will take place almost immediately, with all migrants arriving through clandestine
routes after March 20th being deported back to Turkey (Kanter, 2016). The agreement will not have an effect on any asylum-seekers or irregular migrants already in Europe. This joint solution between the EU and Turkish officials represents a critical agreement in the EU’s attempt to find a solution to the migration crisis. Under the agreement, the EU will send irregular migrants back to Turkey, and in return the EU will accept one Syrian asylum-seeker from Turkish refugee camps (which currently hold over three million) for every returned migrant (Kanter, 2016). Turkey will also receive a number of other benefits. These include $6.6 billion in aid to groups working inside refugee camps, visa-free travel for Turkish citizens inside most of the EU starting this summer, and the restarting the Turkey-EU membership negotiations (Kanter, 2016). According to the EU, this agreement is aimed at deterring migrants from making the perilous journey into the EU while also encouraging legal methods of migration and asylum-seeking (Kanter, 2016).

Despite these advantages, a number of critical concerns have been raised about the viability of the deal. Most specifically, fears over how Greece, with its severe lack of infrastructure, financial capital, administrative capabilities, and limited reception centers for returns, will be able to both ensure fair asylum-seeker hearings and provide the resources to send migrants back to Turkey (Kanter, 2016). Evidence of this issue was further demonstrated when the UNHCR, on March 22nd, announced they would no longer participate in the transfer of migrants to Greek detention centers, citing instances of forced detention and deportation particularly within Greek hotspot locations (Nebehay and Tagaris, 2016). On Turkey’s end, major questions have emerged about the authoritarian regime. Already intricately involved in its own conflict, along with having a long record of human rights violations, it is uncertain whether they will have the capacity to deal with this high profile issue (Kanter, 2016). This deal does
little to stop the re-routing of traffickers and smugglers to other routes, particularly within Libya and across the Central Mediterranean into Italy and Malta (Kanter, 2016). German Chancellor Angela Merkel, a stout defender of open migration policies and a key leader within the EU, has announced her support for the plan, offering it a key endorsement (Kanter, 2016).

More seriously for the EU, the Turkey deal presents a critically calculated gamble, and its significance cannot be underestimated. With so few immediate or short-term viable approaches available to suppress the trend of migrants coming into EU states, and with so little optimism that EU-wide legislative efforts will present any feasible solutions, this deal offers a risky chance at affecting some change in the migration crisis. While some mechanisms and relocation schemes have been introduced, Greece in particular continues to falter under the extreme weight of the crisis. This deal emphasizes the immediacy by which an intervention needed to be constructed. While certainly forged around justified uncertainty and concerns, the Turkey-EU deal has the potential to offer the EU the necessary break it needs to re-analyze its currently fledgling asylum systems and to give it the time necessary to create the substantial and effective policies its needs to truly address this crisis. With a significant curbing of incoming migrants, high-level tensions among states may slightly diminish and a restoration of EU solidarity may emerge, as is beginning to be seen in the revised Schengen proposal.

The deal also demonstrates the desperate nature of the EU dilemma. Usually steadfast in its values on human rights and democracy, the exasperation of the current crisis has led the EU to engage in an agreement of this magnitude with an authoritarian regime with a long history of human rights abuses. More troubling, by inflaming the tensions between Turkey and the Kurds along with its already high-profile fight against ISIS in Syria and Iraq, the ability of Turkey to handle these conflicts while adequately providing for millions of refugees seems unlikely. Many
experts contend that this agreement just exports the EU migration problem to Turkey and offers little in terms of addressing its ingrained root issues. It also is potentially creating new conflicts and crises. In the end, this attempt to stop irregular migration into the EU, while potentially effective in the short-term, could have major hidden consequences in the future especially in regards to migrant human rights.

Recent EU legislation does offer some starting points for addressing some of the key issues that have emerged within the context of this thesis. While major problems still clearly exist, particularly in regards to the protection of migrant human rights and the strong division among EU Member States in the area of relocation and resettlement, the possibility for future solutions or better management still exist. With current interventions and legislative documents aimed at addressing the systemic problems within Greece’s management and security mechanisms, a more efficient and humane asylum-seeking system could be produced. In addition, with the EU reevaluating the Schengen and Dublin systems, more cohesive and integrated policies may emerge in the future. While the recent pieces of legislation seek to curb a crisis that has already brought over 155,000 people into Europe in 2016 and looks poised to surpass that number as warmer summer months emerge, a number of key issues are still left unanswered (UNHCR, 2016a; Kanter, 2016). Without addressing the critical root causes of why people are coming into Europe, the current EU legislative approaches and strategies will most likely continue to fall flat.
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