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Item Type	Thesis
Authors	Amati, Alessandra
Citation	Amati, Alessandra. "Brussels, Rome, Budapest, More Distant Than Ever: The EU's Inability to Manage the Refugee Crisis". BA Thesis, John Cabot University, Rome, Italy. 2019.
Rights	Attribution-NonCommercial-NoDerivatives 4.0 International
Download date	2026-05-08 09:05:26
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Link to Item	https://hdl.handle.net/20.500.14490/409



John Cabot University

Department of Political Science

**Bachelor of Arts in Political Science
Minor in History**

Brussels, Rome, Budapest, More Distant Than Ever: The EU's Inability to Manage the Refugee
Crisis

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Spring 2019

Abstract

The purpose of this thesis is to understand the effectiveness of the European Union and its member states response towards the refugee crisis, and why the implementation of a leading migration policy has been difficult. By doing this, the paper will first demonstrate a literature review on the different concepts as to why the EU has acquired difficulties towards enforcing a policy, due to the fact that there has been an institutional crisis within the EU. These ideas will be linked to the case studies on Italy and Hungary, and their association to Europe's refugee crisis. Further on, the thesis will examine the history of migration into Europe from the 1950s-forward and compare it to the current migration flows. This will portray a comparative analysis because it is necessary to understand the patterns on migration through a historical aspect. The thesis will then draw its attention towards the progression of the enforced EU migration policies which had the potential to restrain the flows but were insufficient to do so. Eventually, the paper will progress into its represented case studies of Italy and Hungary, which will introduce their securitization and restrictive border control notions due to the influence of both of their right-wing governments towards managing the situation. The conclusion will precisely bring up the question if this crisis will be able to surpass to a certain extent, and what will the future dictate for the European Union and its allocated member states.

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1. Introduction

As of 2014-2015, Europe has been vastly affected by what is known to be the refugee crisis. Much of the pressure in controlling the situation is handled by the European Union and its Member States. The EU and its member states have been inefficiently cooperating in order to manage the influx of migration flows properly, considering that there has not been a successful migration policy that has been able to control these flows. In 2015, over 1 million Syrian refugees arrived in the European Union, fleeing from war and persecution in countries like Syria, Afghanistan, and Iraq (European Commission, 2017). Europe was not primed for this massive wave of refugees to come into the continent, which is why the EU has experienced immense stress for dealing with this phenomenon. The refugee crisis has been one of the most problematic issues that, not only Europe, but the world has been confronted with as of today. With this lack of awareness that has been seen, the situation has not only become worse, but people are being left abandoned/dead among the travelled routes that come into Europe.

Certain EU countries have taken the conservatory measures in order to depressurize the situation. Member state action has varied among each country, considering that they have equal responsibility to let in a certain amount of asylum seekers into their territories, but this has not been the case. Some have hosted more asylum seekers than others, considering that many countries have closed their borders for them to cross over. Scholars have closely analyzed this situation in order to interpretation why the EU has been struggling to acquire a migration policy and equal coordination amongst its member states. While some scholars believe that there is a legitimacy crisis, also known to be a “democratic deficit” amongst EU institutions; others declare that the lack of cooperation between EU and EU member states has resulted in issues on securitization on border control, specification on refugees and migrants that need or do not need protection, supranational government versus trans-governmental, and conflicting public opinion amongst

European citizens which affects the way on how the EU is perceived. This section will also provide the differentiation between refugees, migrants, and asylum seekers. According to the United Nations High Commissioner for Refugees, a *refugee* is “a person fleeing from armed conflict or persecution. Their situation is often so perilous and intolerable that they cross national borders to seek safety in nearby countries” (UNHCR, 2016). A *migrant* “chooses to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons” (UNHCR, 2016). An *asylum seeker* is considered to be someone who requests asylum in another country because they believe that their lives are at risk in their country of origin (European Parliament, 2017).

The structure of this thesis will first touch base with how scholars analyze the EU’s response to the refugee crisis through different standpoints, as mentioned beforehand. Secondly, it will depict on the historical perspective European immigration since 1950 till now and the evolution of migration policies taking place, as well as the emergence of the European Union and how they have been coping with immigration since the late 1990’s. This will give a clearer idea on how the patterns of immigration has influenced European countries and their collaboration throughout this refugee crisis. This section also specifies the EU asylum policies that have been enacted such as: the Dublin Convention and the reformation on Dublin Regulations, Common European Asylum System (CEAS), and the Quota System, which involves the relocation of asylum seekers. The thesis will then fabricate the role member states had towards the situation, specifically observing the responses of Italy and Hungary. These two countries have taken the most encumbrance of refugees and migrants, considering that Italy is the dominant destination in the Mediterranean route, while Hungary is for the Balkan route. Both countries and their extreme right-wing governments have taken action into their own manners, through implementation of migration policies and managing the situation within the national level. The different political

views among not only Italy and Hungary, but other EU countries indicates the hardship of collaboration between one another to agree in establishing significant legislation in order to better manage this issue.

Throughout my research on the European Union's reaction towards the refugee crisis, regarding methodologies, I based my research mostly on qualitative and some quantitative data. My references indicate an abundant number of official documents and treaties by the EU, and some from the United Nations, that were necessary to overlook in order to understand the situation more in depth. I also referred back on current news articles that portrayed on the crisis is being managed/what EU member states have been doing up to the current date. As for quantitative data, statistics were needed to understand the number of refugees/migrants on route per year, as well as for the relocation method of which member state has taken in the most amount of asylum seekers. It is crucial to compare and contrast the beginning of when this crisis resurrected to how it is today, in order to understand how the pattern of the surges have fluctuated over time.

2. Literature Review

The European Union has yet to develop an immigration policy agreed upon and implemented by all its member states. This chapter examines the literature devoted to this issue. Thus far, the EU lacks a uniform and consistently enforced policy, forcing member states to rely upon improvised ad hoc responses to the migration surge that began in 2014. Due to this influx of migrants coming into Europe, some states have entirely closed/shut down their borders, while others have moderated or burdened to keep their borders open. In response to the growing crisis, scholars have advocated for a consistent and enforced immigration policy. Moreover, they agree that the difficulties of implementing such a policy arise from within the institution.

With the EU being inherently problematic, not only because it is not a sovereign state, but also given that its legitimacy as a representative democratic body has been strongly questioned. J.H.H Weiler (2012) traces the EU's frailty on immigration with its own "democracy deficit". He argues that the EU does not adequately represent the people of Europe. "It is the inability of the Union to develop structures and processes which adequately replicate or, 'translate', at the Union-level even the imperfect habits of governmental control, parliamentary accountability and administrative responsibility that are practiced with different modalities in its various Member States" (Weiler, 2012, p. 251). He argues that, while the European Union is a unified intergovernmental organization, consisting of 27 EU member states, it desires the political accountability to govern for the continental state of Europe. Instead, the institution relies heavily on its member states taking a stance on the crisis itself, rather than addressing the issue at the supranational level. This lack of a unified stance is in contrast with the original purpose of the European Union. Moreover, Weiler emphasizes the democratic elements that EU institutions lack, including accountability and representation, which are considered to be the standard tools for governance. Furthermore, he agrees that this questioning of the EU's legitimacy has impacted its

ability to respond to the integration process effectively and, therefore, much of the responsibility to find a solution to this issue is foisted upon other political actors.

While many scholars concur that the EU has a legitimacy and democratic deficiency, there is a strong debate on how effective EU institutions are at representing EU member states and EU citizens, regarding elections and the decision-making processes. Richard Bellamy (2013) specifically analyzes this concept through the truancy of communication between the people and the state, or in this case, the EU and its member states.

Peoples and persons have a growing interest not only in the legitimacy of democratic decision-making *within* states but also *between* them. On the one hand, they will wish their governments to be representative of them when negotiating with those of other states, and for negotiations to give equal weight to each state so that ensuing accords tackle matters of common concern in mutually beneficial ways (Bellamy, 2013, p. 505).

He argues that in order to meet the democratic standards in governing a state and its people, there needs to be a sort of “domestic state, with authority over member states” (Bellamy, 2013, p. 506). This way, the people are able to state their own ideals on certain dilemmas that the state has to confront, and in the case of the EU, it is the migration phenomenon. Bellamy builds upon this, articulating that association with member states and citizens is essential, not just for the European Union, but for all of Europe entirely. For this, he proposes “...to flout or circumvent the EU's democratic structures, therefore, can only undercut both the legitimacy and the efficacy of its decision-making, risking in the process the very forms of inter-state domination...” (Bellamy, 2013, p. 512). Furthermore, to maintain a legitimate and democratic union altogether, the European Union must cooperate functionally with its abided member states, given that there is greater negligence in constructing policies and flaws throughout the decision-making process.

Juliet Pietsch (2015) challenges Bellamy's critiques and elaborates on the issue of public opinion, considering that it shapes how EU government migration policies are implemented. Some

turn to more conservative measures regarding immigrants because of the fluctuation of their countries economy and the increasing unemployment rate. The effect of public opinion and the growing influence of the far right impose a significant national constraint on various attempts within EU institutions to improve conditions for migrants through new legislation. Increasing support for far-right anti-immigration parties in Europe reflects citizens' concerns about unemployment, lower wages, overcrowding, crime and safety, border security and identity (Pietsch, 2015, p. 50-51). The opinions of EU citizens within member states have correlated with the rise of Euroscepticism throughout Europe. These skeptic beliefs can be referred back to the question of the EU's legitimacy as an institution, which dictate the way the governance of migration flows is being handled. Pietsch mentions how the irregularity of migration flows influences upheaval among citizens, in terms of prejudice and bigotry towards DP, which may contribute to the rise of globalization and economic interdependence between countries (Pietsch, 2015, p. 53). This phenomenon has created major changes, not just in Europe, but in many areas of the world, along with the effects of globalization that alters the situation, perhaps for the worst-case scenario. As mentioned before, Bellamy gives his own interpretation as to how globalization has affected the decision-making process of the EU, which changes the way EU citizens are being represented. "Not only are people involved in global processes of production and exchange, but also migration is altering their character, rendering them increasingly multicultural, and creating a growing problem of stateless persons and denizens, who belong to dispersed and oppressed peoples and lack citizenship" (Bellamy, 2013, p. 505). The EU is aware reciprocated response by EU citizens, leading the EU towards the route of "potential" improvement.

Fluvio Attinà (2018) portrays a similar concept, like Bellamy and Pietsch, involving the member state responses in fabricating their own migration policies, through their national governments. With the rise of right-wing populist parties in many European countries, most

policies relied on restrictive and hostile tactics. What is interesting is that Attinà portrays a comparative analysis of why right-wing and left-wing parties, in Europe, acquire contrasting views, specifically on immigration. Distinctly, their beliefs influenced by economic ordinances, especially after the 2008 economic crisis. Right-wing parties did not directly accept immigration because they wanted to please business lobbies requests for cheap labor, while left-wing parties observed trade unions, considering that immigration could take over jobs of EU citizens of that country (Attinà, 2018, p. 57). EU citizens in certain EU countries may see migrants as a “threat” to their society, which influences the response of EU governments towards the refugee crisis. Attinà references a scholarly source written by two political scientist scholars, Gallya Lahav and Anthony M. Messina, throughout his article, in which Lahav and Messina base their research on the stances that political parties have portrayed towards this situation,

the inability of states to manage immigration unilaterally and effectively —while responding adequately to growing public insecurity— has led to greater bilateral and multilateral efforts to restrict the flow of persons, and especially asylum-seekers and illegal migrants, across national borders with the support of left, center and right parties (Lahav and Messina, 2005, p. 852).

The efforts coming from member states and the EU do not achieve the desired creation of a more efficient migration policy; rather, it creates greater division among EU member states and devaluation of European Union.

Satvinder S. Juss (2005) challenges Weiler and Bellamy's critiques on the EU's legitimacy through its implementation of European migration policy. Juss analytically compares supranational versus trans governmental policy-making. With the attempt of enforcing a migration policy by the EU, he summarizes, "...supranationalization is a self-evident antidote to the exclusionary and securitized migration policy that has been enacted through intergovernmental cooperation" (Juss, 2005, p. 751). The EU, being a supranational power, overrules those policies that are executed by EU member states, which has resulted in significant controversy, particularly

regarding migration law. "Transnational governments consists of governmental actors below the level of chiefs of government, such as bureaucratic actors who have autonomous decision-making functions as against their chief executives, so the role of the European Commission, European Court of Justice, and the European Parliament have no say in this political agenda" (Juss, 2005, p. 755). Compliance with the intergovernmental policy-making, if EU institutions were to control all EU governments, may be seen as undemocratic. Moreover, this has affected the development of a proper migration policy and will be a continuing issue that the EU must deal with. Although there are controversial debates on the issue in developing a prominent migration policy to manage the situation, both levels of governance refer to a more securitization method in controlling the flow of migrants coming into Europe.

The current approach on securitization is also articulated in Monika Trojanowska-Strzęboszewska's (2018) analysis in reference to the EU's response to the migration crisis. Her article references the formation of the European Agenda on Migration, developed in 2015, which was the initial response by the EU in assessing the influx of migrant flows. When we look at the current implementation of the long-term programs proposed by the European Commission, it's presented provisions were aimed mainly at strengthening and tightening EU external borders (Trojanowska-Strzęboszewska, 2018, p. 182). In 2016, many non-governmental organizations (NGOs), like European Borders, Coast Guards, and Frontex agency, began to take extreme measures to protect their borders by controlling border crossings. Although the EU Commission and Parliament had been suggesting different changes and systems to regulate the flows, EU member states decided to take actions at the national level. Some EU states had more relaxed borders, leading approximately 1.8 million unauthorized border crossing reported in 2016 (Trojanowska-Strzęboszewska's, 2018, p.178), while other MS did not. "The functions of borders were narrowed down to creating a tight barrier protecting a particular society, community, or

political organism against external forces that threaten its existence, and irregular immigration to the EU was considered to be such a major force (Trojanowska-Strzęboszewska, 2018, p. 184). Trojanowska-Strzęboszewska indicates securitization as a foundation in the process of instigating an EU immigration policy but taking into account the different approaches on securitization by member states may be reluctant towards implementation.

Guy Arnold (2012) reflects on the notion of the distribution of responsibility placed on EU member states, also known to be “burden sharing”. The author illustrates a very optimistic approach, claiming that Europe is able to cope with an influx of migrants, but also states that the European Union itself, is unable to manage it. His article assesses a moderate outlook as to how EU ordinances on migration have been prosecuted, but violations have been made among these policies, due to the conflicting governments being seen within EU member states. “The individual member states have the machinery to deal with immigrants while the EU does not, though it can and does pass resolutions. Individual members will break the EU rules or not, depending upon their labor and economic needs” (Arnold, 2012, p. 60). Taking into consideration that most displaced persons (DP) are not wanted in European countries, has resulted in the sharing of the asylum seeker burden. Italy, Greece, and Hungary are prime examples of the burden sharing of displaced persons, which will be examined in the last two chapters of this paper. Arnold summarizes this issue stating, “In economic terms, this means the richer members have to help the poorer ones catch up. In terms of immigration, it means distributing unwanted migrants equally among its members, an approach that many of these members will resent and try to evade” (Arnold, 2012, p. 61). What is crucial to understand about this article became pertinent after the Arab Spring in 2011, resulting in refugees and migrants fleeing, in search of a better life in Europe. The issue of burden sharing is still relevant to today’s current refugee crisis, and as mentioned before, has impacted very few EU countries and their solutions to resolve the situation.

All seven scholars would agree that the EU lacks the capabilities in achieving an effective immigration policy that can manage the flows coming in across the Mediterranean and Balkan routes. They all address how the policy-making process has not succeeded in the refugee crisis. “It will be an entirely European phenomenon at what will have to be a decisive moment in the evolution of the European construct, the importance, even primacy of the national communities as the deepest source of ‘legitimacy’ in the integration project will be affirmed yet again” (Weiler, 2012, p. 268). Regarding the different policies that have been implemented since 1990s, such as Dublin Regulation and the Common European Asylum System, fell short when placed into practice. The case studies on Italy and Hungary will present most of these problematic concepts and indicate the in-depth relations that the European Union attains with its member states. The reasons for this will be further analyzed in the next chapter, along with the explanation of how these policies have been implemented when dealing with the flows of the migration crisis.

3. The European Union's Endeavors Towards A Common Immigration Policy

History of Migration into Europe

The current migration crisis can be put into perspective by comparing it to the crisis of displaced persons following World War II. Throughout the second half of the 20th century, Europe has experienced different waves of migration, following up to the fall of the Iron Curtain in 1989. Prior to the formation of the European Union in 1993, Europe has been seeking decisive migration policies that would control the surges of displaced persons. Today, the EU has accumulated its efforts towards an efficacious migration policy but has also indicated weaknesses towards its implementation. This chapter will compare and contrast the patterns of migration waves from the 1950's versus the current refugee crisis; how the European integration process became embedded within EU treaties; and how modern EU migration policies have been enforced/ altered, making the difficulties of having a core policy to be put in place.

The first crucial wave of the migration in into Europe included post-war migration in the 1950's, which was influenced by the industrial and economic boom that was seen particularly in Northern European countries. Therefore, geographical location became a prominent dictator towards the development of migration flows, especially from the South to the North. "Migration flows were strongly guided by differences in economic development between regions characterized by pre-industrial agrarian economies and those with highly industrialized economies (Van Mol & de Valk, 2016, p. 32-33). These countries also welcomed migrants coming from outside of Europe, specifically from Northern Africa, which generated towards a more diverse population. Approximately over, 8 million people resettled from the South to the North between 1950-1970's, positively benefiting the economic motives of those countries (Van Mol & de Valk, 2016, p. 33).

The following migration wave seen in Europe took place in the 1970-1990's and 21st century. The patterns of migrations to Europe shifted once the 1973-74 oil crisis affected European economies, making less use for labor workers. This caused a fluctuation of migration flows coming into Europe, making migration an escalating phenomenon for Europe to deal with. "Policies aiming to control and reduce migration, however, transformed rather than stopped migration. The number of foreign residents kept rising, due to a change in European migration systems from circular to chain migration and the related growth of migrant populations" (Christof Van Mol and Helga de Valk, 2016, p. 35). Although European countries began to resist the emergence of migrant populations coming in, they also became aware that they could not prevent the flows; rather they implemented strict control among their borders. In the midst of portraying these restrictions, in the early 1970's and the end of the twentieth century the number of asylum applications in the EU, at the time 15 member states, increased from 15,000 to 300,000 annually. Germany was the largest recipient of asylum applications in Europe" (Van Mol & de Valk, 2016, p. 36).

The establishment of the Maastricht Treaty on the 7th of February 1992 declared the foundation of the European Union and its pillar structure. Along with its foundation, the issue on asylum and migration were considered to be a "common policy concern" (Van Mol & de Valk, 2016, p. 95), becoming a debated topic among European countries. "The treaties abolition of borders considerably eased intra-EU movements, but at the same time, entrance into the EU became progressively restricted due to unification of the European market, which imposed strict border controls and visa regulations" (Van Mol & de Valk, 2016, p. 38). In working towards an EU migration policy, the Third Pillar was considered to be the sector of home and justice affairs that "addresses the need for interaction between the police, customs, immigration services, and justice ministries of Member-States. This initiative emerged out of the Schengen Agreements of 1985 and 1990 to coordinate border policy resulting from more open movement of people between

EU Member-States” (*EU, Today*). The treaty asserts specific articles throughout the document that regard the controlling of asylum seekers coming into Europe and the responsibility placed on EU member states, who were obligated to take conspicuous measures and precautions for asylum seekers.

...in the context of the proceedings provided for in Articles K.1 and K.3 of the provisions on cooperation in the fields of justice and home affairs, the Council will consider as a matter of priority questions concerning Member States' asylum policies, with the aim of adopting, by the beginning of 1993, common action to harmonize aspects of them, in the light of the work programme and timetable contained in the report on asylum drawn up at the request of the European Council meeting in Luxembourg on 28 and 29 June 1991. (The Maastricht Treaty, 1992, p. 247).

Ideally, European member states interests was to legally reach an effective migration policy within national interests and cooperation between one another and discuss the active measures within the European Council. In 1997, when the Amsterdam Treaty became enforced, the issue on integrating a migration policy was shifted onto the First Pillar, which focused more on the EU’s role towards managing migration flows coming in and out of Europe, as well as emphasizing the power of the European Commission.

The Amsterdam Treaty of 1997, was originally implemented to primarily “promote economic and social progress, a high level of employment, and to achieve balanced and sustainable development, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union...”(Treaty of Amsterdam, 1997, pg. 7). As mentioned in the previous section, the Amsterdam Treaty took on significant changes from the Maastricht Treaty, specifically altering the reformation system due to the new comings of EU member states. It also provided changes towards the different protocols on asylum seeking policies that were executed by EU member states. The treaty also mentions the Geneva Convention of Refugees in 1951, declaring that operations towards asylum seekers should harmonize with the measures that are represented in the

Convention. Reaching a European immigration policy has been one of the main goals between the European Union and its member states, which has been complied under Article 73k, (1)a, “criteria and mechanisms for determining which Member State is responsible for considering an application for asylum submitted by a national of a third country in of the Member States,”(Treaty of Amsterdam, 1997, p. 29) This gives indication as to how the distribution of asylum seekers was becoming integrated within this official treaty, giving the responsibility on Member states to ordain to migration flows within that time period. With the EU attracting an abundant of asylum seekers in the beginning of the 21st century, the more it began to affect the way the institution operated. Instantly, integration problems surfaced, due to the restriction on border controls and legislations, leading to the difficulty of implementing a coherent migration policy.

Another important treaty that was presented by the European Union at the start of the 2000’s was the Treaty of Lisbon. It was not until 2007 that the treaty was signed by all member states, and enforced on December 1st, 2009 (European Commission, 2019). The European Commission states that the Lisbon Treaty is known as “An international agreement - initially known as the Reform Treaty - which amends the two treaties that form the constitutional basis of the European Union and which aims to enhance the efficiency and democratic legitimacy of the European Union and to improve the coherence of its actions” (European Commission, 2019). It helped to strengthen the powers of the European Parliament and initiate provisions and impacts on European policies. It helps to separate the different competences that the EU established. “...exclusive competence, where the Union alone can legislate, and Member States only implement; shared competence, where the Member States can legislate and adopt legally binding measures if the Union has not done so; and supporting competence, where the EU adopts measures to support or complement Member States’ policies” (Panizza, 2018, p.2)One of its competences puts a great emphasis on asylum seekers, that was also altered with the Treaty of Rome, renamed

as the Treaty on the Functioning of the European Union (TFEU). The Treaty of Lisbon refers to Article 78 of the TFEU, stating that, “a common policy on asylum is developed through the ordinary legislative procedure. There is no mentioning of minimum standards as before which sets the aim to convergence” (European Commission, 2019). The legal procedures are linked with the Common European Asylum System (CEAS), which will be further analyzed in this chapter.

As briefly mentioned, there has been constant political negotiation between EU and member states in order to figure out what needs to be done in managing the flows of the refugee crisis. Migration movements became steadied in the mid-1990s due to economic stagnation, but at the beginning of the new millennium, migration movements increased sharply. “Up until 2008, Europe experienced renewed economic growth while economic globalization created new employment opportunities, especially for the highly skilled” (Castles, 2014, p.116). Throughout this economic expansion, many EU member states, specifically those of Central and Eastern Europe, began to stricken their migration laws, especially towards the labor markets being presented in these countries (Castles 2014, p. 117).

The issue on migration has become a more complex issue for Europe to tackle as of recently, considering that there has not been a successful migration policy issued by the European Union. The 21st century will observe how the awakening of this refugee crisis abrupted, and the development of European countries reaction towards the situation. The next section will examine how the EU’s current response has been ineffective towards the migration flows and will observe the efforts of issuing specific policies to manage the flows more efficiently such as the Dublin Regulations, the Common European Asylum System, and the Relocation-Resettlement System, also known as the Quota system.

Current European Migration Patterns and Policies

As contemporary Europe witnesses one of the most major migration surges, known as the refugee crisis, the European Union and member states have been under exhausting pressure, being the core attribute in working along the dangerous routes across the Mediterranean Sea and the Balkans. This is why Italy and Hungary will be represented within the next chapters because they are the central countries along these two routes presented. “In 2015, 1,003,124 people were reported by the International Organization of Migration to have arrived in the EU via Mediterranean maritime routes with 3771 people reported dead or missing” (IOM, 2016). The countries that have taken the most strain of the situation and amplitude of migrants are Spain, Greece, and Italy. As for the Balkan route, the number of asylum applications that CEE countries received all together was over 66,000 in 2014, 42,775 being in Hungary (Geddes and Scholten, 2016, p. 199). Moreover, the refugee crisis has raised the topic of securitization of EU borders, as well as infiltrating a keener immigration policy.

The increase of applications from asylum seekers to Europe can be seen particularly in 2011, when the Arab Spring broke out. It depicted revolutionary and governmental changes within Middle Eastern societies, like Tunisia and Egypt, forcing people to flee due to chaos and instability by this transformation. Much of these asylum applications came from Afghanistan and from people fleeing violence in Libya and, particularly, Syria due to its horrid civil war, and the wake of the Arab Spring (Haas and Sigona, 2012, p.117). Only a minority of these refugees coming in from countries like Africa and the Middle East represent Europe’s population, as well as other continents in the world. Moreover, the increase of migration flows from the Arab Spring and onwards rose awareness within the European Union, giving responsibility to EU countries to become host countries. Considering that the flows continued to increase into Europe, many EU countries decided to restrict or disallow migrants from coming into their nations, making the situation more complex. Furthermore, this matter of neglect from EU countries was recognized by the EU and

raised the quest of initiating an EU migration policy. “Official policies often fail to achieve their objectives, or even bring out the opposite of what is intended. People as well as governments shape international migration and decisions made by individuals, families, and communities--often with imperfect information and constrained options--played a vital role in determining migration and settlement” (Castles, 2014, p. 317). EU member states have taken measures in their own hands and created restricting migration laws within their national governments, considering the failure corporation with the European Union itself.

The wake of the Arab Spring conspired issues that contributed to the major influx of refugees coming into Europe in 2014-2015. The EU-Turkey deal was presented in the beginning of 2016, due to the termination of the EU, and Germany’s open-door policy along EU borders at the end of 2015. The EU attained stricter border control and allowed only a specific number of migrants from certain countries to come into EU countries, resulting to the rise of irregular migration flows, particularly to Turkey (Karakoulaki, 2018). To emphasize the negotiations, the European Council and Turkey reached an accord in ceasing irregular migration, specifically Syrian refugees, into Turkey on March 18th, 2016 (Legislative Train Schedule, 2019). The third meeting that discussed these operations initiated the statement,

For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start (EU-Turkey statement, 2016 pg. 1).

The deal also establishes nine aspects that the EU and Turkey must conform to in order to present better options for migrants, rather than putting their lives at risk. It has also been effective in lessening the pressures in the Balkan route, from central to Eastern Europe. The main goal for this deal was to enact an effective and official EU migration policy and prevent more sea crossings from Turkey to southern Europe. Although it was a strategic plan to manage the refugee crisis

more successfully, it did not legislate a long-term solution; therefore, the EU demanded additional assistance by member states in order to acquire a unanimous work effort. Along with this, the EU introduced “The Emergency Relocation Mechanism” (Karakoulaki, 2018), at the beginning of 2017, in order to lift pressures from Italy and Greece. Ideally, the EU had to relocate 98,000 refugees from both countries, but the problem was that this system had a specific “expiration date” and the EU paused the relocation process; therefore, only relocating 31,503 refugees (Karakoulaki, 2018). According to the European Commission, at the end of 2017, Turkey hosted the largest number of refugees worldwide for the third consecutive year, comprising about 3.5 million Syrians and 365,000 people of other nationalities (EU-Turkey Report, p. 19, 2018).

The Dublin System

As stated by the European Commission, the Dublin System’s sole purpose to “to establish the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application” (*European Union Commission, EU website*). The initial idea of the Dublin System is that it seeks to emphasize the responsibilities on Member States to maintain a numerous amount of asylum seekers being placed within their country of asylum. The Dublin system possess problematic qualities and has taken reformative measures to succeed in operating the surges of migration. The Migration Policy Institute (MPI) accumulated a dense report by Susan Fratzke in 2015, titled as “Not Adding Up, The Fading Promise of Europe’s Dublin System”, criticizes the different changes and issues that the Dublin System has illustrated. The enforcement of the Dublin Convention (Dublin I) took place in the 1990’s after the Schengen agreement on free borders was effectuated, EU countries agreed to developing a more prominent asylum policy to inquire better regulations towards mobility. “Equivalent to “asylum shopping”, the regulation allowed asylum seekers to submit their applications to those Member States perceived as most likely to accept them or to offer the most generous reception benefits” (Fratzke, 2015, p. 4), the problem of this

was that those applications being submitted to member states were declined, they also deny asylum protection status, which defeated the purpose of the regulation. Therefore, the first change took over the Dublin Convention and was replaced with the Dublin Regulation (Dublin II) in 2003. The Dublin Regulation used the similar qualities as the Dublin Convention and was taken under control by the EU and abided by EU member states. It wanted to prevent this idea of “asylum shopping” and “abuses of the asylum system, ensuring the quick access to protection for those in need” (Fratzke, 2015, p. 1). This regulation was dedicated towards EU member states in sharing the responsibility of taking in an equal number of displaced persons. Nevertheless, Dublin II was transformed in 2013, due to its unproductive actions in aiding towards asylum seekers. Furthermore, this led to the current legislation of a common European Asylum policy, known as Dublin III Regulation.

The aim of Dublin III is that the asylum request by a third country national must be presented and hosted within the first European country the person arrives in. “It must continue to prevent this idea of ‘asylum seekers in orbit’, making sure that the process and rules are taken carefully into consideration “It also seeks to hinder the secondary movements of asylum seekers in pursuing multiple applications in different member states” (Dublin III report, 2015, p. 2) When the refugee crisis came at its peak in 2015, the Dublin III Regulation became the prominent legislation towards managing asylum seekers coming into EU countries. But according to this evaluation report by the EU Commission, “Dublin III was not designed to deal with situations of mass influx, which has severely reduced its relevance in the current context and has undermined achieving its objectives” (Dublin III report, 2015, p. 4). It also does not fully resolve the situation of burden sharing, so countries who have reached the capacity of obtaining asylum seekers are not able to transfer them to another EU country. In addition, asylum seekers avoid registration to their country of asylum in order to reach the country that they wish to stay in. Member states that are being affected and have

taken the most responsibility regarding the situation are Greece and Italy, but as of 2017-2018, other EU states have begun to share a wide burden of asylum seekers.

The European Commission initiated a data report, formed by *Eurostat's*, providing substantial statistics of member states, under the Dublin III Regulation, who were held responsible in having asylum applications as of 2017. According to Dublin statistics, “in 2017, the largest numbers of outgoing requests using the Dublin procedure were sent by Greece (9,559), Austria (10,482), France (41,253) and Germany (63,326)”, and in 2017, Germany received the largest number of incoming requests using the Dublin procedure (26,927), followed by Italy (26,627) (*Eurostat*, 2017). The Dublin III Regulation also declares that, “if during the course of the processing of an application the authorities in a Member State decide that the application should be dealt with in another Member State, the authorities of the former may make a request to the other Member State for the latter to take over the responsibility of the asylum application”(Eurostat, 2017). Therefore, these statistics also apply to the outgoing requests and the incoming requests of asylum applications that have also been relocated from one member state to another. In a 2018 report by Anneliese Baldaccini, published by Amnesty International, gave input on the concern of Dublin, stating that, “Dublin III regulation was intended to portray that all EU countries would have equivalent standards of protection thus making it irrelevant where people seek asylum. Unfortunately, over 20 years on from the rolling out of the system, this is far from the case and is failing everyone involved” (Baldaccini, 2018).

The refining of the Dublin system may indicate how the EU's current stance is towards the refugee crisis. Even though the Dublin System took the most action in attempting to control the inflow of refugees and migrants, it maintained gaps that prevented the situation from being managed, or superiorize from its current status. To understand more about how flawed the Dublin System is, there have been negotiations towards implementing Dublin IV Regulation.

The progression of reaching a common immigration policy has varied and directed towards different stances in ways on achieving one, and part of this includes the Common European Asylum System.

Common European Asylum System (CEAS) Legislation

The initiation of the Common European Asylum System has been in the works of the European Union since 1999 and is one of the most distinctive regulations implicated by the EU. “It has based ‘accordance’ with the Refugee Convention, amended by its 1976 Protocol, the CEAS regulates and sets common standards in the field of international protection with a view to developing common concepts and criteria, and harmonizing the interpretation and application of asylum law among EU Member States” (EASO, 2018, p. 13). The CEAS was developed in order to abstract a fundamental legislation, for asylum seekers, under the EU’s governance. All EU member states must comply to this. The rationality for this is the very reason as to why the Dublin Regulation has been amended, and that is the consequences that have led the crisis into a ‘secondary movement’. The general concept of this secondary movement “is that asylum seekers would want to move from one member state to another for their own personal purposes such as, choosing a country for their own individual benefits or a state that portrays more liberal and modest asylum policies” (EASO, 2018, p. 13).

Emergency Relocation Mechanism-The Quota System

As mentioned beforehand, the European Union fabricated the relocation system to be put into action, along with the CEAS, towards consolidating the innovation of a new migration policy. The European Commission provides a brief, but substantial definition as to what the term “relocation” indicates, concerning this situation. “Relocation is the transfer of persons who are in need of international protection from one EU Member State to another EU Member State”(European Solidarity: A Refugee Relocation System, 2018).The procedure of the relocation

system also includes the responsibility of distribution amongst Member States which is determined by a set of criteria: size of population, total GDP, average number of asylum applications over the previous four years, unemployment rate (European Solidarity: A Refugee Relocation System, 2018).

Relocation System in Practice

Since much of the migrant flows are being absorbed towards southern EU states, like Italy and Greece, the EU decided to the initiative in alleviating pressures within these countries. The European Parliament gave a full explanation on how this relocation system works, “the relocation system was proposed to use the emergency response mechanism under Article 78(3) of the TFEU for the first time in order to set up a temporary relocation scheme applying to a total of 40,000 persons (from states with an average asylum recognition rate of above 75%) in need of international protection, arrived in either Italy (24,000) or Greece (16,000) after 15 April 2015 (no retroactivity)” (Legislative Train Schedule, 2019). EU member states, aside from Greece and Italy, are supposed to abide and portray that with this relocation strategy, responsibility is shared between member states. Figure 1 and 2 portray the positions of EU member states who either have accepted or rejected to relocate migrants from Italy and Greece as of 2018.

Member States	Relocation	
	Relocated from Italy	Relocated from Greece
Austria	45	x
Belgium	471	700
Bulgaria	10	50
Croatia	22	60
Cyprus	47	96
Czech Republic	x	12
Denmark	x	x
Estonia	6	141
Finland	779	1,202
France	636	4,394
Germany	5,446	5,391
Greece	x	x
Hungary	x	x
Ireland	x	1,022
Italy	x	x
Latvia	34	294
Lithuania	29	355
Luxembourg	249	300
Malta	67	101
Netherlands	1,020	1,755
Poland	x	x
Portugal	356	1,192

Figure 1

Source: European Union, Europa.eu/homeaffairs.

Member States	Relocation	
	Relocated from Italy	Relocated from Greece
Romania	45	683
Slovakia	x	16
Slovenia	81	172
Spain	235	1,124
Sweden	1,392	1,656
United Kingdom	x	x
Norway	816	693
Switzerland	920	580
Liechtenstein	x	10
Iceland	x	x
TOTAL	12,706	21,999

Figure 2

Source: European Union, Europa.eu/homeaffairs.

In total, the EU has relocated over 34,700 asylum seekers from this relocation scheme, considering that 5 EU member states have denied accepting some into their countries. Like the Dublin Regulation, the Quota System has expressed weakness throughout this process towards managing this crisis. It has also been improved and initiated 12 progress reports since 2018, in order to enforce the regulation officially, due to the fact that certain member states have not complied towards maintaining more asylum seekers. “The Commission regretted that despite repeated calls, the Czech Republic, Hungary and Poland had yet to take the necessary action. The Commission decided to launch infringement procedures on 14 June 2017 against these three Member States. On 7 December 2017, the European Commission referred the Czech Republic, Hungary and Poland to the Court of Justice of the EU for non-compliance with their legal obligations on relocation” (Legislative Train Schedule, 2019). Furthermore, the mishaps of this system, as well as the development of a CEAS, as increased more neglection by member states, like Italy and Hungary. Overall, this disorientation of managing the situation has impacted these countries, which will be depicted in the next two chapters, indicated as the official case studies.

4. Case Study: Italy

Italy has maintained a crucial role in the history on migration, along with its prime position in the current refugee crisis. In the 19th and 20th century, Italy was known to be a country prone to emigration. A key element that impacted the change of Southern European dynamics on migration in the 1980's, was that Italy went from being a predominantly emigration country to be an immigration country (Gedden and Scholten, 2016, p. 174). Within a 14-year period starting from 1985 and onwards, Italy received over 100,000 asylum applications (Scotto, 2017). These migration flows pushed the Italian government to implement their first migration laws in 1986 and 1989. These laws were known as the Foschi Law and the Martelli Law, both of which recognize migrants' rights and improve the status of foreign workers and their families (Scotto, 2017). However, these laws brought forward an increase of irregular migration, which had to be addressed. Hence, the center-left government approved the creation in 1998 of the Turco-Napolitano Law. "This law separated humanitarian issues and immigration policy, and balance civil-society pressures on integration and refugees with demands for more effective control over illegal immigration. This laws intention was to make previsions stricter" (Scotto, 2017). After this regulation was put into practice, there was an increase of tension between the left- and right-wing parties. The left wing preferred a moderate policy, while the right wing demanded a stricter one, as they believed irregular migration into the country should be considered an official crime. Part of this right-wing ideology was Silvio Berlusconi's anti-immigration *Forza Italia* party, that requested more oppressive action on securitization in borders, thus opposing the Turco-Napolitano Law (Gedden & Scholten, 2016, p. 183).

In 2002, the Turco-Napolitano law was replaced with Umberto Bossi xenophobic and racist party *Lega Nord* and Gianfranco Fini's post-fascist party, *Alleanza Nazionale* statute, known to be the Bossi-Fini Law. "This heralded a much more security-driven approach with the abolition of

the sponsorship scheme and the linking of work and residence permits in the form of a *contratto di soggiorno* that would last only as long as the contract of employment” (Gedden and Scholten, 2016, p. 183). The Bossi-Fini Law aimed at a more restrictive regulation by means of controlling the number of migrants that come in Italy consequently creating a vision of these immigrants as a threat to Italian society. In 2009, Berlusconi’s government decided to pass a new regulation according to which doctors and health personnel had to renounce the irregular migrants they had attended to the police but was then withdrawn by the central government (Finotelli, 2013, p. 12).

The Consolidation Act on Immigration (Legislative Decree no. 286/1998) became, and still is, an essential document for migration policy in Italy. Even though the legislation pertains to the asylum seekers and the obligations that they must obey to, Articles 2 and 3 strictly detail the migrant’s rights and policies. It also touches base with the necessary collaboration towards the migration crisis with the European Union and Member States, in order to identify the equal responsibility that each country has towards asylum seekers. Article 3(3) states precisely:

“3. Moreover, the document identifies the general criteria for defining the entry flows in the State’s territory, it defines public interventions aimed at favoring family relationships, social insertion and cultural integration of aliens resident in Italy, respecting people’s cultural diversities and identities, provided that they are not in conflict with the legal system, and it provides every possible tool for a positive reinsertion in the Countries of origin”(Consolidation Act, 1998, Art. 3).

The legislation has incorporated specific rules as to what the asylum seeker may or may not do when entering and living in the country. The laws are enforced in order to manage the situation in an appropriate manner. As it is one of the more influential regulations of Italian migration policies, the Consolidation Act has been modified by recent politicians from conservative parties in order to maintain stricter laws on migration. With the continuous reformations of migration policies that have taken place in the Italian government in the 1990’s, it is clear that Italy views migration as a security issue for the country itself. The rise of anti-immigration propaganda and protests have

surfaced vastly in the 21st century, because of Italian political parties' belief that migrants are a threat to their nation, rather than a potential benefit, and their disregard for humanitarian basic concepts. Much of Italy's migration policies integrated EU policy when dealing with entry and occupancy of asylum seekers. The problem is that the EU has not helped in making the migrant situation better for Italy, which led to more neglect towards the institution by the Italian government. "Since the end of the 2000's, a more Eurosceptic tone has been evident in Italian politics in the form of the *Lega Nord* and the fast-growing anti-system *Movimento 5 Stelle* (5 Star Movement) led by Beppe Grillo and Matteo Salvini" (Gedden and Scholten, 2016, p. 184).

When the outbreak of the Arab Spring resurrected, Italy became one of the main countries for sending refugees. Since there had been no sufficient migration policy in achieving coordination and organization towards the situation, EU pressures with Italy began to rise. "The CEAS—devised immediately after the 1999 ratification of the Schengen Agreement with the goal of controlling external borders and protecting the free movement area— forced Italy and other southern European countries to bear significant costs in terms of first reception and management of asylum seekers" (Caponio & Cappiali, 2017, p. 175). Perhaps the crucial reason that Italy had taken the most burden since the start of the migrant crisis is because of its geographical significance along the Mediterranean. Pertaining to Italy's migration policies and the partnership of Silvio Berlusconi and Muammar Gaddafi at the time, "...in 2008 Italy entered into an agreement with Muammar Gaddafi's regime, which committed Libya to accept the migrants reaching coasts who had been expelled by Italy" (Caponio & Cappiali, 2017, p. 176). On the other hand, "the Italian authorities in attempting to cope with migrant reception and transit, has triggered tensions with the EU, and public controversy over the scale and cost of Italian involvement in patrolling operations" (Gattinara, 2017, p. 319). Indeed, Italy's way of managing this migration issue is to allow stricter border controls, and less entry of migrants. Then again, without a progressed migration policy,

Italy will continue to apply these measures in the near future, which will also cause possible turmoil relationship between the EU and Italy.

Italy's Response on Migration in 2014-2016

As of 2014, 93,715 refugees resided in Italy, as well as 63,655 first time asylum applications were made, growing sharply from 25,720 in 2013 (UNHCR, 2017). With the increase of refugees coming into Italy exceeding in 2015, Italian policy makers pondered if the reforming of migration policies should take place, due to the absence of cooperation by the EU. “On one hand, they asked if the European Union and Member States for greater cooperation and solidarity in reception and care for asylum seekers; on the other, they have enforced stricter measures for controlling irregular flows and have clashed with individual Member States” (Scotto, 2017). The European Union’s deficiency involving the crisis has raised questions and has impacted the ways in which European governments respond and oversee the issues towards immigration. “The refugee crisis has thus tapped into the ongoing legitimacy crisis in western democracies, marking a crucial juncture in Italian and European politics. The unfolding of the public controversy on the arrival of migrants in Italy has, in fact, triggered public discussion of other relevant issues, including the socioeconomic, cultural and security consequences of immigration” (Gattinara, 2017, p. 319).

Some measures have been taken to help the situation, but the Italian government, governed by interior minister Matteo Renzi at the time, still requested assistance in managing the flows by the European Union. “In October 2013, the Italian government ran the search-and-rescue operation Mare Nostrum in the Mediterranean Sea. In November 2014, Mare Nostrum was replaced with EU-operation triton, the latter focusing more on control and prevention” (Migration Policy Center, 2015). Prior to this EU rescue operation, over 360 died off the coast of Italy, before reaching their first destination to the Italian island of Lampedusa (Geddes and Scholten, 2016, p. 188). The

implementation of these rescue operations created a positive impact on EU-Italy relations with Italy abiding to EU migration policies. In 2015, Renzi demanded more unity and collaboration from member states and the EU, and with no proficient response back, Renzi threatened the EU with the provision of Schengen visas to migrants if there was no deal involving other Member States sharing the burden of the refugee crisis (Migration Policy Center, 2015). The excessive flows created opposing differences between member states, because some accepted hosting asylum seekers, while others displeased it. “Thus, EU member states failed to live up to their responsibilities of internal solidarity, as well as to their human-rights obligations towards refugees. They opted for a non-cooperative solution based on national control of national borders, rather than the cooperative redistribution of refugee-admission responsibilities (Gattinara, 2017, p. 322).

In 2016, Italy reached over 181,000 migrant arrivals, 4,578 of them missing or died during the journey (UNHCR, 2019). With ongoing rising tensions between the EU and Italy, the situation did not seem to get better. Renzi expressed this concern through a passive expression to denounce the EU’s inaction towards the crisis and claimed that “the system is on the verge of collapse” (Caponio & Cappiali, 2017, p. 178). The year 2016 put much more stress on the Italian migrant reception system, which was already seen as “weak” from the start. The Italian reception policies were innovated to divide economic migrants and refugees, but due to the enactments of migration policies taking place and stricter securitization on borders in Italy, the reception system did not fulfill its requirements. “Nevertheless, it should be recognized that Italian reception policies for humanitarian migrants have been characterized as substantial structural weakness. Although formally provided for in Article 10 of the Constitution, asylum in Italy has long been more a theoretical rather than a real right” (Caponio & Cappiali, 2017, p. 179). It seems to be that Italy strictly enforces border controls in order to properly manage this crisis. The EU has impacted Italy’s, and other Member States, migration policies, but there is not enough EU action towards

finding possible solutions to the situation. “There has been frequent calls from Italy for greater EU solidarity in terms of providing financial resources to help cope with migration pressures, but also to think about mechanisms for the more equal sharing of responsibility for migrants across member states” (Geddes & Scholten, 2016, p. 189).

The rise of far-right wing parties has considerably influenced Italy’s response towards, and creation of, migration laws. After the influx of migration flows coming into Italy, public opinion has affected the way the Italian’s impression towards migrants and refugees. “Only one in four Italians agreed that migrants represented a threat to public order and security, by 2015 the share of people agreeing with this reached 35%, which then grew to 40% in 2016” (Gattinara, 2017, p. 323). As one would expect, this has been the protruding mentality of right-wing parties in Italy, which have initiated anti-immigration propaganda that will additionally influence the Italian public opinion. “On the one hand, the mainstream right in Italy has generally modulated its attitudes towards migration based on its bargaining with *Lega Nord* to form governing coalitions, and on the logic of competitions with political actors located on the right of the political spectrum” (Gattinara, 2017, p. 326). The Italian government is one of the few in Europe that has portrayed Euroscepticism and anti-EU views due to the lack of partnership towards the migration flows. Evidently, the left party *Partito Democratico (PD)* has also taken a stance towards anti-immigration campaigning, which Gattinara also presents their role towards the crisis, “*PD* has taken an increasingly harsh stance on migration and was harshly criticized for severely limiting the right to asylum and the protection of fundamental rights” (Gattinara, 2017, p. 326). *Lega Nord* and the *5 Star Movement* parties have presented this EU skepticism, which increased the question as to how impactful EU laws are towards national laws and the way they function. Overall, the reactions by the Italian government and the right-wing parties have been greatly criticized by scholars and, apparently, impacted Italy’s current response towards the crisis.

Italy's Modern Response and New Migration Law 2018-2019

As of 2018, the issue on migration is still trending in Italian and European debates. These discussions have strictly continued to analyze how to control the continuation of migration flow coming into Italy, as well the EU's involvement in dealing with it. With Matteo Salvini as the Interior minister of the Italian government and leader of *Lega Nord*, much of his views on immigration revolve around security issues and border control. According to GLOBESC, under Salvini's watch, the country has largely closed its ports to migrant vessels and is pushing EU member states to more equally sharing the burden of handling newcomers (GLOBESC, 2018). His views on migrants strictly correlate to who committed crimes within the country, like terrorism, which is why Italy continues to see them as a threat to their security. With this constant negative reinforcement, the issue of migration is neither being improved or resolved.

The Italian case has been highly-discussed, especially after the incident of the nongovernmental rescue boat, *Aquarius* in June 2018, that Salvini refused to let dock in Sicily's ports. This prevention from letting the boat dock has increased tensions in Italy towards European countries who have not shared the burden of this crisis. According to the International Organization on Migration, over 1,260 people died or went missing along the Mediterranean within the year 2018 (IOM, 2018). Following this incident, Salvini created a decree, known as No. 113/2018 towards immigration and securitization, which has been approved by the Council of Ministers. "The measures listed in the decree law will have significant consequences on the rights of those in need of protection, the reception system and the possibilities of integration of foreign nationals in Italy" (Italian Coalition for Civil Liberties and Rights, 2018). This decree has already abrupted challenges migrants and refugees will face coming into Italy. Considering that it is already difficult to acquire an Italian citizenship, this decree will prevent this, especially towards foreigners. It also disregards certain measures of asylum policies that the EU has established. "The decree broadens the list of offenses for which refugee status can be revoked and allows authorities to

dismiss an asylum claim if the person is simply charged with any of those offenses, even if they haven't been convicted. These measures likely fall foul of the 1951 Refugee Convention and EU asylum law" (Human Rights Watch, 2018).

The migration issue currently in Italy has affected its management operations in the political and social aspects. As stated before, *Lega Nord* as a right-wing party has triggered Euro-skepticism, negatively influencing Italy's relationship as a prominent Member State with the EU. Teresa Fiore and Ernest Ialongo express the crucial reasons as to why Italy as a country by itself has responded the way they have and the issues it is facing. "...the crisis of the Italian state that cannot effectively process the influx of asylum seekers and frequently relies on simple detention; the crisis of Italian democracy wherein the fear of migrants brought two populist parties to power who have fundamentally different views on the goals of the national government;" (Fiore & Ialongo, 2018, p. 485). With the lack of presence from the EU and Italy taking on the pressures of the migrant crisis, there will be a downfall of cooperation within the Italian government and state overall. Through this subjective point of view, these are the crucial components in understanding how migrants are being treated within Italian territory, as well as the functioning of the Italian government and its mishaps. "This, in addition to intensifying the overall lack of consistency of the system, has had a profound impact on the rights of asylum seekers, greatly increasing the risk of their spatial and social segregation within Italian society" (Fiore & Ialongo, 2018, 486).

This chapter analysis on Italy's case study and response towards the migration crisis, the following chapter will be dedicated towards Hungary's response and insight towards this issue. By doing this, the chapter will also compare and contrast Hungary's position to Italy's, and further, seek to understand the relationship between the EU and Hungary regarding this situation.

5. Case Study: Hungary

_____ Like Italy, Hungary was seen as a country of immigration and emigration throughout the 20th century. Approximately 32,000 Hungarians were accepted into the United States in the 1950's and 1960's, due to the Hungarian refugee crisis, to gain more opportunity for a better life (Niessen, 2017, p. 568). Being a country of emigration, Hungary was seen as resistant towards migrants seeking refuge within the country. Evidently, this changed after the fall of the Iron Curtain, considering that Hungary was a satellite country of the Soviet Union from 1949 onwards. The reasons as to why Hungary, as a homogenous country, has amplified their restrictions on migration policies is because of the majority of migrants living in Hungary are ethnic, due to the collapse of the Austro-Hungarian empire collapse. "The overwhelming majority of migrants from Hungary were of ethnic minority background, while ethnic Hungarians constituted a minority between 1899 and 1913" (Monge, Muchnik, and Pálvölgyi, 2018, p. 52). Prior to both world wars, migration and refugee policies were strictly enforced in order to regulate the minorities that were living in Hungary at the time. Certainly, this was seen as a conflicting issue among the elites, who believed that the matter on migration prevented from enriching the general national-state of Hungary.

Most of neighboring countries migrated into Hungary, making it a dominant transit destination, partially for irregular migrants (Rusu, 2011, p. 159). This issue is widely seen in the beginning of the 21st century, which called for a reevaluation for a secure integration policy and incorporate a persistent policy structure to better manage migration into the country. Hungary signed the agreement with the 1951 Geneva Convention in 1989, dedicating responsibility of attaining refugees within Hungary and aiding for them. "Until 1997, Hungary accepted the majority of migrants coming from other European countries but refused applications that were from foreign countries such as, Afghanistan, Iraq, Bangladesh, and Pakistan" (Juhász, 2003).

According to the International Organization for Migration, from 2001 to 2011, the number of foreign citizens residing in Hungary grew from 110,028 to 206,900 (IOM, 2018). After joining the European Union in 2004, the EU attempted to help regulate these flows going into Hungary, which impacted Hungary and the situation in a negative way. Much of Hungary's strict border controls will cause growing tensions amongst neighboring countries and ethnic communities within Hungary. "The implementation of strict border controls and restrictive visa requirements has had the effect of 'sealing [...] the eastern border' of the EU, and it has also reinforced the foreign policy and security approach of European migration policymaking" (Rusu, 2011, p.160). This legislation was enacted and coordinated in 2002, where non-Hungarian citizens were able to attain a permit that would allow them the "immigrant status". This legislation allowed exceptions, especially towards groups that received preferences, considering that acquiring a permit is easier for ethnic Hungarians and for Hungarian's born in the country. It also created a step towards crucial coordination between the EU and Hungary, in order for the country to become a part of the Schengen Area. Becoming an EU member emphasized Hungary's role to focus heavily on their national interests, rather than the migrant issue particularly. This correlates with the national sentimental values and anti-immigration that will be portrayed when Viktor Mihály Orbán became the official prime minister of Hungary in 2010, and Euroscepticism, which entailed major tensions between Hungary and the EU.

Hungary's Current Response to the Refugee Crisis

Since Viktor Orbán's government has been in place and representing the national conservative Fidesz party, Hungary's approach to the migrant crisis has not made foundational improvement towards the situation. Along with anti-immigration propaganda that the government had demonstrated to the public, they also claimed that "there is a linkage between migration and terrorism, crime, and unemployment. Officials have accused migrants of spreading diseases,

committing crimes, and stealing jobs from Hungarians” (Juhász, Hunyadi, Zgut, 2015, p. 24). The majority of Hungarian citizens were completely against the propaganda, that they began to take matters of this situation in their own hands, through protestation. “Hungarians protested against the campaign, renaming the consultation ‘National Insult’ and covering campaign posters with graffiti (for which activists were arrested)” (Migration Policy Center, 2016). Moreover, Hungary’s migration policy has been analyzed by international organizations because it has been highly debated, due to the fact that it goes against EU asylum policies. Hungary’s migration policies are, nevertheless, strictly on the idea towards ethnicity and nation building. Orbán’s government declared that “immigration is not an option in solving the population decline” (Juhász, Hunyadi, Zgut, 2015, p. 34). In 2011, the asylum policy involved detaining asylum seekers in detention centers for up to one year since most of them did not acquire official documents or visas when entering the country. It portrayed opposing attributes comparing that of the EU’s, considering that Hungary’s laws restrict human rights towards refugees, especially since they do not have official documentation to clarify their identification.

In 2014, the migration crisis had taken a negative turn for the Hungarian government in its domestic and foreign policies, which is integrated in the government’s political debate. Hungary is known to be the predominant country that asylum seekers have allocated to in the Balkan route. According to Eurostat, 2014 was when Hungary received the most asylum applications, 42,775 exactly, out of all Eastern European countries (*Eurostat*, 2015). The growth of anti-immigrant sentiment has been linked to the rise of asylum applicants, as well as the rejection of asylum applications managed by Orbán’s government. With over half of the asylum applications made in Hungary, the vast majority were rejected and, indeed, the government also offered protection status to fewer than 10 percent of cases upon which a decision was reached (Geddes & Scholten, 2016, p.198). Similarly, to Italy, Hungary was significantly affected by the influx of Syrian refugees

coming into Europe in 2015, taking in over 174, 400 applicants, right after Germany who received over 440,000 applicants (*Eurostat*, 2016). Even though many migrants were situated in Hungary, for many it was not their final destinations. The reaction of Hungary's government was initially to build a wire fence along the borders between Hungary-Serbia and Croatia. Beáta Huszka explains the background reasoning to Hungary's response stating that, "The Hungarian government had to protect its citizens, especially since the EU seemed unable to defend itself and its borders. The prime minister also emphasized the benefit of national control over external borders and immigration, calling for a national referendum in October 2016 to oppose EU' refugee distribution quotas..." (Huszka, 2017, p.592).

As expected, this ordeal decreased the daily number of migrants that were intended to come into the country. According to the International Organization for Migration, "A series of amendments to asylum legislation caused many changes in the arrival procedures and overall treatment of asylum seekers and beneficiaries of international protection in Hungary" (IOM, 2018). Transit zones were implemented between Hungary and Serbia, divided by the wired fence, to regulate the number of migrants coming in and out between both countries. These transit zones do not acquire a pleasurable stay and migrants are not treated in a good manner. Their stay required asylum seekers to wait from 6-12 months in Serbia in order to reach their first destination in Hungary. According to a public statement by Amnesty International, "The Hungarian authorities have continuously failed to address the inhuman and degrading conditions in these areas, where up to 300 asylum seekers, including families, as well as people requiring medical treatment, are forced to wait for days and sometimes weeks on end, without reliable information and support to access asylum procedures in Hungary" (Amnesty International, 2016). In 2016, a new asylum legislation was presented in order to control these transit zones, which would possibly violate the international protection that asylum seekers attained throughout these circumstances. The EU

Commission stated their concern has to how asylum seekers are being treated and detained within the mentioned transit zones in the Hungarian borders, "The Commission considers that the indefinite detention of asylum-seekers in transit zones without respecting the applicable procedural guarantees is in breach of EU rules,"(Deutsche Welle, 2018). Hungary's legislation was then modified after the European Court of Human Rights took this case into court in 2017 and declared that the country was violating the rights of migrants within these transit zones.

Moreover, besides disobeying EU regulations, Hungary also has ignored to follow the 1951 Refugee Convention, which is a primary document that entails European countries equal responsibility in hosting refugees and their rights within that country. In her journal entry, Yvonne Kupfermann specifies this issue pertaining to Hungary's position on the migration crisis and why a unified approach amongst all EU countries is not a solution. Because the document defines the term "refugee", it requires concrete specification determining who is/who is not a refugee. Kupfermann refers this exact concept through Victor Orbán's statement, "'overwhelming majority' of migrants in Europe are not refugees but are merely seeking a better life, rather they are economic migrants" (Kupfermann, 2017, p.232). The Refugee Convention, as well as EU regulations, does indicate that asylum seekers must prove that they are seeking asylum in that host country "due to persecution or fleeing war" (1951 Convention). If this criteria is not met by that person seeking refuge, then European countries are not obligated to give them the same rights as citizens would obtain. She also affirms that, "The international convention is often cited at the crux of this human rights issue because it recognizes that a nation-state, especially during a time of conflict, can infringe upon the liberties that individuals have and force them to take steps to regain this sense of liberty" (Kupfermann, 2017, p. 231).

The continuation of tensions between the EU and Hungary remained present at this point, considering that the country has contrasting Eurosceptic tendencies. Although it is against the

voting system portrayed by Council of the European Union, Hungary's government has also benefited immensely by the EU, "Despite its rhetoric against the EU, the government has influenced Hungary's participation in the EU's institutions and common policies: while criticizing Brussels, the country has benefited greatly from EU structural funds, and the *Fidesz* party being deeply embedded in the political structure of the European Parliament..."(Huszk, 2017, p. 593). Many European governments, besides certain Visegrad countries, claim to have opposing differences with Orbán's actions and ideals towards the migration crisis, especially with the constant violation of human rights happening in the transit areas. This has clearly formed a harmful relationship between Hungary and other EU member states, along with the EU itself and how they have been affiliating with the situation. Hungary maintains very nationalistic ideals, and retaining the Hungarian identity is what is important in this situation, and according to Orban, the incoming refugees take that away from the country and its citizens. "...the European Union's mission of opening its borders through its European Union member-states is, in fact, in direct conflict with a nation's right to preserve its own cultural identity" (Kupfermann, 2017, p. 230). Looking into this aspect, it is clear as to why the EU and Hungary are not able to reach a sustainable relationship, as well as a cumulative solution pertaining to the migrant crisis.

Hungary's Current EU Debate on Migration Policies 2017-2018

Furthermore, discussions concerning the crisis have been evaluated in 2017-2018, concerning what the current status of Hungary is. Strong arguments have risen again about the Geneva Convention, concerning how EU legislations have gone against the regulation and sparked Hungary to create a more stringent migration policy, violating European migration laws.

Due to this excruciating action, the Hungarian Helsinki Committee (HHC) and the Open Society Foundation (OSF) have infiltrated their concern by approaching this situation as a sort of illegal crime being committed. This concern has been published by an official news article by the

European Council on Refugees and Exiles (ECRE) stating that, “The organizations are taking the Hungarian Government to court concerning the legislation, which they argue breaches the guarantees of freedom of expression and association enshrined in the European Convention of Human Rights” (ECRE, 2018). The Hungarian government’s response to this confrontation has been concerning among the EU and express that their focus concerns more towards “the will of the Hungarian people, as well as the security of Hungary and Europe” (ECRE, 2018). Orbán’s government has also responded by proposing the new “Stop Soros Law” in order to reject and stop irregular migration, which also going against a number of non-governmental organizations that support and aid towards migrants coming into Europe.

This new Stop Soros Law has initiated an international debate within the EU, considering that it goes against EU laws that are indicated towards asylum seekers. “The Stop Soros Law evidently criminalizes the support for asylum seekers and fails to provide migrants with effective access to asylum procedures” (Deutsche Welle, 2018). The reason for the enforcement of this legislation is because of how threatened Hungarian citizens feel by the unprecedented flows of immigrants into Europe. With the mishap of EU collaboration towards the migrant crisis, Hungary’s current response, regarding this meticulous legislation, shows that national interests are deeply in their own hands of the government. Referring back to Yvonne Kupfermann’s input on the emphasis of Hungary’s national and cultural identity, she states that, “The focus was placed on the fear citizens felt that an influx of refugees could dominate a Hungarian population that had already experienced a significant amount of loss. This loss was not territorial-it represented a loss of an identity that Hungarians show pride towards. Measures were taken violently and erred more on the side of skepticism rather than sympathy and acceptance” (Kupfermann, 2017, p. 252). The Stop Soros Law has been officially approved by the Hungarian Parliament, sparking up more challenging encounters for humanitarian organizations and the EU.

With careful analyzation and researching of both Italy and Hungary cases, it is evident that both countries have similar responses towards the migration crisis. The EU has played an important role as an actor within these countries, but they seem to restrict its relations with the EU, due to its absence in dealing with the situation. The fact that there is no crucial migration policy also affects how member states will rationalize the situation for their own national affairs. Looking back to chapter one, much of these theories can be applied into these cases, criticizing the different issues which correspond to the refugee crisis and the EU's response. The conclusion will be based on how all these chapters have been able to correlate to one another and interpret the future of how this phenomenon will be further managed; if it will be resolved or unsettled; and if the EU and member states would be able to collude and create a secure and stable migration policy.

6. Conclusion

The main objective of this thesis was to examine the European Union's response towards the current refugee crisis, and the role that member states stand on, specifically Italy and Hungary, and the reasons as to why a successful asylum migration policy has yet to be put into effect in managing the migration flows. Each concept that was developed by scholars within the literature review correlates with the motives as to why the EU and member states are not cooperating efficiently in managing the crisis. By analyzing these different hypotheses, I chose to specifically understand why the EU has shortcomings as an "democratic institution", how it corresponds to the grave flaws seen in the EU's migration policies, border control and securitization, and how EU citizens views influence the way certain countries are acting towards the situation. The problem is that the refugee crisis is seen as a highly disputed debate, especially amongst member states, that politics has become a centralized factor in controlling the flows, rather than showing empathy in answering a humanitarian call, "The new EU pact to deal with immigrants is more a political statement than a binding set of rules or laws since it is admitted that the EU 'does not have the resources to decently receive all the migrants hoping for a better life here'(Arnold, 2012, p. 62).

After the innumerable number of refugees and migrants coming into Europe in 2015, no country was quite prepared for it. Firstly, Europe has been coping with immigration, and emigration, since the end of World War II, but it is incomparable to modern-day migration into Europe. With the existence of the European Union in 1993, different asylum policies have been carried out by the EU, such as the Dublin Regulations and the Quota Relocation System, which regard national and political interest of member states, as well as protection status for refugees, migrants, and asylum seekers. Specifically, the Dublin Regulation was enforced in order to handle the disproportionate burden of refugees seen in countries like, Italy, Greece, and Hungary, since they are main countries seen in both the Mediterranean and Balkan routes (Sharma, 2016, p. 27).

Nevertheless, these policies have created complications, regarding the EU and member states, involving different national interests, rising xenophobic views, and overall, rejection and neglect of the situation. To this day, certain countries have objected to use these specific EU asylum policies because of the chaotic disorganization it has caused amongst them, specifically Italy and Hungary.

Distinctly, the reaction of the member states is another contribution as to why the managing of the crisis is inadequate. EU leaders have taken measures for protecting their countries and citizens. The opinions of citizens in countries like Italy and Hungary has been a crucial factor to how both leaders, Matteo Salvini and Viktor Orban, are able to control the situation, which will still be evident in the future. According to a 2016 Eurobarometer Survey, initiated by the European Parliament, 81% of Hungarian citizens attain negative feels towards migration and this issue, while 61% of Italian citizens feel similar feelings, mainly because citizens believe Italy has been “left alone” through its involvement with the crisis (European Parliament, 2017, p. 79). These sentiments have initiated profound interest in strictly aspiring a common European asylum policy, not just for these countries, but Europe entirely.

As for what the future holds for this refugee crisis and the European Union, this issue will still be prevalent. Notably, an immense amount of change is needed, coming from the European Union and its member states. Although, it is quite complex to afford this change, considering that most countries and their governments have different values and intakes pertaining to the refugee crisis. This is the crucial reason as to why the situation has not been able to superior itself, and the coordination between the EU and EU countries must be succeeded, in order to have the trusting capability in creating the most effective EU asylum policy. On the other hand, having opposed, centralized, right-wing governments that obtain neglected perspectives towards immigration strays away from making the situation progressive. “Developing a response to immigration is but one

part of the challenge, other equally profound challenge is to respond to the disconnectedness between politicians and the people that is evident across Europe” (Geddes & Scholten, 2016, p. 244).

Throughout this research, I have gained more knowledge and depth of how the refugee crisis is being dealt with, and the involvement of European countries. It is going to be interesting to see how the European elections will turn out in May 2019, and what the new candidates will do about this situation, if they will even address it. I truly believe that it is an important crisis that deserves the world’s attention because it is a humanitarian crisis, where many lives have been lost throughout the past five years. I believe that in the near future, this phenomenon will still be a troublesome issue that Europe will still be confronting with. Regarding EU member states, Italy and Hungary will seem to remain in their position on securing their borders and continuing to implement stricter legislation in order to reduce the amount of asylum seekers coming in. There is hope that other EU countries, like Germany and Sweden, can influence Italy and Hungary to operate efficiently in being able to work together. If there was more time for this project, I would have used more case studies in order to further compare and contrast how EU countries have been impacted by the situation, and how they have been managing it on the national level. I also would have liked to dedicate a section of interviewing EU authorities and ask their input on this issue as well as how they view this “democratic deficit” that the EU has been faced with. There seems to be hope in resolving this crisis, but in order to get to that point there needs to be equal coordination with everyone who is willing to help and save those who are in desperate need of it.

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