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European Refugee Crisis and EU Response: How Important Are Humanitarian and State Security Concerns in Asylum Admission Policy-Making in Hungary and Italy?

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Abstract

This paper illustrates the importance of humanitarian and internal security concerns in EU admission policy-making in times of a large influx of migrants and transnational terrorism. The paper does so, analyzing the European refugee crisis and EU response to it by focusing on two case studies, namely Hungary and Italy, which are two of the countries that have received the highest number of refugees and asylum seekers in the last two years. First, it examines the theoretical framework against and for open borders. Second, it gives a brief background on the history of migration to Europe since the 1970s to understand the new patterns of migration to Europe and introduce the refugee crisis and the EU response to it. Subsequently, it briefly explains the critical situation in EU to show the EU policies implemented to handle the crisis. Specifically, the paper uses the Hungarian and Italian case to understand if humanitarianism is still important in the European community, specifically in the response to the refugee crisis. Finally, it tries to draw some conclusions arguing that the refugee crisis and the EU response to it have raised questions on the importance of humanitarianism and on the future of the EU. The analysis will show how states are shifting to a dualist approach towards EU law, resulting in a lack of cooperation and cohesion among the member states.

Keywords: refugee crisis, humanitarianism, internal security, migration

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1. Introduction

In recent years, Europe has been experiencing a critical situation. On the one hand, the number of people seeking refugee status in Europe has remarkably increased, while on the other hand fear of terrorism and security threats have spread throughout the member states. From January 2015 to November 2017, more than 1.3 million migrants and refugees have reached European shores, while more than 400 people were killed in several terrorist attacks in the last three years (UNHCR, 2017). The development of a common migration policy in the European Union in times of a large inflow of migrants and transnational terrorism has tried to balance harmonization among the member states in light of international law on protection and border security. Asylum admission represents a critical case with respect to the debate between humanitarian responses and internal security. Some scholars argue that the importance of humanitarian concerns is quintessential in migration policy-making, particularly in a humanitarian environment such as the EU; while others affirm that states value more their internal security and cultural homogeneity in asylum enforcement and present migration as a danger to public order, domestic and labor market stability, and cultural identity.

The purpose of this research is to understand what role humanitarian concerns and internal security play in the EU response to the “refugee crisis” and transnational terrorism. The paper will be presented by analyzing the case of Hungary and Italy, which are two of the countries that have received the highest number of refugees and asylum seekers in the last two years. Indeed, the two countries have been chosen to be analyzed on the basis that both of them play a crucial role in managing the refugee inflow, being transit countries of two different routes taken by migrants, as

it will be explained later in the paper. Moreover, neither of them have experienced terrorist attacks since the increase of migration flows, and, therefore, could not base their response and migration policy implementation on concrete events that happened within their territories. Specifically, the analysis will focus on the implementation of EU asylum policy and response to the crisis by the Hungarian and the Italian governments taking into account the anti-immigration campaign and admission restrictions carried out by Prime Minister Orbán's cabinet and the public opinion in the former country and the search and rescue operations carried out by the Italian coast guard and navy and the political tensions concerning migration in the latter. Throughout the analysis, it will be clarified if the forces behind the Hungarian and Italian response to the refugee crisis and transnational terrorism are driven more by humanitarian discourses or national security. First, the paper will address the theoretical framework related to the status of refugees and the reasons that lead states to open or close their borders in a situation of increasing inflows of migrants and terrorist attacks. Successively, it will provide a background of the European actions and policies implemented to deal with the refugee crisis as well as a brief history of migration to Europe since the 1970s. Finally, it will analyze the case of Hungary and Italy in light of the previously discussed arguments. For the case studies, three aspects will be emphasized: the Hungarian and Italian obligations under EU law, the Hungarian and Italian response to the crisis and implementation of EU policies, and the public perception in Hungary and the political tensions on migration in Italy. Eventually, the investigation will reveal whether there are any connections between humanitarian concerns and national security and the Hungarian and Italian response to the refugee crisis, and it will set a framework from which lessons can be drawn to understand how to balance both the protection of vulnerable people and internal security.

The findings of the research might show that the Hungarian and the Italian response to both crises reflects different theories on securitization and humanitarian concerns, and that for certain aspects and policies implementation the Hungarian government has failed to comply with EU migration policies, while the Italian case represents even more ambiguous and complex scenario. Through the analysis of the Hungarian and Italian cases, the paper will argue that the refugee crisis and the EU response to it have raised questions on the importance of humanitarianism and on the future of the EU. The analysis will show how states are shifting to a dualist approach towards EU law, resulting in a lack of cooperation and cohesion among the member states.

2. Literature Review

The literature on the reasons that lead states to close or open their borders is vast and complex because there are opposing views about securitization and humanitarian responses when states are experiencing transnational terrorism concerns. According to some scholars, states are more prone to control their borders for security reasons when an increased number of migrants ask for admission, while others tend to open their borders for humanitarian reasons (Rosenblum & Salehyan, 2004, p. 678). This chapter will explain some of the theories behind states' decision to open or close their borders. It will first give an account of the two terms 'refugee' and 'forced migration' in order to differentiate these types of migrations, which are the main focus of this thesis, from other terms. Successively, it will analyze the theories behind the case for closed borders and those ones behind the case for open borders in order to understand if there are connections between these theories and the Hungarian and Italian situations.

The United Nations High Commissioner for Refugees defines asylum seekers as foreigners who seek admission to another country claiming their inability or unwillingness to return to their home country because of a well-founded fear of persecution. They are individuals seeking international protection whose claims have not yet been recognized (UNHCR, 2017). According to the Geneva Convention of 1951, refugees are individuals who are outside of their country of nationality and unable to return because they fear oppression and mistreatment "for reasons of race, religion, nationality, membership of a particular social group or political opinion" and have been granted asylum by another state (UN, 1951, Art. 1A).

Refugees, asylum seekers, and those internally displaced, trafficked, developmentally-induced displaced, and exiled are part of a specific type of migration, namely forced migration. Individuals and groups of people can, indeed, be forced to move due to persecution, to flee war, to escape famine or be displaced because of environmental or chemical/ nuclear disasters (O'Reilly, 2012, p. 127). The focus on forced migration in this paper is relevant to making a distinction between this type of migration flow and others such as labor migration. Indeed, even if forced migration is not separate from other types of migration, since forced migrants can become labor migrants or have life style inspirations in their movements, it is important to underline that forced migration is marked by a lack of choice, persecution, and fear (O'Reilly, 2012, p. 146). Therefore, policies and legislation ascribe major importance to the way forced migrants are labeled, perceived, and treated.

If prior to September, 11th 2001, international relations scholars scarcely analyzed the connections that might have emerged between international migration and internal security, after the attacks in the United States, there was an increase in attention to the security dimension of international migration (Castles & Miller, 2009, p. 207). Indeed, many state representatives believe that there is a nexus between terrorism and migration and that dispersed migrants are at risk of becoming lone actors of terrorism, especially referring to Muslim migrants. Even if it seems that the world's most powerful and wealthiest nations cannot afford to be indifferent to mass suffering and refugees' request for international protection, the recent "war on terrorism" and refugee crisis are raising concerns on whether the global consciousness concerning human rights and democratic values will prove durable (Castles & Miller, 2009, p. 220).

The Case for Closed Borders

Some scholars, like Neumayer (2006), argue that fear of terrorism inspires anti-immigration policy. Indeed, he argues that increased attacks might produce a higher likelihood of visa restrictions against origin states (p.74). A humanitarily conceived confederation of states such as the UN or EU are only weakly able to enforce humanitarian principles because the humanitarian charters of these confederations are not in practice internationally binding laws if not incorporated into national laws, but merely theoretical laws. As a result, states try to maximize their interests and if opening borders undermines national security, states will strengthen border control for their citizens' interests.

Other scholars such as Huysmans (2000), argue that politicians turn migration into a security issue by making people believe that migrants threaten domestic integration and public order (p. 751). He argues that European states have adopted common regulations that aim at the restriction and control of population flows for security reasons through a political process that links migrants and asylum seekers with “criminal and terrorist abuses of the internal market” and portrays them as “a challenge to the protection of national identity and welfare provisions” (Huysmans, 2000, p. 751). When migration flows increase, policy debates focus on the protection of public order and the preservation of domestic stability. Security discourses are based on fear of terrorism and transnational crime. Huysmans (2000) argues that migration in Europe has been securitized by locating the regulation of migration in an institutional framework that deals with the protection of internal security (p. 770). In this case, Huysmans (2000) claims that the “security problem triggers the security policy” in the sense that migration policies become an instrument to protect the state and its society from the entry of illegal immigrants and asylum seekers (p. 757). Refugees, asylum

seekers, and immigrants are politically constructed as a security problem that undermines concerns for their human rights.

First of all, in order to create a secure internal market, such as the Schengen Agreement, Huysmans (2000) argues, politicians feel the need to strengthen external borders. Indeed, the idea behind securitization policies is that if states want to secure their internal mobility then they have to harmonize and reinforce control at the external borders, restricting asylum admissions. States tend to strengthen external border control on the assumption that illegal movements of people, goods and services takes place mostly at the border (Huysmans, 2000, p. 759). Moreover, states have turned the control of the external borders into a security issue by emphasizing the idea that the creation of an internal market improves free movement, yet facilitates illegal activities by criminal agents such as terrorists or organized criminal groups and asylum-seekers and migrants. Therefore, to maintain the internal market stability, migration policies need to be restrictive on the assumption that there is a connotation between migrants and terrorism, drug trafficking and other criminal activities.

Moreover, scholars like Huysmans emphasize how in a situation of economic crisis, states close borders because they assume that migration lead to an increase in unemployment. Because states fear that opening their borders might lead to the collapse of their economies and welfare state, they close their borders to asylum seekers because they feel obliged to protect their economy and citizens (Abizadeh as cited in Hollenbach, 2010, p. 149). Indeed, governments might decide to restrict migration in times of economic recession to avoid these recessions from turning into economic crises (Meyers, 2000, p. 1248). In other words, states are prone to open their borders only when such a policy does not make their citizens suffer, no matter the humanitarian reasons behind the asylum requests.

Another justification states use to close borders to inflows of migrants, refugees, and asylum seekers, is the national identity approach (Meyers, 2000, p. 1251). Much of this literature is based on the concepts of national identity, citizenship, traditions, and homogeneity which are unique to each nation and are seen to be endangered by migration. Policy makers assume that migration brings social conflicts and debates over national identity (Meyers, 2000, p. 1251). Agreeing with Meyers, Huysmans adds that the securitization of migration is also a political issue linked to cultural security, and especially to the cultural identity of a nation. The political discourse regarding cultural identity involves cultural diversity in the sense that refugees and asylum seekers are perceived as a challenge to national cultural homogeneity because they bring cultural diversity and they are an indication that cultural identity is no longer constant but variable (Abizadeh as cited in Hollenbach, 2010, p. 150). These politicized depictions have become an important source for turning migration into a security issue and restricting asylum admissions.

Furthermore, the national identity approach brings a series of issues linked to nationality, xenophobia, European identity, and racism. The securitization of migration bases its political discourse on the differentiation between “them and us” by affirming that the other culture endangers the home culture (Abizadeh as cited in Hollenbach, 2010, p. 150). Migrants are seen as weakening the national tradition and challenging the survival of western civilization. They are constructed as a cultural danger. Huysmans also argues that in connection with cultural criteria, racism can affect the decision to strengthen border control. This assumption brings, however, a mainly indirect connotation between migration policy in the EU and racism. Emphasizing restrictions and control implies a negative portrayal of groups of migrants; as a result, society may see migrants as a danger to the community (Huysmans, 2000, p. 764). Moreover, the cultural identity approach introduces the question of migrants’ integration into European societies. Indeed,

the problem of integration and the lack of stable integration policies that tend to create a genuinely multicultural society might confirm a nationalist desire to preserve a culturally homogeneous society in which migrants are perceived as obstacles to the fulfillment of this national cultural identity (Huysmans, 2000, p. 764).

In the migration literature, security is also associated with the governance of the welfare state and the right to access welfare provisions by migrants (Huysmans, 2000, p. 767). Migrants, asylum seekers, and refugees are seen by politicians as not having rights to economic and social provisions. In a situation of crisis, social goods such as housing, healthcare, and jobs become extremely competitive, and this scarcity makes asylum seekers and migrants rivals to the national citizens. The welfare argument is sometimes used as a justification to limit the number of applications for asylum. According to a welfare chauvinist view, which emphasizes the idea that social benefits should be restricted to nationals in opposition to immigrants, the socio-economic stigmatization portrays migrants as profiteers who try illegitimately to gain social and economic benefit from a society they do not belong to (Huysmans, 2000, p. 767). In lights of these arguments, scholars believe that states are prone to accept asylum seekers and refugees only when they assume that it is in their interest to do so, and the national security and cultural homogeneity is not perceived to be at stake.

In addition, scholars argue that states have the legitimacy to decide which policy to adopt to control migration because of the principle of sovereignty. States enjoy boundary sovereignty and are the final arbiter of this political question, independent of any universal moral criteria.

Analyzing the case for closed borders, scholars argue that securitization of migration policy is a tool states use to turn migration into a security issue. Therefore, states tend to adopt restrictive

migration policies in order to maintain a certain stability and national security. Particularly, in Europe, securitization of migration is closely tied to the creation of the European Union and the Schengen Agreement in order to preserve the security of the EU internal movement of people, goods, and services. Politicians through the securitization of migration exacerbate perceived security issues. They play fear politics by bringing out citizens' feelings of racism. Indeed, the state assesses migration as a process that affects resource distribution, labor rights, access to healthcare, housing, and stability inside the nation. As a result, states assume that it is in their nationals' interest to restrict migration applying policies because they fear terrorism, illegal migration, and other threats to national security.

The Case for Open Borders

After having analyzed the case for closed borders and the perceived connection between migration and national security by states, it is important to analyze the case for open borders in order to understand why states decide to keep their borders open to asylum seekers and refugees. Indeed, although securitization of migration has increased remarkably in recent decades, other scholars such as Avdan and Rosenblum, stress the importance of humanitarian arguments in policy-making regarding migration admissions (Avdan, 2014; Rosenblum & Salehyan, 2004). They state that in responding to transnational terrorism, even though economic concerns and instrumental state security matter in asylum-policy making, humanitarian concerns are strongly influential, especially in a principally humanitarian arena such as the European Union. Human rights conditions in the origin states of migrants do not cease to matter in the presence of security concerns. As Abizadeh argues, global constraints imposed by international law on human rights

and humanitarian intervention force states to accept immigrants, in particular on the basis of the international human rights regime defined by the Universal declaration of Human Rights and the Charter of Fundamental Rights of the EU Fundamental Charter that protects migrants no matter their nationality and that under customary law should bind states to protect people's fundamental rights (as cited in Hollenbach, 2010, p. 154). The importance of humanitarianism in Europe has emerged especially after World War II, aspiring to regulate power interactions, through the universalization of human rights.

This literature is based on liberal egalitarian arguments for open borders which focus on the existing obligations to human beings, who by virtue of their humanity, are free to leave their country and ask for asylum and international protection in another country. In particular, the liberal egalitarians argue that states are morally required by duties of humanitarian assistance to permit entrance to people, especially refugees. They have advanced two arguments in favor of the opening of borders based on the value of freedom and equality (Abizadeh as cited in Hollenbach, 2010, p. 154). This literature argues that when states close their borders they restrict people's freedom by using coercion, and that, therefore, states have a duty to keep their borders open to all in order not to restrict these liberties. The second argument, based on equality, gives great importance to cosmopolitanism, namely the idea that all human beings belong to the same community based on a shared morality. According to this shared morality and ethics, scholars argue that given the massive levels of poverty and inequality around the world, prosperous liberal states have a duty to keep their borders open to global poor (Abizadeh as cited in Hollenbach, 2010, p. 154).

Humanitarian migration policy, which emphasizes the protection of individuals from violence in their countries of origin, constitutes an important example of what Goldstein & Keohane have termed a 'principled belief', namely those normative ideas that specify criteria for

distinguishing right and wrong in terms of world views (Goldstein & Keohane as cited in Rosenblum, & Idean Salehyan, 2004, p. 679). Asylum policy, in particular, is cited as evidence of an emerging post-national regime in which rights of 'personhood' are valued more than those of citizenship (Jacobson, 1996, p. 112). As a result, states find themselves constrained by international regimes that value human rights as a global principle. These scholars argue that human rights have become so important in the worldwide arena that humanitarian concerns play a decisive role in asylum policy. Jacobson (1996) argues that “international human rights codes [...] are becoming the vehicle that is transforming the nation-state system ... [and] the basis of state legitimacy is shifting from principles of sovereignty and national self determination to international human rights” (p. 112).

The literature review shows the complexity of the driving forces behind migration policy-making because many are the variables taken into consideration by scholars. Therefore, the theories diverge into different approaches such as considering state interests or humanitarian concerns more important than the other in migration policy when states are experiencing both a huge flow of migration and terrorist threats. In addition, migration studies are in continuous evolution because migration is an ongoing process. Consequently, the variables and measurements are constantly changing in response to the development of migration. Globalization has complicated states' approaches towards migration, so that states find themselves into a difficult position of debate between maintaining moral obligations towards all human beings and pursuing their interests.

In light of this theoretical framework, the following chapter will try to analyze and select the variables that might have affected the Hungarian and the Italian implementation of EU

migration policy in a time when a remarkable refugee crisis is occurring in parallel with an increased fear of transnational terrorism.

3. European Background

Migration to Europe since the 1970s

In order to analyze the current migration flows to Europe, it is essential to provide a brief background on the post-war history of migration to Europe. Since 1945 Europe has experienced two main phases of migration. The first one was between the end of World War II and the early 1970s, while the second one started in the mid-1970s, increasing remarkably in the late twentieth and early twenty-first centuries (Castles, 2009, p.96). This paper focuses on the second phase which introduced the current patterns of migration and see development of Southern Europe as a destination for migrants.

After a brief period of consolidation of migration to Europe until the mid-1970s, the subsequent period after the 1970s, often defined by scholars as the epoch of globalization, saw an increase in migration to Europe due to the dramatic effects of globalization on continents such as Africa, Asia, and Latin America and labor shortages in Southern Europe, which started recruiting workers from the continents mentioned above and Eastern Europe for low-skilled jobs (Castles, 2009, p. 107-8). This period was characterized by changes and diversification due to the variety of migrants coming to Europe.

First of all, the fall of the Berlin Wall in 1989 and the collapse of the Soviet Union created instability in mobility checks, especially in Central Europe (Castles, 2009, p. 107). Moreover, in response to the Yugoslav civil wars, asylum seekers' entries increased to 695,000 in 1992, while the end of the Cold War saw an increase in variety of migrants from refugees escaping from

persecution and human rights violations in continents such as Africa and Latin America to “highly qualified personnel” in search of better living conditions (Castles, 2009, p. 109). The result was an increase in national immigration restrictions and cooperation on border controls among the European countries. Politicization of migration was reinforced, and in the 1990s, asylum-seekers became the target of widespread hostility from the public, often being portrayed as “economic migrants in disguise” (Castles, 2009, p. 109).

Migration inflows to Europe intensified again in the new millennium due to economic globalization and new employment opportunities, especially for high-skilled migrants. Inflows reached 2 million for each year since 2000, mainly raising social problems on irregular migration and employment driven by lower-skilled labor in Europe and potential better living conditions and income compared with poorer countries of origin such as Eastern Europe and African states (Castles, 2009, p. 110-1).

Both Hungary and Italy were at the center of these migration flows. At the end of the 1990s and the beginning of the new millennium, Hungary faced an increase in migration, mainly refugees coming from conflict zones such as Kosovo. However, Hungary was poorly prepared to regulate it, lacking organization and appropriate laws, especially to control illegal entries (Castles, 2009, p. 114). Migrations also remarkably affected Italy’s foreign and national security policies. Since 1990, trafficking of migrants, especially from Libya through the Mediterranean represented a huge problem for Italy, which started cooperating with EU and NATO in order to give “concrete measures of assistance” to both governments and societies along the Mediterranean coast and cooperating with the countries of origins of these migrants in order to reduce illegal arrivals, especially since 2000 (Castles, 2009, p. 112). In order to give an account on the current situation

in Europe, the next section will analyze the two main phenomena that are occurring nowadays, namely the increase in both migration and transnational terrorism.

Current European Situation: Increase in migration v. Increase in Transnational terrorism

Europe has been experiencing further increases in migration flows in recent years. Symbolically, the international community has assumed that the European refugee crisis has begun in 2015, when the EU started recording an unprecedented increase in number of refugees and migrants who made the journey to the European Union to seek international protection, travelling across Southeast Europe or crossing the Mediterranean Sea to Italy. According to the UNHCR, from January 2015 to October 2016, more than 1.3 million refugees and migrants reached European shores, most fleeing conflicts, persecution, and grave human rights violations due in a large part to the war in Syria and Iraq as well as instability and conflicts in Nigeria, Eritrea, and other countries. (UNHCR, 2017).

In order to explain the main routes that migrants are taking to come to Europe, it is important to provide a possible explanation on the term “crisis”. This large influx of migrants has been labeled as a crisis not only for the unprecedented quota of numbers of migrants but also because it is a result of humanitarian crises due to wars, conflicts, and persecution in many countries of the world. Moreover, it might also be argued that the term crisis refers to a crisis of the European Union, which is having difficulties in handling migration showing a weak cohesion and lack of adequate support among the member states.

As stated above, this refugee crisis has two main routes. The first one is the Balkan route that sees Hungary as the primary EU transit country, while the second one is through the Mediterranean with Italy playing a key role.

The Balkan route sees migrants go via Turkey, Greece, the former Yugoslav Republic of Macedonia, Serbia or Croatia to then via Hungary to other EU Member States. These are mainly bridge countries in contrast to destination countries such as Germany. More than 155,000 people crossed from Serbia into Hungary between January and August 2015, especially migrants and refugees traveling from Greece to reach the rest of the European Union (Frontex, 2017). As arrivals to Greece increased, so too did traffic through the Balkans and across the Hungarian border with migrants facing serious humanitarian and protection challenges linked to the hardship of the journey, the abuses of smugglers and criminal gangs, and the increasing tightening of borders. Migrants have also been coming through the Eastern Mediterranean to Greece. The Eastern Mediterranean became the primary maritime route in 2015. More than 350,000 individuals crossed from Turkey to Greece (the vast majority to Greek islands like Lesbos and Kos near the Turkish coast) in the first nine months of 2015. The shift in flows to the Eastern Mediterranean was primarily driven by a change in migration patterns among Syrians, who found it easier and safer to travel to Europe via Turkey to Greece. The short journey from Turkey to the Greek islands, just a few miles away, is safer than the much longer Central Mediterranean route (UNHCR, 2017). More than 85 per cent of those arriving in Greece were from countries experiencing war and conflict, principally Syria, Afghanistan, Iraq and Somalia (UNHCR, 2015).

From January to September 2015, more than 120,000 migrants and refugees arrived in Europe via the Central Mediterranean to Italy. Most traveled on smugglers' boats departing from Libya, Tunisia, or Egypt. This extremely dangerous route dominated flows during 2014 and was the location of large-scale tragedies in October 2013 and April 2015, prompting calls for an EU-level response. The Central Mediterranean diminished in use in 2015, partly due to increased instability in Libya, but remains the primary entry point for sub-Saharan nationals with few

alternative routes. Eritreans and Nigerians were the largest groups traveling the Central Mediterranean in 2015, while today Nigerians still represent the majority of people arriving with Syrians (UNHCR, 2017).

On the one hand, to guarantee international protection to refugees in accordance with its treaties and principles, the EU has been implementing regulations to process asylum applications and settle applicants throughout the EU member states. The EU Refugee Protection Protocol guarantees protection to asylum-seekers by all member states. According to the Common European Asylum System, asylum is granted to people fleeing persecution or serious harm, and EU member states have a shared responsibility to welcome asylum seekers in a “dignified manner, ensuring they are treated fairly and that their case is examined to uniform standards so that, no matter where an applicant applies, the outcome will be similar” (European Commission, 2014, p. 3). All member states are, therefore, signatories of international refugee law treaties. These agreements are incorporated in the Qualification Directive of the European Union, which establishes common grounds for granting international protection and guarantees a series of rights for its beneficiaries (Balogh & Betzelt, 2015, p. 12).

In addition to the Qualification Directive, the EU has adopted the Dublin Regulation and the Dublin Regulation III and the recent Relocation and Resettlement Protocol. The core principle of the Dublin Regulation is that the responsibility for examining applications lies primarily with the Member State which played the greatest part in the applicant’s entry or residence in the EU; while the new Dublin contains procedures for the protection of asylum applicants and improves the system’s efficiency. With the emergency relocation scheme, the EU aims at relocating asylum seekers by a compulsory quota system from Greece and Italy, where the majority of them arrive, to other member states where they will have their asylum applications processed (European

Commission, 2014, p. 4). Moreover, in order to respond to many EU member states' concerns about national security and the complexity of such increases in inflows of migrants, in March 2016, the EU made a deal with Turkey to tackle the migrant crisis. The EU and Turkey agreed on Turkey taking back any asylum seekers who land in Greece. In return, the EU will finance Turkey and facilitate the granting of EU visas to Turks. Moreover, the EU will reevaluate the entrance of Turkey into the EU. Furthermore, the EU also made a deal with Libya in February 2017 according to which the European community led by the UNHCR and the International Organization for Migration will establish safe refugee camps in Libya in order to tackle the influx of migrants to Europe, and it will provide more adequate equipment to the Libyan coast guard in order to patrol the Libyan coast more efficiently, and, finally, it will ask for more cooperation from Libya's neighboring countries such as Egypt and Algeria.

In response to the Mediterranean arrivals and tragedies, European leaders held emergency meetings in April 2015 and agreed to triple the funding of their Frontex led operations in the Mediterranean, bringing it to the levels of the Italian Mare Nostrum (this operation will be addressed in the next chapter), and significantly increased their scope and coverage. This included the deployment of naval vessels from several EU States (UNHCR, 2015).

On the other hand, the EU has been exposed to transnational terrorism with a series of attacks on member states which have spread terror and raised questions concerning states' decision to open their borders to refugees in light of internal security concerns. Since 2015, terrorist attacks have caused fatalities in France, Germany, United Kingdom, Spain, and Belgium. In July 2016, a truck attack linked to the Islamic State killed 86 people in Nice. Almost two weeks later, a Catholic Priest was killed in a church at Saint-Étienne-du-Rouvray, Normandy, while celebrating Mass. In the same year, in Germany, more than 20 people were killed by terrorist attacks, and there was a

bombing in Brussels. Moreover, in May 2017 a large explosion during a concert killed 22 people in Manchester Arena; other people were killed by a van driving at high speed across London Bridge in June; and in September a London tube train was targeted. In the same year, there have also been attacks in Barcelona and Cambrils, Spain. Due to an increase in terrorism, some member states have started reacting negatively to the policy concerning the admission and resettlement of refugees and asylum seekers in favor of securitization of their borders to protect citizens from the possible entry of terrorists into the EU.

It is important, however, to underline that the general fear of terrorism has been concentrated on a sole type of terrorism: religious inspired terrorism and more precisely Islamist terrorism. As a matter of fact, many of the attacks have been carried out by jihadist terrorist groups or lone actors that have been inspired by jihadist ideology (Europol, 2017, p. 5). The link between securitization of migration and fear of terrorism has been drawn from the fact that the many refugees come from conflict zones where ISIS, the jihadist terrorist group that claimed responsibility for almost all the attacks occurred, is playing a crucial role. Furthermore, different sources have shown how ISIS and other jihadist terrorist groups have been exploiting the inflow of migrants and refugee to Europe to send their members to Europe in order to commit terrorist attacks (Europol, 2017, p. 6).

Hungary and Italy's Obligations under EU Law: A Common Asylum Policy and the Safe-third Country Concept

Since they are EU members and signatories of international refugee law treaties, Hungary and Italy are bound to comply with such laws. These agreements are incorporated in the Qualification Directive of the European Union, which has been adopted to fulfill the requirements of Article 78 of the Treaty on the Functioning of the European Union, which states that:

“The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties” (European Union, 2012).

This idea that EU Member States should comply with their international obligations in relation to *non-refoulement* has been reinforced by the Qualification Directive in Article 21, asking member states to comply with their international obligations (European Parliament and Council, 2011). Although member states are allowed to retain more “favorable standards for determining who qualifies as a refugee or as a person eligible for subsidiary protection, and for determining the content of international protection” on the basis of Art 3 of the Qualification Directive, national standards have to be compatible with the Directive (EP and C., 2011, Art. 3).

According to EU law, countries can utilize the “safe third country” concept, set up in Article 38 of the New Asylum Procedures Directive, which gives the possibility to member states to send the applicants to third countries that have been declared safe. According to this article, a third country can only be designated as a safe third country if it fulfills four conditions relating to safety and asylum practices:

“(a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;(b) there is no risk of serious harm as defined in Directive 2011/95/EU;(c) the principle of non-refoulement in accordance with the Geneva Convention is respected;(d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and(e) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention”(EP & C., 2011, Art 38).

Considering the common migration policy and the safe third country concept, the next Chapter will analyze the Hungarian and the Italian response to the refugee crisis and implementation of EU laws.

4. The Hungarian and the Italian case

The Hungarian Case

Hungary has experienced several changes in its history of migration. It has been both a country of emigration, especially during the nineteenth century, when millions of young males were leaving to the United States, and a country of immigration, especially during and after the two World Wars (Fassmann & Reeger, 2009, p. 169). After losing a part of its territories that were inhabited by different ethnicities at the end of the First World War because of the collapse of the Austro-Hungarian empire, Hungary became a very ethnically homogeneous country, “very receptive to nationalist or even irredentist ideologies” with very restrictive controls over both immigration and emigration (Fassmann & Reeger, 2009, p. 169-170). This homogeneity intensified further during the communist regime, experiencing almost no international migration due to very restrictive regimes that made Hungary a close country. Moreover, Hungary signed the 1951 Geneva Convention relating to the Status of Refugees only in 1989. Its accession to the European Union in May 2004 did not dramatically affect migration flows to the country (Fassmann & Reeger, 2009, p. 170). Originally, after signing the Geneva convention, Hungary ratified the Convention “in the version of Article 1 (B) (a), which meant it was applicable only to refugees from European states; some decisions differed according to the applicant's provenance (i.e., whether it was a European or a non-European state)” (Byrne, 2002, p. 133). Moreover, prior and after the reformulation of the safe third country clause in 1997 Asylum act, the UNHCR questioned in many occasions whether Hungary could be considered as a safe-third country, in which refugees

and asylum seekers were not guaranteed freedom from persecution due to a lack of asylum procedure aiming at implementing the *non-refoulement* obligation (Byrne, 2002, p. 133-34).

After signing the Geneva Convention, Hungary became a receiving country, especially during the 1990s, due to its geographic position neighboring two conflict zones, Romania and former Yugoslavia. Thus, Hungary Central European location made it a destination choice for asylum seekers and often illegal migration. As a result, in order to halt illegal migration into the country and its neighboring states such as Austria, Hungary has denied access to many asylum seekers since 1991 with their Act of Foreigners. This law restricted migration through a severe control of its borders and the introduction of a preliminary filter at entry points to check if migrants fulfil requirements to stay inside the country (Byrne, 2002, p 143). Indeed, it is difficult to make a distinction between legitimate, illegal or coerced migration, and to keep migration in check, states might elaborate policies that negatively affect asylum seekers.

Hungarian Response to the Refugee Crisis and Implementation of EU Policies

Due to its location and EU membership since 2004, Hungary has often been a source, transit, and destination country of both regular and irregular migration. During the refugee crisis, Eastern and south-eastern routes have crossed the country, and the Western-Balkan routes has been the most taken (IOM, 2017a). Prior to the construction of the fence along the Southern borders with Croatia and Serbia at the end of 2015, Hungary was one of the main entry points into EU for refugees and asylum seekers, counting 411,515 crossings in 2015 (IOM, 2017a). Since this construction, the number of daily arrivals of migrants has lowered remarkably. Before the completion of the fence and the peak of arrivals in Summer 2015, Hungary counted an average of 274 arrivals per day. However, during the months of June, July, and August, the number of people

reached 1,500 persons/day, and in September and October, the average daily arrivals recorded were higher than 7,000 (IOM, 2017b). Due to the huge increase in arrivals and the terrorist attacks in other EU states, in September and October 2015, Hungary decided to build the fence refusing to comply with EU law. As a result, the country was put outside of the migratory route (Gall, 2016). However, the construction of the fence was the peak of a longer anti-immigration campaign that, the Hungarian Prime Minister Viktor Orbán, leader of the national conservative Fidesz party, launched starting from January 2015.

This anti-migration campaign emphasized the importance of national security and the danger posed by an increase in number of migrants seeking asylum within the Hungarian territory. It linked migrants with terrorism, crime, and unemployment (Juhász, Hunyadi & Zgut, 2015, p. 15-35).

The first action that the governing party asked the Hungarian Parliament was to tighten the laws on asylum after the terrorist attack against Charlie Hebdo in Paris and after Hungary's increasing key role in the Refugee Crisis. The Hungarian Parliament amended only one law regarding refugees, Act LXXX of 2007 on Asylum, which took effect on 1 August 2015. The modified law gives the government the authorization to issue a decree with a national list of countries considered 'safe' by the Hungarian authorities (Juhász, Hunyadi & Zgut, 2015, p. 35). The aim of the law is to make it easier to expel immigrants, violating the member states' responsibilities for processing asylum applications in the first EU country in which the asylum seekers arrive, required in both the Dublin Regulation and the Dublin Regulation III. Indeed, according to the new law, "those asylum seekers who crossed a country considered safe by the Hungarian authorities on their way to Hungary would be obliged to prove that they did not have the possibility to apply for asylum there" (Juhász, Hunyadi & Zgut, 2015, p. 35). The law also

entails that if migrants fail to prove the obligation stated above, their applications for Hungary will be rejected within thirty days (Juhász, Hunyadi & Zgut, 2015, p. 35). Serbia was one of the countries listed in the decree. In the new laws, there are also other policy measures that lack essential safeguards that had been previously granted by the Hungarian law and under the EU regulations on refugees, such as in the 1990s when Hungary received many refugees coming from conflicts in the Western Balkan such as Croatia and Kosovo (Castles, 2009, p. 115). The new law, along with the Government Decree, was passed by the government on 6 July 2015 and became effective starting from August 2015.

Despite the implementation of this law, the number of asylum seekers kept increasing in September and October so that the Hungarian government decided to build the fence and consequently closed the borders with both Serbia and Croatia and suspended the implementation of the Dublin Regulation III. Additionally, climbing through the fence or damaging it became criminal offence punishable with imprisonment. Due to the changes in the Hungarian immigration law, it has become difficult to be granted refugee status in Hungary. As a result, when migrants are able to enter Hungarian territories overcoming the border control, anyone can be sent back, especially those arriving from Serbia. Moreover, those who manage to enter illegally are pushed back according to the “rules of the state of emergency imposed by the Government in the counties at the southern border” (Juhász, Hunyadi & Zgut, 2015, p. 35).

As stated above, Serbia was listed in the decree as a safe country. This definition of safe has been highly criticized. Indeed, on May 2016, the UNHCR published the report “Hungary as Country of Asylum” stating that the UNHCR many times urged European member states not to return asylum seekers in countries such as Serbia and Macedonia, which do not meet their obligation to grant international protection to refugees (UNHCR, 2016, p. 26). Confirming the

UNHCR concerns, also Amnesty International argued that Serbia could not be considered a “safe country” since it exposed refugees and asylum-seekers to a risk of human rights violations due to an ineffective asylum system and failed to guarantee access to international protection to even *prima facie* refugees, namely migrants who were considered refugees based on evidence, including Syrian nationals, who made up the majority of applicants (Amnesty International, 2015, p. 35-45). As stated in a previous research conducted on Hungary’s failure to implement EU law, the application of the safe third country concept by Hungary does not make the Hungarian government in violation of the EU law. However, Hungary is sending back migrants to Serbia, which is not an EU member state and thus not legally bound to the EU Refugee Protection Protocol. It can, therefore, return applicants to their country of origin according to a presumption of ‘safety’ that is not compatible with EU law.

To justify the admission policy restrictions, the Hungarian government intended to frame migration and refugees in connection to debates on terrorism, high immigrant numbers, and the extra cost of processing the arrivals. To achieve these restrictions, the governing party launched three campaigns starting from January 2015: the national consultation by sending a letter and a “manipulative” questionnaire to every household, a billboard campaign, and finally a campaign opposing the EU quota system on refugee relocation (Juhász, Hunyadi & Zgut, 2015, p. 25). In the first campaign, the PM and the Fidesz politicians referred to asylum seekers as “subsistence immigrants, economic immigrants and illegal immigrants, suggesting that all these people had left their homelands for economic reasons and were only pretending to be refugees” (Juhász, Hunyadi & Zgut, 2015, p. 25). Using the security argument, the government affirmed that an action against migration was necessary to defend the nation from a common enemy. The government stated that immigration is bad for the European community because it brings danger and insecurity, increasing

the chance of terrorist attacks. Two debates were held in the Parliament in February and April 2015 on the refugee crisis and terrorism that asserted that immigrants were exploiting international law, pretending to be refugees. The launch of the so-called “National Consultation on Immigration and Terrorism” entailed the distribution of more than eight million questionnaires with twelve questions to all citizens over 18 (Juhász, Hunyadi & Zgut, 2015, p. 25). The letter accompanying the questionnaire was signed by the Prime Minister who labeled migrants as “economic migrants” looking for social allowances and jobs, endangering in this way Hungarian people’s jobs and livelihoods (Juhász, Hunyadi & Zgut, 2015, p. 25). The questions were related to the connection between refugees and the spread of terrorism and, therefore, threats to security and income. Hungarian citizens were asked to fill the questionnaire and to return it. The purpose of the questionnaire was not revealing the Hungarians’ opinion on immigration, rather manipulating it prior to the national referendum against the EU quota system held in October 2015.

The billboard campaign was launched in June 2015 and appeared across the entire country. The messages of the campaign focused on security of the Hungarian culture and homogeneity, stating that: “1) If you come to Hungary, you have to respect our culture; 2) If you come to Hungary, you have to respect our laws; 3) If you come to Hungary, you cannot take away Hungarians’ jobs” (Juhász, Hunyadi & Zgut, 2015, p. 25).

The last campaign was launched after the 13 November attacks in Paris. Prime Minister Orban’s purpose was to raise criticism against the EU’s mandatory refugee redistribution quota system affirming that it would spread terrorism in Europe. The campaign was called “We Must Stop Brussels” and aimed at collecting signatures for a petition against the quota system. The government’s communications dominated the public discourse throughout the year until a referendum was held against the EU relocation plan in October 2016, encouraging Hungarians to

reject the EU deal. The referendum did not reach a quorum with only 40% of the electorate having voted. However, 98% of the votes were against the EU relocation system, supporting the Hungarian government (Fabbrini, 2016). The Hungarian government argued that the EU should stop migration because illegal immigrants increase the threat of terror and give terrorists access to the EU. It also claimed that states enjoy their principle of sovereignty and should, therefore be able to decide who to admit. In a situation of transnational terrorist threats, states should decide admissions, despite EU policy and humanitarian concerns.

Since the Hungarian government has been implementing these restrictions on asylum admissions, the number of daily arrivals has fallen. A record low was registered in December 2015, with ten people arriving per day (IOM, 2017). Since January 2016, the number of arrivals has increased again but has never reached more than 140 people/day (IOM, 2017). In early July 2016, another law was introduced, according to which “all irregular migrants apprehended within eight kilometers of the border will be escorted out through the closed gate and be advised about the nearest transit zone at which they are able to submit an asylum claim” (IOM, 2017). Furthermore, Hungarian authorities adopted a limited entry quota to 20 per day (10 entries per transit zone Horgos and Kelebija), meaning that they accept a maximum of 20 asylum claims in one day.

Because of the admission restrictions and the closure of the borders for security reasons, Hungary saw a percentage decrease in arrivals of 95% from 2015 to 2016, with 411,515 arrivals in 2015 and 19,221 arrivals in 2016 (IOM, 2017a). In November 2016, the number of stranded migrants in Hungary was 396, more than the number of arrivals, 189; while in Serbia, due to the Hungarian return of refugees to Serbia and the construction of the fence, the number of stranded migrants reached 5,608 in December 2016 with a record low of zero arrivals (IOM, 2017a).

Hungarian Public Perception

The Hungarian public discourse interpreting the refugee crisis was strongly shaped by politics and the government campaign and policy restrictions. According to the May 2015 Eurobarometer survey, migration is seen as a major challenge in Hungary (Juhász, Hunyadi, & Zgut, 2015, p. 16). The survey figures showed how in 2013 the most urgent problem in Hungary was unemployment. However, after the terrorist attacks and the government campaign against keeping its border open, 65% of people placed immigration among the three most important problems, taking unemployment, and the number of people fearing terrorism increased from 5 % to 29 % in 2015 (Juhász, Hunyadi & Zgut, 2015, p. 16). This anti-migration attitude has also resulted in an increase in xenophobia. Based on the European Social Survey (ESS) and the Demand for Right-Wing Extremism (DEREX) index, while migration and fear of migrants was not significant in contrast with problems such as unemployment in spring 2015, the nature of xenophobia has been transformed by the refugee crisis, articulated as an increase in general fear and distrust in the form of a specific enemy, namely asylum seekers; this image has been associated with specific fears of terrorism and crime; in general prejudice and welfare chauvinism have increased (Juhász, Hunyadi & Zgut, 2015, p. 16).

The broad majority of Hungarians say refugees are a burden on the country because they take people's jobs and social benefits, amounting to 82% of the population (Wike, Stokes, & Simmons, 2016, p. 31). The same study showed how in Hungary the majority perceives the growing diversity in the country as a threat making the country a worse place to live in. Moreover, the importance of Hungarian culture and traditions play a crucial role in the acceptance of migrants. As a result, Hungarians tend to reject migrants who do not share Hungarian values and traditions. Finally, 76% of the population believe that refugees will increase the chance of

domestic terrorist attacks, especially after the attacks in France, for which ISIS claimed responsibility (Wike, Stokes, & Simmons, 2016, p. 30).

After having analyzed the situation in Hungary, the next section will study the situation in Italy, showing if there are similarities or differences between the Hungarian and the Italian response to the refugee crisis, by providing an explanation of migration policies in Italy and subsequently analyzing the measures taken by the Italian government in response to an increase in migration flows and terrorist attacks in other states.

The Italian Case

Italy has seen several changes in migration policies, alternating from more open to more restrictive measures. Immigration to Italy began in the early 1970s and the country was mostly open to migration flows due to the absence of particular regulations on migration and due to the assumption that Italy was only a transit country in migrants' journey to Northern Europe (Bonifacio, Heins, Strozza, & Vitiello, 2009, p. 51). The first attempt to regulate migration flows came in 1986 with a Law that aimed at guaranteeing equal rights to all migrants and granting the right to family reunion, recognizing social rights to migrants (Bonifazi, Heins, Strozza, & Vitiello, 2009, p. 51). However, the law had little effect on regulating immigration to Italy because the majority of migrants were working mainly in low-paid and low-skilled jobs, often through illegal channels, making them very difficult to keep track of by the authorities (Bonifazi, Heins, Strozza, & Vitiello, 2009, p. 52). In 1990, therefore, another law was passed that was more restrictive in the sense that it aimed at reformulating all conditions of entry, stay, and expulsion, controlling labor migration flows, and strengthening border control with a new visa regime in order to discourage immigration. However, this law created a situation in which the majority of migrants

were entering illegally and had difficulty to access social services. As a result, in 1998 a new law, the Consolidation Act (Testo Unico) was passed that aimed at rectifying the pre-existing situation by giving migrants a legal status and promoting social integration (Bonifazi, Heins, Strozza, & Vitiello, 2009, p. 53). At this point, the Italian government was pushed by the international environment to reformulate its legislation and the topic of immigration was high on the political agenda, but it was also a cause of debate and division between coalitions within the Italian government (Zincone, 2006, p. 353). Because of this political discord, took a great amount of time to discuss the bill in parliament. As Zincone (2006) points out, the *Lega Nord* – Northern League - pushed “racist and anticlerical speeches in the first case, and their secessionist claims in the second” (p. 355). The Consolidation Act was influenced by politicians sympathetic to the migrant plight which focused on helping the weakest migrants and protecting their rights and access to the country. The law was influenced by a multiculturalist position which aimed at guaranteeing migrants the conservation of their cultures and traditions and equal social rights as Italians (Zincone, 2006, p. 351-56). Then, in 2002 the Consolidation Act was altered as the Bossi-Fini law, n. 189, to become a more restrictive legislation. It introduced a quota limiting the number of migrants who could enter the country, based on the idea that migrants are criminals; a threat to national security, and public order. The Italian case is emblematic of the association of crime with migration (Palidda, 2011, p. 220). Even though there has been an increase in migrant flows since the early 2000s and crime has not increased, migrants are more likely to be arrested than Italians (Palidda, 2011, p. 221). This legislation facilitated the easy imprisoning of migrants and was adopted by both Prodi and Berlusconi, and *Lega Nord* always politicized migration perceiving migrants as criminals and turning migration into a security issue (Palidda, 2011, p. 221). The law turned the status of irregular migrants into a clandestine offense by imprisoning and, subsequently,

expelling migrants who were stopped by the police twice without a regular permit to stay. The law also applied to those migrants who had a regular permit to stay but lost their job, without committing any crime, and could no longer find a regular employment (Palidda, 2011, p. 224). As a result, even when migrants commit more minor crimes than Italians do, they are more likely to be arrested and experience penal measures (Palidda, 2011, p. 225-7). Moreover, the law also established the expulsion and criminalization of irregular migrants. Indeed, according to several scholars such as Ventrella, “The Italian law is unreasonable because it criminalizes irregular migration by applying a pecuniary penalty to people who enter the Italian territory irregularly” (Ventrella, 2010, p. 212). On the other hand, the law also emphasized the right to health care, education, housing, and professional training. Regular migrants would benefit from social policies if they had the proper documentation to stay in Italy and were guaranteed the protection of fundamental human rights independently of their legal status (Bonifazi, Heins, Strozza, & Vitiello, 2009, p. 54).

More recently, as a result of the Arab Spring in 2011 and the increase of migration flows to Italy, the Italian Parliament approved Law 129/2011, part of the so called *pacchetto sicurezza* - security package-, which authorized the forced expulsion of migrants who did not fulfill the directives set by the government, or did not comply with the government to leave the country in the timeframe accorded and extended the time of detention for irregular migrants from six to eighteen months. Based on the research of Emanuela Paoletti (2014), “it can be argued that the Italian migration policies in 2011 presented numerous inconsistencies, altering between short-term, emergency-oriented approaches and long-term ones going beyond irregular arrivals from North Africa” (p. 130).

Italian Response to Refugee Crisis and implementation of EU Law

Due to its position at the center of the Mediterranean and functioning as a bridge from the African shores to Europe, Italy has played a key role in the Mediterranean route taken by thousands of migrants. In 2016, 181,436 migrants arrived by sea to Italy were, while between January and November 2017, 152,341 arrivals, with an average of 173 daily arrivals in September alone (UNHCR, 2017, Italy Weekly Snapshot). The islands of Lampedusa and Sicily are the Italian areas that have been the most affected by these daily arrivals even though the Italian government has been trying to relocate migrants within the main cities of the country and also in small towns.

The first action taken by the Italian government to tackle the huge flow of migrants coming to Italy's shores through the Mediterranean was launched on 18 October 2013 as a humanitarian response to the shipwrecks of two refugee boats that resulted in more than 500 people dying and many others missing (Italian Navy). Indeed, on October 3rd a boat sank a few miles from Lampedusa and on October 11th, another boat sank in Maltese territorial waters. As a result, the Italian Prime Minister, Enrico Letta decided to launch a military and humanitarian operation, Mare Nostrum (MNO), under the direct responsibility of the Italian government, which "aimed at tackling the humanitarian emergency in the Strait of Sicily" (Italian Navy). Mare Nostrum consisted of upgrading and empowering of the forces motoring the migration flow carried out within operation Constant Vigilance, which had been conducted by the Italian coast guard since 2004 by patrolling the Sicilian coast, with two main objectives: "to save human life at sea and to bring to justice organized criminals involved in human trafficking and smuggling" (Italian Navy). The operation was complex and involved both state and non-state actors, such as the Navy, Carabinieri, the Coast Guard, and personnel of the Italian Red Cross, embarked on Italian Navy

vessels, with the contribution of all the governmental agencies involved in controlling migration flows by sea.

The MNO was credited with saving more than 100,000 lives and ended in October 2014, when the EU launched the Frontex's Joint Operation Triton (Italian Navy). This operation has been focusing more on border control and surveillance than Mare Nostrum has. Many times, the Italian Coast Guard has assisted and directed Frontex operations, and the Italian Ministry of Interior has commanded all vessels and aircraft deployed within the operation (Frontex, 2016). Triton operates in the territorial waters of Italy, especially around the coast of Sicily, and covers the "search and rescue zones of Italy and Malta" (Frontex, 2016). Under Italian Coast Guard supervision, operation Triton has been credited with saving 48 800 lives (Frontex, 2016).

With the mounting of the migration crisis in the Mediterranean Sea, the Search and Rescue operations have also started involving commercial ships with, rescuing thousands of migrants providing humanitarian assistance and protection of human beings' lives as codified in the EU law as solidarity measures to be taken in emergency situations among the member states (Cutitta as cited in Matera & Taylor, 2014, p. 27).

Even though since its adoption, humanitarian intervention has acquired great relevance in the EU area, the MNO was criticized both at the national and EU level. First of all, the MNO was the focus of domestic political tensions concerning its high financial cost and its political function as pull factor, namely that these SAR operations might incentivize migrants to start crossing the Mediterranean knowing that these operations increased their possibilities of reaching Europe by being rescued at sea (Cutitta as cited in Matera & Taylor, 2014, p. 27). Indeed, MNO soon became unsustainable due to its high cost: €9 million a month, which was a great burden for Italy due to its serious economic fall after the economic crisis (Carbone, 2014, p. 87). As a result, in 2014 the

Italian Prime Minister, *Matteo Renzi*, called for the EU to take over its mission and set up its presence in the Mediterranean Sea with the adoption of Triton, which at the beginning had a budget of less than one third of MNO, namely €2.9 million, that tripled in 2015 (Davies & Neslen, 2014). The difference between the two operations was mainly that MNO was conducting SAR operations fulfilling humanitarian interventions, Triton is mostly based on border surveillance covering only 30 miles of the Italian coast. In April 2015, after the shipwreck of a boat and the death of almost 1000 migrants, the Italian government asked again for greater cooperation among the EU member states to adopt more efficient strategies. Reiterating the burden-sharing principle of asylum seekers and refugees among the EU members in a spirit of solidarity, the Italian government succeeded in shifting the priority on migration in the EU agenda through a speech given by the High Representative Federica Mogherini in front of the UN General Assembly in May 2015 (Boswell, 2003). Indeed, the new EU Agenda presented by the European Commission in 2015 created a new operation conducted by 22 European states, called Operation Sophia. In it, Italy provides military and supplies Operational Headquarters (OHQ), the Operational Command, located in Rome and a unit at sea included in the Task Force (Italian Navy).

However, the Italian response and operations have been often criticized. In the 2016-17 report by Amnesty International, many accuses raised against some Italian authorities which seemed having mistreated migrants using arbitrary detention and excessive force. As reported, many legal and police authorities are not trained to assess the status of refugees and have issued expulsion orders for migrants considered not in need of protection. As a result, many of these people, not able to return to their countries of origin, have been left vulnerable to exploitation and abuses (Amnesty International, 2016-17)

The Italian Political Debate on Migration

In the Italian political debate, migration has played a crucial role in recent years with a linkage to security aspects. On one hand, the Italian government has valued more humanitarian concerns rather than internal security carrying out several operations to rescue migrants. Moreover, political parties such as the *Partito Democratico* - Democratic Party - and the former PM Matteo Renzi have often asked for cooperation among the EU member states claiming that the EU had to take responsibility for migrants and invest in Frontex operation. Furthermore, the *Partito Democratico* in 2015 proposed a new bill on citizenship, the so called *ius soli*, which should abrogate the previous law, *ius sanguinis*, which gives the right to Italian citizenship only to children with at least an Italian parent. The new law enlarges the criteria for obtaining Italian citizenship and concerns above all children born in Italy from foreign parents or arrived in Italy as children (Il Post, 2017). The Italian senate is currently discussing this law, which has been highly criticized by *Lega Nord* and *Forza Italia*.

On the other hand, indeed, migration has been remarkably politicized through the assumption that migrants generate insecurity. The increase in migration flows has heightened the securitization approach and the idea that the ruling government is not capable of providing personal security to its citizens, giving support to populist and extremist parties. During the refugee crisis, many political parties have raised correspondence between migrants and crimes. First of all, the *Lega Nord*, led by Matteo Salvini, has dominated the debate on migration by asserting that “the richest Italian areas – Northern Italy in particular, would risk being harassed by thousands of incoming desperate migrants inclined to commit violent crimes” (Cutitta as cited in Matera & Taylor, 2014, p. 27). The *Lega Nord*'s policy has always emphasized the importance of national security and citizens' protection from the 'others'. To fight the increasing number of migrants reaching the

Italian shores, *Lega Nord* has introduced several bills to deal with migration in order to maximize border security and lower the number of admissions to preserve opportunities to its citizens rather than to migrants. One of *Lega Nord*'s major contribution has been the proposal for a “*permesso di soggiorno a punti*” - for-credit permit to stay - namely a regularization of the permit to stay on a scoring base. According to the bill, which did not pass, the foreign national should sign an articulated for-credit integration agreement and undertakes to pursue specific integration goals to be achieved during the period of validity of the permit to stay in compliance with a set of conditions (Paggi, 2008). The conditions that are placed upon signing this integration agreement include the assignment of 10 credits to a foreign national who has the following requirements: adequate level of knowledge of the Italian language, which has to be certified; adherence to the Charter of Integration Citizenship Values set forth in the Decree of the Ministry of the Interior of 23 April 2007; basic knowledge of the fundamental rules of the legal order whose respect constitutes an indispensable prerequisite for a peaceful coexistence (Paggi, 2008). Subsequently, in 2016, they carried out a campaign to introduce special laws regarding migrants' privacy, the confiscation of their goods, and their imminent expulsion, referring to the refugee crisis as an invasion of irregular migrants from whom the Italian government should defend its citizens.

According to some surveys carried out by Ixè, after this hostile attitude towards migrants, Italians also started raising their sentiment of insecurity because of the influx of migrants. Indeed, the Italian perception of a state of emergency rose to 86% in 2017, and of the security of the state from 52 to 55% (Faggiano, 2017). Moreover, the *Lega Nord* was considered the most convincing party on migration policy.

In addition to *Lega Nord*, another populist movement started a campaign concentrated on migrants in 2014, *Movimento 5 Stelle* (M5S) - Five-Star Movement. The idea behind this campaign

was a criticism of the ruling party, il *Partito Democratico* rather than a direct attack towards migrants. The populist party, indeed, in its bill focused on the migration emergency attacked PM Matteo Renzi and then Paolo Gentiloni accusing them of having brought chaos and decline to Italy. The Five-Stars Movement's law proposal on migration has also focused on the Dublin Convention, sustaining that it would not be in favor of Italy since it is only a transit country and following the quota system would force many migrants to stay in Italy (M5S Camera News, 2014).

Moreover, Virginia Raggi's administration as mayor of Rome and member of the *M5S*, has prioritized security and migration, asking for a moratorium on migrants coming to Rome (D'Albergo & Vitale, 2017). She asked the Italian government to stop the arrival of migrants in Rome to listen to Roman citizens' needs not to create additional social tensions in the city. Furthermore, the administration highly criticized the building of new welcoming facilities (D'Albergo & Vitale, 2017). However, as the prefecture stated, there number of migrants relocated in Rome is lower than 11 thousand, which is the maximum quota established by the Italian government (D'Albergo & Vitale, 2017).

After having analyzed the situation in both Hungary and Italy, it is important to find a connection between the theories explained in the first chapter for closed and open borders and the Hungarian and Italian response to the refugee crisis. The next chapter will draw some reflections from both Hungary and Italy's situation and will try to find these connections as well as drawing some conclusions and concerns for the future.

5. Reflections

The paper intended to find a connection between the implementations of the EU admissions policies and response to the refugee crisis in Hungary and Italy in light of humanitarian and security concerns. The following two sections will draw some reflections on both the Hungarian and Italian case considering the theories explained in chapter 2 and the two states' response analyzed first through a historical background of migration to Hungary and Italy and, subsequently, through the concrete response to the increase in migration flows.

Reflections on the Hungarian case

Analyzing the historical background of migration flows in Hungary and its response to the refugee crisis, it is possible to state that the communist regime and the transition to democracy sharply affected the implementation of migration policies and the development of Hungary into a closed country, with heavy restrictions on inflows. As Castles argued, the communist regime and its collapse transformed Hungarian society, and migration has figured centrally in this crisis bringing increase in unemployment, ethnic tensions, and socioeconomic adversities (Castles 113-14).

Taking into account its history and the theories explained in chapter 2, the analysis showed how the Hungarian government has been affected more by security concerns rather than humanitarian ones when implementing EU admission policies regarding refugees and granting them international protection. Due to the increase in number of arrivals per day and several terrorist attacks in other EU member states, the Hungarian government has decided to implement

restrictions on admission policies in order to secure its territory. The analysis has shown how the Hungarian government manipulated EU law on refugees and the principle of *non-refoulement* to expel migrants from the country and send them back to Serbia. Rejecting the EU policy developed in an attempt to solve the refugee crisis, the Hungarian government closed its borders denying asylum seekers and refugees of international protection. The political campaign run by Prime Minister Orban and the governing party Fidesz shown clear connections with Neumayer and Huysmans' theories. When states experience an increase number of attacks, apprehension over terrorism can lead to a higher likelihood of visa restrictions, as in the case of Hungary, due to the politicization of migration as a security issue. Certainly, as also Castles argues, migration has a security dimension that states cannot ignore. Migration brings security issues such as illegal migration through migrants' smuggling that challenge the internal stability of a nation. Moreover, it might facilitate terrorist groups' infiltration into Europe.

The Hungarian case shown how in migration-policy making, concrete security threats cannot be dismissed, especially because it is difficult to distinguish labor migrants from refugees. As states have closed legal avenues for economic migrants, many migrants have to go the asylum routes even though they are not in serious danger. However, this does not necessary mean closing borders, especially when many of the migrants asking for asylum are refugees fleeing from wars, conflicts, and persecution. Humanitarian concerns were merely important in the Hungarian campaign against immigration, in large part due to a history of very restrictive migration policies, a national conservative governing party, and the difficulty in handling such a situation with little support from the other EU member states. This case also raises issues on Hungary' membership in the EU, which has always been a guarantor of human rights. Indeed, Hungary demonstrated that the European cohesion is fragile since Hungary rejected some EU policies and secured control at

its borders despite the European community's disagreement. Hungary demonstrates that interpreting migration as a threat and subsequently tightening refugee and immigration regulations have become legitimate political demands even in an EU environment. Confirming Huysmans' theory, the Hungarian Government and public perceive asylum seekers as a threat to domestic stability, internal market, cultural homogeneity, and state welfare, associating migrants to terrorism, unemployment, diversity, and competition over social benefits. As consequence, feelings of racism and xenophobia have increased within public opinion, undermining humanitarian concerns, namely the fact that many of the people migrating are asking for international protection because they are fleeing from wars. Indeed, several NGOs and Human rights activists have reported various severe human rights violations by the Hungarian government and police towards refugees and migrants. Migrants face automatic and indefinite detention without a possibility to challenge that detention, violence during operations to force them back to the border, and limitations on meaningful access to asylum.

Due to its key position in the refugee crisis, the Orban cabinet's refugee and migration restrictions have become relevant in the international arena as well. It is important to underline that for a long time, EU officials paid exclusive attention to Italy and Greece receiving refugees from the maritime routes and ignored Hungary, which was also exposed to a large influx of migrants. Hungary's failure to comply with the EU humanitarian regime and its rejection of EU admission policies cannot be blamed on the lack of cooperation among the member states. However, a more efficient EU policy framework and cooperation among the EU countries to solve the refugee crisis could have helped Hungary with the increase in number of arrivals and, maybe, slackened the admission restrictions implemented by the Orban's cabinet which have left

thousands of refugees who flee from wars without international protection and in inhumane conditions.

The European community should pay more attention to Hungary's failure to comply with EU law. European officials should reaffirm their positions and force Hungary to respect its obligations under EU law and international law and cooperate with the Hungarian government to ameliorate the conditions in which refugees and asylum seekers are treated at the borders with Serbia and Croatia and grant them international protection. More cooperation should be asked of all member states to correct and effectively implement the EU law.

Reflections on the Italian case

Historical evidence about migration policies in Italy and Italy's response to the refugee crisis underline the ambiguities of the Italian government in reconciling humanitarianism and internal security. Indeed, as shown by the search and rescue operations in the Mediterranean carried out by the Italian coast guard and navy, humanitarian concerns seem to play a key role as far as it concerns the increase of migration flows to Italy and the implementation of EU policies to grant international protection to refugees and asylum seekers. Following Avdan and Rosenblum's (2014; 2004) arguments that humanitarian concerns play an important role in admissions policies, the Italian government has proven to be more affected by humanitarianism than security concerns in responding to the refugee crisis and rescuing and saving thousands of migrants that every day reach the Italian coast. Certainly, this does not mean that Italy neglects security issue rather the Italian government tries to deal with this large influx of migrants in a more strategic way, mainly due to its political position within the EU. Indeed, compared to Hungary, Italy's position is more central and close to major European powers such as Germany.

The analysis has also shown as the Italian case is ambiguous. On one hand, the S&R operations carried out by the Italian state seem to emphasize the importance of human rights. On the other hand, many populist parties have been bringing out concerns about national security and stability in regard to migrants that are constructed as a security threat. The position of *Lega Nord* and its bill for more restrictive migration policies shown how also in Italy, movements that perceive migrants as a threat to national security are gaining importance and are constructing political discourses of security threats, confirming Huysmans' arguments. It is true that these political parties have always had a very nationalistic approach towards migration and foreign people, yet it is important to underline that national security has been playing a crucial role in the political debate on the refugee crisis and is gaining public support. However, this reaction might also be linked to the ineffectiveness of the Italian response to the crisis. Italy has been unable to handle the situation in the most efficient way leaving many migrants on the streets or moving them to the different welcoming facilities. These facilities, however, have difficulties with hosting the increased number of migrants coming and sometimes lack personnel and volunteers or support from the state.

Although this argument might open other questions, hypotheses, and criticism on how Italy is responding to the refugee crisis that will not be discussed in this paper, it is important to link this inadequate response with a lack of cooperation among the EU member states. Even though as stated above, Italy might have received more attention from the European community than Hungary, mainly due to its central geographic position and relation with other member states, Italy has also been left without the adequate support to deal with this increase in migrants, which is highly complex and unstoppable for a country. This lack of cooperation has shown its results in

the large numbers of deaths and people missing occurred in the Mediterranean, which according to the UNHCR have reached 15,397 since 2014 (UNHCR, 2017).

The European community should pay more attention Italy's incapability of dealing with the situation without adequate external support. European officials should reaffirm their positions and cooperate with the Italian government to improve the conditions in which refugees and asylum seekers are treated and welcomed in order to also placate the political and social tensions that have been rising due to the politicization of migration as a security threat. Indeed, more cooperation should be asked by all member states to correct and effectively implement EU law and grant asylum to all refugees and asylum seekers that are fleeing from wars and risking their lives to reach Europe in order to request international protection.

6. Conclusions

In light of the discussion conducted through the paper, it is important to draw some conclusions on the European situation in general. Since the beginning of the refugee crisis, in the Hungarian, Italian, and European political arena, immigration has become one of the most discussed and one of the priorities in the topics of emergency. The large influx of migrants arriving in EU member states such as Greece, Italy, and Hungary have caused a big debate between the importance of humanitarian concerns and securitization of migration. As it was visible from both the Hungarian and the Italian case, the EU experienced a complex, dangerous situation of crisis. Both analyses showed how the EU has not been highly efficient in responding to both increases in

migration and terrorism due to a lack of cooperation among the member states and, even more important, a lack of cohesion and community.

The most striking reflection obviously concerns the importance of human rights. The refugee crisis and EU response to it have raised issues about the importance of international law, especially human rights, and questions on the debates around humanitarianism. Is there really a higher law protecting human rights and humanitarianism? Theoretically, the answer should be positive. However, as shown by the discussion through the paper, it seems that humanitarianism is going through a crisis, as argued by the anthropologist Agier (2011, p. 208-10).

Moreover, the Italian and Hungarian cases reflect profound debate about the sustainability of the EU project. The lack of political and social homogeneity among EU member states is one of the causes of this European crisis. Indeed, the research pointed out how in a situation of crisis, member states tend to maximize their interest and marginalized some other countries, avoiding cooperation. Moreover, cooperation among member states showed not to be stable and homogeneous. Indeed, even though both Hungary and Italy suffered from a lack of adequate support from other EU member states, Italy has received more support than Hungary. Certainly, this shows a lack of cohesion and raises questions on the future of the EU project. EU member states seem to be moving to a more dualist approach in international law, in which the latter no longer exists when states do not incorporate it into national laws. National law and states' interest are more important than international law, and if the latter is not translated into national law, international law becomes very uncertain. This shifting to a more dualist approach, obviously, shows how states cooperate together when it is in their interest to do so. Moreover, it also undermines the importance of human rights and humanitarian law. If states do not regard the

Universal Charter of Human Rights as a higher law and sign it only for political reasons, the treaties are not binding upon them. There is no universal principle of humanitarianism.

States should not ignore real security issues that come with globalization, yet they should search for cooperation in order to deal with such problems. Globalization facilitates international migration, which might be beneficial but also bring several problems into a nation, that can be handle through cooperation among states. Indeed, cooperation might help states with turning migration's security issues such as threat to internal stability into security issues concerning how to grant international protection to people who flee from wars or environmental and chemical disasters and how to integrate migrants into a new society protecting them from their vulnerability to discrimination and exploitation.

However, the level of knowledge on the topic and the limitation to two sole case studies cannot led to a generalization. The Hungarian and Italian cases do not prove that all EU member states give more importance to national security than humanitarian concerns in implementing common asylum policies, but might raise concerns of the effectiveness of the European institutions in terms of cooperation, policies implementation, states' compliance, and law enforcement. Migration and terrorism are multifaceted aspects of the now globalized world. It requires careful studies, cooperation among states, and correct policies to be applied in order to guarantee international protection to those people who flee from war and enjoy the right of refugee status.

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