

The political and social implications of managing the refugee crisis:

European and Greek responses

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Abstract:

With over 4 million people having been displaced by the conflict in Syria, this has been, in the words of the previous UN High Commissioner for Refugees Antonio Guterres, “*the biggest refugee population from a single conflict in a generation*”. At the same time, refugee numbers from African countries, such as Sudan and Libya, are rapidly increasing. Within 2015, European countries have been challenged by ever increasing numbers at their borders, and while some have accepted refugees in great numbers demonstrating a “welcome culture”; others have insisted on offering asylum only to Christian refugees.

Thus, after a year in which over one million refugees and migrants arrived on Europe’s shores, terrorist attacks that have brought again the “migration-security” nexus to prominence, and the Cologne attacks that have hardened attitudes towards migrants, refugees and asylum seekers, the refugee crisis is becoming increasingly polarizing in the domestic politics of the European states. In dealing with a crisis that may pose an existential threat to the future of the European Union, and with EC President Jean-Claude Juncker calling for an urgent “European approach” to migration, the overall European response has instead been characterized by confusion and a lack of a universal policy. This paper will elaborate and

discuss EU and national responses, while placing special emphasis on the Greek case, as the refugee crisis coincides with what seems like a perpetual economic crisis.

Keywords:

Refugee crisis, Common European Asylum System (CEAS), asylum seekers, Greece

Introduction

In order to fully understand the European and international framework for the protection of refugees, we need to go back to the late 1940s. After the end of the Second World War, there were over 30 million people in Europe that were displaced and in need of relief and relocation. The United Nations, responding to the circumstances, established in 1949 the United Nations High Commissioner for Refugees (UNHCR), and after two years, the Convention Relating to the Status of Refugees was signed in Geneva.

In the first article of the Convention, a refugee is defined as a person who *“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”* (Article 1(A2)). The Convention also established the principle of *non-refoulement* (Article 33(1)), according to which *“No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”*. According to the Convention, States ought to establish the procedures to determine whether someone claiming asylum qualifies as a refugee. With the 1967 New York Protocol, the geographical and temporal limitations of the Convention (it originally applied only to persons displaced before 1951 and within Europe) were lifted.

In the first decades, the system that was established with the Convention functioned reasonably well and it received increasing support by the signatory countries. Hampshire (2013: 71) argues that the Western governments broadly supported the refugee protection

system, even though refugee crises occurred in both the 1970s¹ and in the 1980s², and attributes this support to two, interrelated reasons. According to the first reason, the asylum seekers that reached Western countries were small in numbers (as opposed to their majority that reached refuge in developing countries), and hence, easily managed. The second reason had to do with the ideological conflict of the Cold War, since an important number of refugees that reached Western countries is essence was “escaping” from communist regime countries. Hence, each of them was regarded as a victory in the propaganda battle of the Cold War. Consequently, Hampshire (2013: 71) argues that there was a match between the rights enshrined in the Convention with the Western countries norms and interests.

However, since the 1980s, this alignment was under increasing pressure from the ever increasing numbers of asylum seekers, and it utterly collapsed with the refugee crisis of the 1990s.

The European Framework

Until the early 1990s, asylum policy in European countries was developed and modified in an ad-hoc fashion, as a response to specific refugee crises (Schuster 2000:120). Furthermore, even though it is possible to identify common policy trends in the EU-15 countries throughout the 1990s, their actual formal cooperation was minimal (Hatton 2015: 612).

The collapse of the Soviet Union and the communist regimes of Central and East Europe, that led to a dramatic increase of asylum seekers in Western Europe, was the decisive factor that led European countries to develop what came to be called Common European Asylum System (CEAS) (Schuster 2003: 180). Most of those that applied for asylum at that period

¹ Among others, in Bangladesh, Vietnam and Cambodia

² Among others, in Afghanistan, the Horn of Africa and South America

originated from the South-East Europe, while their vast majority applied for asylum in Germany, which for the period 1991-1993 received 1 million asylum applications³. This development forced Germany to request for a more fair “burden distribution” among EU Member States (Schuster 2003: 180).

The immediate result of these events and of procedures that followed was the Dublin Convention in 1990. It was decided in Dublin that in order to avert “asylum shopping⁴”, the asylum application will only be examined by one state only, and more specifically, from the state of first entry (Hurwitz 1999: 649). Furthermore, in the ministerial meeting in London in 1992, consensus was reached on three further issues, the concept of “safe third country⁵”, the “manifestly unfounded⁶” asylum claims and the “safe countries of origin⁷” (Hatton 2005: 108).

At the same time, within the EU, a series of new policy measures required for a different level of coordination between Member States. The relaxation of internal border under the Schengen Convention (1990) and the Maastricht Treaty⁸ led to the strengthening of EU external borders, while gradually new measures appeared, like “carrier sanctions”, visa restrictions and special airport zones from which the right to enter asylum procedures is tightly circumscribed (Hatton 2005: 108).

In essence, European governments of the period, in order to protect themselves from what they perceived as a "rising tide of asylum seekers", tried to “deflect” asylum seekers in other countries. As Noll (2000) eloquently remarked, this period could be described as the "common market of deflection”.

³ See tables in Schuster (2000: 122), Schuster (2003: 193)

⁴ Asylum shopping is the practice of asylum seekers to apply for asylum in a series of countries, until their application is deemed successful, or until they end up in the country they had initially chose to settle (usually the one with the best reception conditions)

⁵ This concept allowed member states to refuse to consider an asylum claim if the applicant had transited through a country deemed ‘safe’ where he or she could have sought asylum.

⁶ These claims could be summarily rejected without the right of appeal.

⁷ For these countries an expulsion decision may be issued, since it is estimated that there is no fear of the applicant's prosecution

During the 1990s, even though a degree of harmonization was developed, most of the recommendations made both at intergovernmental conferences and in the context of the EU Council of Ministers, were not binding for the Member States governments (Hatton 2005: 109). At the same time, as Noll aptly noted (2000), the harmonization process in essence triggered a "race to the bottom", where European countries on the one hand tightened their policies, especially from 1991 to 1995, on the other hand dramatically reduced the proportion of asylum-seekers which were recognized as refugees (Hatton 2005: 107). As a consequence, the proportion of asylum seekers who received some form of protection in the EU-15, decreased from 50% in 1985 to 30% a decade later (UNHCR 2001: 85).

The process for deeper harmonization between EU Member-States intensified with the entry into force of the Amsterdam Treaty in 1999. At the same time, the Tampere European Council (1999) set the basis for the creation of a Common European Asylum System (CEAS), which is based on the full implementation of the 1951 Treaty on Refugees (Schuster 2003: 114). The first phase of CEAS focused more on the harmonization of common policy elements. To this end, a series of Directives on the reception, temporary protection, family reunification procedures and conditions for the recognition of humanitarian status were adopted (Gerard 2014: 58). In addition, the updated Dublin Regulation (Dublin II), reformed the mechanism that determines which state is responsible for examining the asylum application, and linked the process to the EURODAC database. However, the aforementioned Directives set only the minimum standards and did not cover all aspects of the asylum process. Consequently, harmonization at that period could be described as partial and incomplete (Hatton 2015: 613).

At the same time, as a consequence of the 1999 Kosovo crisis, the first steps for a burden-sharing mechanism were made (Barutciski & Suhrke 2001: 95), which eventually led to the

⁸ In effect since 1993

establishment of the European Refugee Fund (ERF) in 2000. However, taking into account the original budget of the Fund and the amount corresponding to each Member State, the distributional impact of the ERF was characterized as a “drop in the ocean” (Noll 2003: 245). In any case, funding for the next period was significantly enhanced, and more resources were allocated based on the numbers of asylum seekers or refugees in each country⁹.

The Hague Programme (2004-2009 / Second Phase of the CEAS) and the Stockholm Programme (2010-2014 / Third Phase) have been less ambitious in the adoption of new legislation. Efforts in these two programs focused more on establishing higher protection standards, outsourcing, greater harmonization between Member States and enhancing solidarity mechanisms (Gerard 2014: 58). Of particular importance has been the establishment of FRONTEX in 2004, in order to improve border security enforcement, control functions and monitoring functions. A further important development was the establishment of EASO in 2011, which aimed to intensify the cooperation between EU - Member States in the field of asylum, to support the implementation of CEAS and to support Member States which are under increased pressure. Moreover, the Stockholm Programme foresaw the amendment of the Dublin Regulation (Dublin III) in order to take into consideration the pressures that individual countries face (Hatton 2015: 614).

Evaluation of CEAS and national asylum policies

In the development and evaluation of CEAS, Hatton concludes that despite the significant progress that have taken place during the last decade, emphasis was placed, almost exclusively, on the harmonization of rules and procedures. Furthermore, the relevant Directives were unevenly implemented by the EU - Member States, and the ERF even though

⁹ Indicatively: Figures on allocation by EU Country for each Fund: <http://ec.europa.eu/home-affairs/funding/refugee/docs/2011/AllocationsEUStateEachFund.doc> (Last visit 29/6/2016)

it has strengthened, remains short of resources. In essence, the major barrier is that the responsibility for implementing most aspects of asylum policy remains strictly within the Member States (Hatton 2015: 614).

In summary, EU asylum policy is characterized by the inherent contradiction between the obligations arising for protection under international treaties, and the need to control migration flows to the EU (Karamanidou and Schuster 2012: 171). The influx of asylum seekers in the early 1990s placed the existing asylum systems of different countries under severe pressure. However, it could be argued that the tightening of the asylum system is mainly due to a belief that asylum seekers are predominantly economic migrants that seek to exploit the existing framework in order to stay and work in European countries (Hampshire 2013 : 72).

This belief led to the tightening of both processes and policies. Hatton (2011: 51) identifies three areas which reflect this change: access, processing and provision, while Schuster (2000: 120) highlights the trend towards substitution of permanent protection as provided by the refugee status, with temporary protection measures.

Regarding access, Gibney (2006: 142) highlights the efforts by the Member States to make it harder for asylum seekers to enter their territory. These measures are complementary to other measures of the period, such as those related to the intensification of border controls. More stringent measures are "territorial excisions", whereby in specific geographic areas the normal asylum procedures do not apply. An extreme example is Australia, where the right of asylum does not apply in entire geographic regions (Hyndman and Mountz 2008: 259). Another way of indirect restriction of access is through countries that are regarded "safe". In these cases, if an asylum seeker has passed through one of the countries designated as safe, the application is automatically rejected, since he could (and should) have applied for asylum in any of these countries (Gil-Bazo 2006: 572).

The second major change is the tightening of procedures for processing asylum claims. This tightening has resulted in reductions in both the absolute number of applications, and to the number of applicants recognized as refugees. In order to deal with economic migrants seeking asylum, western states adopted measures such as, among others, reduced rights to appeal negative decisions. Another important development was the creation of additional temporary protection categories, instead of the permanent protection as provided with refugee status (McAdam 2005: 516).

The third area which has been tightened, was the rights and benefits that asylum seekers are entitled. The measures sought to reduce or completely eliminate asylum seekers' right to work during the examination of his claim, access to social services, and the dispersal of asylum seekers in reception centers away from urban centers, thus increasing the use of detention (Malloch & Stanley 2005: 62).

Summing up, Hampshire (2013: 76) concludes that the tightening of procedures and policies in recent decades was a result of the negative image of asylum seekers as portrayed by the media, the highly politicized discourse, but was mainly due to the Member States' belief that asylum seekers, in essence, were not refugees in need of genuine protection from persecution, but rather economic migrants who elected to leave their homeland for socio-economic opportunities abroad. As a result, while EU countries officially proclaim their commitment regarding the right of asylum, most of them actually have adopted policies that have severely hardened the asylum-seeking process.

The Greek Asylum Policy

Although Greece was one of the first countries that signed the Geneva Convention and the New York Protocol, it was not until the late 1970s that a legal system for asylum was developed. Asylum seekers arriving in Greece during that period were placed under the protection of UN High Commissioner for Refugees, and after a while they left the country in the framework of a relocation program (Papadimitriou & Papageorgiou 2005: 300).

The Greek state's belief that most of the refugees would be permanently relocated in a different destination country, was supported by the very few applications for asylum during the 1980s and 1990s. Indeed, applications for asylum in 1991 were only 3.600, while the UNHCR estimated that about 6.000 refugees and asylum seekers were residing in Greece in mid-1990 (Black 1994: 364). The main factor, therefore, for the inertia of the Greek state regarding the creation of a refugee protection framework, was the relatively small number of asylum seekers entering the country (Sitaropoulos 2000: 106). Greek Law 1975/1991 recognized individuals as refugees. Before this law, the government was implementing two Ministerial Decisions, which, according to the State Council, were not legally valid (Skordas 1999: 679). In reality, Articles 24 and 25 of this Law did not introduce anything novel, but made reference to the relevant provisions of the 1951 Convention. At the same time, a Presidential Decree was issued that established the examination procedure for refugee recognition, which came into force a year and a half later (Skordas 1999: 679). Presidential Decrees regulating other important issues such as work permits and family reunification took a decade to be adopted and put into force.

However, since the late 1990s a series of external factors placed the issue of asylum management by the Greek state at a more prominent position. The main factors that led to this development were the increased numbers of asylum seekers, the participation of Greece

in the EU and the end of UNHCR's policy on the relocation of refugees from Greece. As a consequence, Greece gradually transformed from a transit country to a country of refugee protection (Karamanidou 2009: 72, Karamanidou & Schuster 2012: 173).

Also, during this period, a strong criticism from international bodies and NGOs begins to emerge, regarding the management of asylum by the Greek state. In 1997, the Danish Refugee Council (DRC) and in 1998 UNHCR highlighted the defects of the Greek asylum regime, while Amnesty International criticized Greece's informal deportations to transit countries. Meanwhile, the prolonged detention of asylum seekers at the borders was condemned by UNHCR, and the inhuman conditions in reception centers were recorded by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Amnesty International and the US Department of State (quotation from Sitaropoulos 2000: 112-113).

In 2000, Greece was under pressure to implement the common European standards for the reception and asylum procedures, while at the same time it struggled to secure its borders against immigrants who illegally entered (some of whom sought shelter). A major development was the launch and implementation of the "Eurodac" system in Greece since 2003. As a consequence, there was an increase in returns of asylum seekers from other European countries, a development which found unprepared the Greek authorities (Papadimitriou & Papageorgiou 2005: 306).

Until 2008, the asylum process and the social rights of asylum seekers were regulated by Greek Law 1975/1991, as amended by Greek Law 2452 / 1996 and the relevant Presidential Decrees (Karamanidou 2012: 173). In addition, the European Directives on temporary protection, reception of asylum seekers, minimum standards and the identification procedures were transposed by 2008 in Greek law. However, beyond the formal transposition of the

Directives, the procedures regarding their implementation were heavily criticized by Greek NGOs (Karamanidou 2012: 174).

As a consequence of the severe criticism at both national and European level, a new law on asylum was voted in 2011 (Greek Law. 3907/2011), that significantly reshaped the Greek legislative framework. This law provides for the establishment of an "Asylum Service", consisting of a Central Office and Regional Offices (Article 1). Until early 2016, 6 Regional Offices and 3 Independent Branch Offices were operating. The Law also provisioned for the establishment of a "First Reception Service" (Article 6), with the mission to "effectively manage third country nationals illegally entering the country."

The focal 2015-2016 period

Illustration of refugee flows

According to Frontex, there are three main routes through the Mediterranean towards European countries. The Western Mediterranean route to Spain, the Central Mediterranean route to Italy, and the Eastern Mediterranean route to Greece¹⁰. By 2015, the main gateway to the EU through the sea was that of central Mediterranean. More specifically, in 2014 170.000 refugees and immigrants entered in Italy (FRA 2015: 86), when at the same time only 43.500 entered in Greece, ie less than one fifth of the total (UNHCR 2015: 11).

The above picture radically changed in 2015. During the first half of the year, Italy had 67.500 arrivals, while Greece 68.000. In absolute numbers, arrivals in Greece for the first half

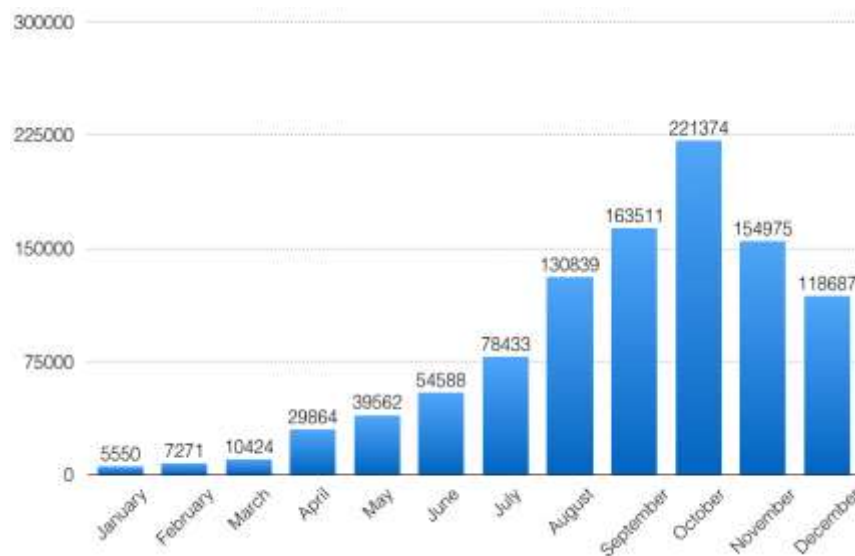
¹⁰ More on the routes: <http://frontex.europa.eu/trends-and-routes/migratory-routes-map/> (Last visit 29/6/2016)

of the year were many times the corresponding 2014 levels, exceeding the total arrivals in the country during 2014¹¹.

The numbers for the first half in the two main points of entry may be similar, but the nationalities that entered the two countries were very different. In Italy the entrants came mainly from Eritrea (25%), Nigeria (10%) and Somalia (10%), while in Greece from Syria (57%), Afghanistan (22%) and Iraq (5%) (UNHCR 2015: 11).

The number of refugees and immigrants that crossed the Mediterranean in 2015 increased gradually from approximately 5.500 people in January, to approximately 221.000 people in October¹². For the whole year, according to estimates by IOM and UNHCR, more than one million refugees and migrants arrived in Europe, about three or four times more than in 2014¹³.

Graph 1 Monthly arrivals in Europe through the Mediterranean, 2015



Source: <http://data.unhcr.org/mediterranean/regional.php>

¹¹ <http://www.unhcr.org/55d32dcf6.html> (Last visit 29/6/2016)

¹² <http://www.unhcr.org/5683d0b56.html> (Last visit 29/6/2016)

¹³ <http://www.unhcr.org/5683d0b56.html> (Last visit 29/6/2016)

The overwhelming majority (800.000) of the one million refugees that entered Europe in 2015, achieved that through Greece. In Italy, a relative decrease was observed, since 150.000 entered in 2015, compared to 170.000 that entered in 2014. Half of those who crossed the Mediterranean to Europe were from Syria, 20% from Afghanistan, and 7% from Iraq¹⁴.

According to UNHCR, 58% of refugees and migrants that arrived in Europe by sea in 2015 were men, 17% women and 25% children¹⁵. Specifically for Greece, from the Syrian refugees that entered during the period April - September 2015¹⁶, 81% were male, 78% were under 35, while 86% said they have finished secondary or university education. Their objective was to apply for asylum in Germany (50%) and Sweden (13%), believing that these countries provide more assistance to refugees (53%) and that they will have better opportunities for finding work (57%) (UNHCR 2015b).

At this point it should be noted that the large increase in flows led at the same time to an increase in human casualties. According to IOM estimates, about 3.692 migrants and refugees died in the Mediterranean in 2015, of which 2.889 in the Central Mediterranean and 731 in the sea¹⁷. In 2014, losses estimated at just over 3.000¹⁸ (Brian & Laczko 2014: 11).

Route to Central Europe - Asylum procedure

As demonstrated by the preliminary findings by UNHCR, the majority of immigrants and refugees who arrived in southern Europe intended to continue moving towards West and North European countries, notably Sweden and Germany, since these provide effective

¹⁴ <http://www.unhcr.org/5683d0b56.html> (Last visit 29/6/2016)

¹⁵ <http://www.unhcr.org/1m-arrivals/> (Last visit 29/6/2016)

¹⁶ Based on the preliminary investigation UNHCR Syrian refugees who entered the Aegean during the period April to September 2015

¹⁷ <https://www.iom.int/news/irregular-migrant-refugee-arrivals-europe-top-one-million-2015-iom> (Last visit 29/6/2016)

¹⁸ Following the exposure of Brian & Laczko for IOM, constantly updated picture of the losses at the border provides the Missing Migrants Project, accessible to page: <http://missingmigrants.iom.int/mediterranean> (Last visit 29/6/2016)

protection, better support for asylum seekers, better environment and easier prospect for integration (UNHCR 2015: 16). Thus, since early June more than 1.000 individuals crossed daily the northern land border between Greece and FYROM, continuing to Serbia, which a final destination in Germany (UNHCR 2015: 16).

This trend is confirmed, since from the 67.500 individuals that entered Italy in the first half of 2015, only half of these applied for asylum (28.500). For Greece the figure is much smaller, since from the 68,000 individuals who entered during the first half, by the end of May only 5,115 individuals had applied for asylum (UNHCR 2015: 16).

By the end of 2015, more than 1.1 million individuals sought asylum in EU-28, ie. almost double the number compared to 2014. Indicative of the rapid increase of asylum applications is that the absolute numbers doubled or over-doubled in several European countries¹⁹.

For comparison reasons, it is worth mentioning that in 2014 the 28 EU Member States received about half of asylum applications (626.960) when compared to the 2015 figures, which was nevertheless the highest recorded number since 1992. This figure represents an increase of 30% compared to 2013 (431.090 applications) and is nearly double that of 2012 (335,290). One third of the 2014 applications were registered in Germany (202.645), while large numbers were also recorded in Sweden (81.180), Italy (64.625) and France²⁰ (64.310).

¹⁹ Eurostat, migr_asyappctza, Link: <http://appsso.eurostat.ec.europa.eu/nui/show.do> (Last visit 29/6/2016)

²⁰ Eurostat, migr_asyappctza, Link: <http://appsso.eurostat.ec.europa.eu/nui/show.do> (Last visit 29/6/2016)

Table 1 Asylum Applications in selected European countries, 2014-2015

	2014	2015	% Increase 2014-2015
EU (28)	626.960	1.321.560	210%
Austria	28.035	88.160	310%
Belgium	22.710	44.660	200%
Bulgaria	11.080	20.365	180%
Czech Republic	1.145	1.515	130%
Denmark	14.680	20.935	140%
France	64.310	75.750	120%
Finland	3.620	32.345	890%
Germany	202.645	476.510	240%
Greece	9.430	13.205	140%
Hungary	42.775	177.135	410%
Italy	64.625	84.085	130%
Netherlands	24.495	44.970	180%
Norway	11.415	31.110	270%
Poland	8.020	12.190	150%
Spain	5.615	14.780	260%
Sweden	81.180	162.450	200%
United Kingdom	32.785	38.800	120%

Source: Eurostat, migr_asyappctza

Management of the refugee crisis by the European Union

The intensity of the phenomenon in 2015 led to a series of policy choices, both by the European Union and by individual Member States. At the EU level it was soon recognized that the looming crisis will not be temporary. A few days after a series of deadly shipwrecks in April 2015, the Commissioner for Migration, Home Affairs and Citizenship presented a 10

point action plan with the immediate measures to be taken, in order to address the crisis in the Mediterranean. Among others, a crucial decision was to step up joint operations in the Mediterranean and the active pursuit of smugglers²¹.

The following month, taking into account the already increased flows compared to 2014, the European Commission adopted an emergency relocation mechanism, aiming to assist Italy and Greece. Under the initiative, 40,000 people were to be relocated from these two countries in other EU Member States over the next two years²². However, the rapid developments of this period made the decisions obsolete in a fast manner, since just in July, 50,000 refugees and migrants entered Greece alone²³.

In September 2015, within the framework of the European Agenda for Migration that was adopted in May 2015, the European Commission proposed a proposal with a dual purpose. To immediate relief countries that were affected the most from the increased refugee flows, and at the same time to combat the root causes that force people to seek refuge in Europe. Within this context, an urgent relocation of 120,000 individuals²⁴ in need of international protection was proposed, from Greece, Italy and Hungary to other EU Member States. Two more proposals were the establishment of a permanent relocation mechanism and a common European list of safe countries of origin, which will include, among others, Turkey. Finally, with the aim of addressing the root causes of irregular migration flows from Africa, a "Trust Fund for Africa" of €1,8 billion was set up²⁵.

The relocation of 120,000 asylum seekers was adopted at the "Justice and Home Affairs" Council meeting in late September. Under this initiative, 15,600 asylum seekers from Italy, 50,400 from Greece and 54,000 from Hungary will be relocated in different member states of

²¹ http://europa.eu/rapid/press-release_IP-15-4813_en.htm (Last visit 29/6/2016)

²² http://europa.eu/rapid/press-release_IP-15-5039_el.htm (Last visit 29/6/2016)

²³ <http://www.unhcr.org/55c4d1fc2.html> (Last visit 29/6/2016)

²⁴ This figure relates to persons other than the 40,000 that the Commission proposed in May to relocate to Greece and Italy.

²⁵ http://europa.eu/rapid/press-release_IP-15-5596_en.htm (Last visit 29/6/2016)

the Union²⁶. It is of particular importance that this decision was adopted with majority voting, an unusual process for such a politically sensitive issue, since the Czech Republic, Hungary, Romania and Slovakia voted against the proposal, while Finland abstained²⁷.

As demonstrated by the above initiatives, the European Union recognized in time that the root causes of migration flows should be address, in order to properly manage the phenomenon. To this end, in mid-November a Summit on Migration was held in Malta, with the participation of African countries' Heads of States. Acknowledging that migration is a shared responsibility of both countries of origin, transit and destination, an Action Plan was agreed which focuses on five priority axes. Key among them, was the need to address the root causes of irregular migration and forced displacement, the organization of regular channels for migration and mobility, and the prevention of and fight against migrant smuggling and trafficking in human beings²⁸.

At the end of the same month, at a meeting between EU heads of state or government with Turkey, the political and financial support of the latter was decided in order to stem the flow of migrants to Europe. For this purpose, increased cooperation was decided regarding migrants not in need of international protection, with the aim been full implementation of the EU - Turkey readmission agreement by June 2016. Furthermore, it was decided that EU will step up its assistance to Syrian refugees in Turkey through a new Refugee Facility of €3 billion²⁹.

Following from that meeting, a key agreement was reached in March 2016 between EU and Turkey, with the direct aim to break the smugglers' business model, and to provide for migrants an alternative to putting their lives at risk. To this end, it was decided that all

²⁶ With the exception of Denmark, Ireland and the UK, countries which retain the right to self-exclusion (opt-out)

²⁷ <https://www.europeansources.info/showDoc?ID=1206853> (Last visit 29/6/2016)

²⁸ http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/ACTION_PLAN_EN_pdf/ (Last visit 29/6/2016)

²⁹ <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/29/> (Last visit 29/6/2016)

migrants arriving in the Greek islands from Turkey will be duly registered and any application for asylum will be processed individually by the Greek authorities. Those not applying for asylum or whose application has been found unfounded or inadmissible in accordance with the said directive will be returned to Turkey. Furthermore, for every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU. Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU, and will cooperate with neighbouring states as well as the EU to this effect. In exchange, EU Member States will increase resettlement of Syrian refugees residing in Turkey, accelerate visa liberalization for Turkish nationals, and boost existing financial support for Turkey's refugee population³⁰.

Management of the refugee crisis by EU Members States

During 2015, differences between European countries concerning the management of refugee flows were made explicit. Different philosophies were reflected in the applied policy measures that were deemed necessary, by Germany on the one hand, and the Visegrad coalition (Hungary, Czech Republic, Poland, Slovakia) on the other .

Acknowledging that the majority of asylum seekers envisioned Germany as their final destination, the country chose in late August to make use of Dublin's Regulation Article 17. According to this Article, Syrians that applied for asylum in Germany will not be returned to the country of first entry, but instead their application will be examined in Germany³¹. Furthermore, there was a bold statement on the part of Chancellor Merkel that "*there is no legal limit for refugees that Germany can host*", and that as a state, Germany has the strength

³⁰ <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/> (Last visit 29/6/2016)

³¹ <https://www.washingtonpost.com/news/worldviews/wp/2015/08/26/germanys-small-yet-important-change-to-the-way-it-deals-with-syrian-refugees/> (Last visit 29/6/2016)

to do what is necessary³². At the same time with these statements, a “refugees welcome” culture (*Willkommenskultur*) was developed that rapidly spread from Germany across Europe³³.

However, other countries chose to address the issue in a different manner. The opening of the Greece - FYROM borders allowed large numbers of refugees and migrants to move along the West Balkan route, through Serbia and Hungary towards Western Europe³⁴. It is estimated that in August alone 39,000 refugees and migrants traversed FYROM³⁵. These large flows placed pressure in the countries along the route to take measures, in order to protect their external borders.

Map 1: Refugees and migrants movement along the West Balkan route



³² <http://news.sky.com/story/1547326/germany-no-limit-to-refugees-well-take-in> (Last visit 29/6/2016)

³³ <http://www.economist.com/news/briefing/21664216-ordinary-germans-not-their-politicians-have-taken-lead-welcoming-syrias> (Last visit 29/6/2016)

³⁴ <http://www.theguardian.com/world/2015/aug/23/macedonian-army-allows-migrants-to-cross-border> (Last visit 29/6/2016)

Source:

<http://www.economist.com/news/europe/21679258-journey-through-europe-miserable-migrants-it-likely-get-worse-icy-reception> (amended by the author)

Hence, Hungary since June had announced its intention to build a fence along its borders with Serbia, in order to stop the entry of refugees and immigrants in its territory³⁶. Indeed, in September Hungary closed its border with Serbia and next month with Croatia, starting thus a domino process. In November Slovenia started to fence its borders with Croatia, while a few days later Austria announced that it will build fences on its border with Slovenia³⁷. By the end of November, Slovenia, Croatia, Serbia and FYROM had placed border restrictions for nationalities that did not originate from countries at war, leaving only certain nationalities, among which Syrians, to cross their borders³⁸.

Similar developments took place in the northern European countries. Sweden announced that it is commencing identity checks on persons who cross its border with Denmark³⁹, while the latter, fearing that refugees and migrants will become trapped in its territory, proceeded to a tightening of controls at its borders with Germany⁴⁰.

³⁵ <http://www.theguardian.com/world/2015/aug/21/macedonian-police-fire-stun-grenades-migrants-greece> (Last visit 29/6/2016)

³⁶ <http://www.reuters.com/article/us-hungary-immigration-idUSKBN0OX17I20150618> (Last visit 29/6/2016)

³⁷ http://www.huffingtonpost.com/entry/austria-plans-border-fence-with-slovenia-to-control-migrant-flow_us_5645e7a9e4b0603773489317?55ewmi= (Last visit 29/6/2016)

³⁸ http://www.huffingtonpost.com/entry/eu-close-borders-economic-migrants_us_564e294ee4b08c74b734f9d7?gb8adcxr= (Last visit 29/6/2016)

³⁹ <http://www.economist.com/news/europe/21679476-strange-spectacle-sweden-and-denmark-sniping-each-others-immigration-policies-bridge> (Last visit 29/6/2016)

⁴⁰ http://www.nytimes.com/2016/01/05/world/europe/sweden-denmark-border-check-migrants.html?_r=0 (Last visit 29/6/2016)

Map 2: European Borders partially of fully fenced-off



Source: <http://www.economist.com/blogs/graphicdetail/2016/01/daily-chart-5> (amended by the author)

Other European countries chose to follow a middle path. In September, France announced it will accept 24,000 asylum seekers over a two years period⁴¹, and Britain that will accept up to 20,000, mainly children and orphans, who will come directly from refugee camps in Jordan, Lebanon and Turkey⁴².

It could be argued that these conservative responses from the majority of EU member states in the management of refugee flows, was predominantly motivated by domestic political reasons. In the UK, in view of the announced referendum regarding whether Britain should leave or remain in the European Union, the pressure exerted by the populist Eurosceptic UKIP party to the government is more than evident. Similar pressure is experienced by the French government, by the ever increasing power of the National Front (Front National). However, it should be noted that the German government had also received pressure by its governmental partners, state governors, right populist parties (Alternative für

⁴¹ http://www.huffingtonpost.com/entry/france-refugees_us_55ed6ed8e4b093be51bbc5df (Last visit 29/6/2016)

⁴² <http://www.bbc.com/news/uk-34171148> (Last visit 29/6/2016)

Deutschland - AfD) and civil xenophobic movements (pegida), but did not significantly deviate from the original position.

Conclusions

Drawing from the above analysis, four main conclusions may be reached. First among them is that the critique that Greece receives, has change in nature. In the previous decades the country was criticized by other European countries, as well as Greek and international NGOs, and has received a number of convictions by the European Court of Human Rights (Mallia 2011: 107) regarding the inadequate protection of human rights of asylum seekers. Since 2015, however, its inability to guard the external borders of the European Union, and especially those of the Schengen Area, has made Greece a turmoil factor within the European context. Indicative of this change in discourse is the frequent reference by the European Commission that *“if we want to maintain our internal area of free movement, we must better manage our external borders⁴³”*.

The stark difference of opinion between EU Member States, regarding the proper management of the refugee issue, comes as the second conclusion. This divergence is evident both between member states, and increasingly so within each member state. However, large inflows of asylum seekers in Europe were recorded both in the early 1990s and in early 2000s, without any large-scale reactions. Without underestimating the importance of absolute numbers and the pressure that they - objectively - exercise, we argue that the reactions in 2015 and 2016 are primarily due to the intense politicization of the immigration issue, and its consequent political exploitation by the states, political parties, movements and the media

⁴³ http://europa.eu/rapid/press-release_IP-16-174_el.pdf (Last visit 29/6/2016)

(Van der Brug et al 2015). There could barely be a better or more timely example, than the role that immigration has played at the referendum regarding the exit of the UK from the European Union.

The third conclusion has to do with the securitization of migration. International migration was not always linked to security; it was the end of the Cold War that brought the widening of the security agenda to economic, political, societal, environmental and military sectors. In this new environment, immigrants were subsequently portrayed as a threat to the economic, social and political stability of the host state, as endangering national identity, and having links to organized crime (Ceyhan and Tsoukala 2002: 22). Increasingly after the 9/11 attacks, migrants are associated to international terrorism as well. By framing migration as a security concern, immediate political action is then required (Hollifield 2000: 154–155). It remains to be seen what effect will the deadly terrorist attacks in Paris in November 2015 and Belgium in March 2016, as well as the 2016 New Year's events in Cologne, will have on the increasingly interlinked migration - security agenda in Europe.

Last but not least, the refugee crisis of 2015-2016 exposed crucial structural weaknesses and shortcomings in the design and implementation of the Common European Asylum System (CEAS). As such, it is imperative to move from a system which by design or poor implementation places a disproportionate responsibility on certain Member States, to a fairer system which provides orderly and safe pathways to the EU for third country nationals in need of protection (European Commission 2016: 2). As we have covered elsewhere in this paper, a key shortcoming of CEAS is the uneven implementation of its rules among Member States. Hence, strengthening and harmonization of CEAS should be a top priority, so as to ensure more equal treatment across the EU. However, a long term solution could primarily be provided by transferring responsibility of all aspects of the asylum process from the national to the EU level. By establishing a single and centralized decision-making process, in both

first instance and appeal, a complete harmonization of the procedures and a consistent evaluation of the protection needs at EU level will be provided (European Commission 2016: 9).

In conclusion, it can be argued that the refugee crisis of 2015-2016 will be one of those focal points shaping European policy. In the same way that the increased flows of asylum seekers in the early 1990s lead to the formulation of the Common European Asylum System, the new flows will also significantly alter the existing policies. The challenge for EU is to ensure, in any case, the protection of individuals in need of refuge, while strengthening the Schengen Area, and providing for a smarter and well managed asylum policy grounded on the principles of responsibility and solidarity.

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