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MASTER OF MILITARY STUDIES

**The European Migration Crisis 2015:
Reasons for the EU's Inability to Manage Migration Effectively**

SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF MILITARY STUDIES

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Draft Executive Summary

Title: The European Migration Crisis 2015: Reasons for the EU's Inability to Manage Migration Effectively

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Thesis: The EU could have better managed the massive migration inflow in 2015 with a more effective common migration policy that shifted power away from the member states and emphasized the competences of the EU in this field.

Discussion: In 2015, the European Union (EU) was unable to moderate a solution between its member states to manage the massive inflows of migrants to Europe. To investigate the causes for this crisis, this paper will first analyze to what extent the EU and its member states were aware of the increasing migration inflow, appreciating changing push and pull factors for migration. Examining how the EU and its member states intended to address, and how they eventually really addressed migration, followed by a gap analysis will reveal inconsistencies in EU migration policies.

Conclusion: The European migration crisis in 2015 was caused by the coincidence of an unprecedented migration inflow to the EU induced by push and pull factors which overstrained the inherent limitations of the common EU migration policy. Nevertheless, the EU could have better managed the massive migration inflow in 2015 with a more effective common migration policy. While improvements are most likely needed in various other areas, EU common migration policy foremost needs a shift of power away from the EU member states and emphasis on EU competences in this field.

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Introduction

In 2015, the European Union (EU) confronted an unprecedented increase in migration numbers. While the EU registered 620,000 applications for asylum in 2014, this number more than doubled in 2015, jumping to over 1.3 million applications.¹ Entering mostly via Italy, Greece, and Hungary, the stream of asylum seekers led to a severe political crisis when the EU proved to be unable to moderate a solution between its member states. Having in mind the EU's size with a population of more than 510 million, its wealth, and its generally high or very high development standard compared to other regions of the world, the member states' gridlock in deciding to act on the crisis seems hardly comprehensible. Given that mass migration is likely to continue, it is important to understand why the migration crisis occurred in 2015.

In order to make suggestions on how to improve the EU's ability to cope with migration inflow, this paper will analyze the underlying causes for the migration crisis within the EU and its member states in 2015. This work will demonstrate that the EU could have better managed the massive migration inflow in 2015 with a more effective common migration policy, which would shift power away from the member states and emphasize the competences of the EU in this field.

First, the paper will provide background information on relevant EU migration policy development and its interdependency with EU member states' domestic migration policies. This section will provide a general definition of the circumstances that constituted the "migration crisis" in Europe as well as set the timeframe and the focus for further analysis of the relevant countries of origin.

Second, the paper will analyze the role of push and pull factors for the migration crisis. Focusing on how much the EU was aware of the impact of push and pull factors will allow this work to assess to what extent both factors contributed to the crisis.

Third, the paper will scrutinize EU migration policy to estimate its overall effectiveness in managing migration in order to determine its impact on the migration crisis. After evaluating public discourse towards migration within the EU, EU migration policy itself, how the EU *intended* to address migration, and how the EU eventually *has* addressed migration, a gap analysis will reveal inconsistencies and weaknesses of the conceptual framework of EU migration policy.

1. Background

Literature dealing with the EU migration crisis in 2015 generally employs two distinct approaches to explain the migration crisis. The first approach focuses on the impact of push and pull factors as main causes for the crisis in 2015. The main reasons given for this increased inflow are the deteriorating security and economic situation within the countries of origin. While the diagnosis of increased migration flows due to a deteriorating situation in countries of origin is undisputed, it is questionable that the migration crisis in Europe in 2015 can be explained solely by sheer numbers of migrants overwhelming the surprised EU member states. This explanation neglects the fact that the EU had a policy in place since the turn of the century that its member states deliberately had designed to manage a mass migration inflow into Europe in response to rising migration levels. Hence, the consideration of how the EU and its member states agreed to handle migration inflows is missing in this approach. A second approach argues that policy failures and dysfunction of EU migration policy explain the crisis. Authors propose a variety of policy failures as the main cause for the crisis. What is missing is a general analysis of the overall effectiveness of the EU migration policy and its overall impact on the migration crisis. As a consequence, this paper will combine both approaches to present a more holistic analysis of causes for the migration crisis by analyzing the impact of push and pull factors as well as the EU's and its member states' approach to managing the migration inflow.

1.1. Development of a Common EU Migration Policy

The EU member states initiated the development of a common EU migration policy as a functional component of the free market within the EU and intended to mitigate the member states' fear of unregulated migration inflow after they would have abrogated the borders within the Schengen area. The development of a common migration policy dates back to the origins of the EU with the Treaty of Rome in 1957. Within the treaty, the members promulgated the creation of a free internal market and the free movement of labor within the boundaries of the later EU. Internal migration of EU citizens became common policy when the Schengen Agreement entered into force in 1995. In 1999, the EU initiated the development of a "Common European Asylum System" (CEAS) during its European Council in Tampere (Finland) with the goal of creating a common EU asylum and migration policy. As a first step, this included several legislative measures harmonizing common minimum standards for asylum within the EU. More importantly, it was the first time that the EU member states declared their intention to develop a "common policy" on asylum. Subsequently, they further institutionalized this development when the Lisbon Treaty entered into force in 2009.² With the Lisbon Treaty, the EU member states strengthened the role of the European Institutions like the European Parliament and the European Council within the field of migration policy. Being enabled now to additionally adopt concrete measures in the field of migration and asylum, the Lisbon Treaty added a new quality to EU migration policy by shifting further competences to the EU.³ Nevertheless, it did not decrease the EU member states' influence on EU migration policy.

Being represented by the heads of states and ministers within the European Council, the EU member states will still have decisive influence on the development of EU migration policy and measures employed. After the Lisbon Treaty, the EU member states achieved more progress by the successive programs of The Hague and Stockholm, eventually leading to the "Global Approach to Migration and

Mobility” (GAMM) in 2005.⁴ With the GAMM, the EU tried to create a more strategic and comprehensive approach to manage migration. In 2015, the EU member states adopted the “European Agenda on Migration,” supplementing the CEAS and GAMM by creating a stronger involvement of the “European External Action Service” (EEAS).

Overall, the EU member states still did not reach a common migration policy. Since migration and asylum policy is a “shared competence” between the EU and its member states, member states are conducting their own policies in parallel to the EU efforts.⁵ Central EU directives are guiding the member states’ policies. These central directives governing the member states’ and the EU asylum policy constitute the above-mentioned CEAS and include the directive on the common asylum procedure, the directive for reception and accommodation standards of asylum applicants, the directive for common qualification standards for asylum application, the regulation of member states’ responsibility for the asylum application process, and the regulation establishing a common fingerprint databank.⁶

Two examples demonstrate the problems involved with this approach of shared competences between the EU and its member states. First, the admission of migrants is not an EU decision and remains with the member states. Second, the Lisbon Treaty and migration policy regulations generally grant the EU member states wide latitude in applying the EU migration directives, which the EU Commission unsurprisingly criticized.⁷ Even though the Lisbon Treaty shifted more competences to the European Institutions, member states were able to preserve a high degree of influence on EU migration policy, retaining key decisions in the field of migration and asylum at the national level.

1.2. Definition and Frame for the Analysis

Defining what constituted the migration crisis is necessary to frame the dependent variable in this paper. Interestingly, the EU itself does not give a strong definition of which circumstances defined the

migration crisis. For the EU, the migration crisis is characterized by an unprecedented scope of migration inflow in 2015, the accompanying humanitarian conditions under which this inflow took place, and the inability of EU entities and member states to deal with the phenomenon on the policy side.⁸ Even though this is not a formal definition given in any official document, it well describes the nature of the migration crisis. For the purpose of this work, the migration crisis will thus be defined by these three factors.

To determine the cause of the 2015 migration crisis, this paper will analyze migration trends from 2008 until 2015. Yearly aggregated figures for the migration inflow to the EU for this timeframe are available on EUROSTAT,⁹ the EU's official migration figures. Second, from a methodological standpoint, this timeframe is sufficiently long to analyze trends and spikes in migration flows. The analysis will focus on the three main countries of origin of migrants to the EU in 2015: Syria, Afghanistan, and Iraq. More than 50% of the migration inflow into the EU in 2015 came from these three countries, suggesting that they had the highest impact on the migration crisis.

2. Why the EU Could Not Respond Well to Increased Migration Inflow

Analyzing the causes for the EU migration crisis will be conducted in three steps. The first two steps will focus on the impact of push and pull factors. One way to explain migration from one country to another is the relative economic inequality in wealth and income that drives people to leave their country for a better life somewhere else. Besides this purely economic explanation, security, ongoing conflicts, existing networks in destination countries, the population structure, and environmental changes in countries of origin are at least equally important factors influencing migration.¹⁰ All these factors can be summarized under the most common theoretical approach of "push" and "pull" factors as motivators for migratory movements.¹¹ Both factors describe circumstances influencing the individual decision to migrate. While push factors relate to the countries of origin, pull factors are to be

found in the receiving countries. Thus, push factors are more likely to initiate an individual's decision to migrate, while pull factors are more likely to guide the decision of where to migrate.¹² Although it is difficult to separate push and pull factors leading to a decision to migrate, they will be analyzed separately for methodological reasons in order to determine their impact on the migration crisis.

In a third step, the EU migration policy will be analyzed on the basis of the proposed approach by Mathias Czaika and Hein de Haas.¹³ Their approach of reflecting policy choices and their impact in the field of migration policy is up-to-date. In recent years, this approach gained more attraction in migration analysis.¹⁴ While Czaika and de Haas use their methodology to analyze the impact of migration policies as pull factors influencing migration flows, this work will use it to estimate the overall effectiveness of the EU's migration policy.

2.1. The Impact of Push Factors on the Migration Crisis

Syria

Syria was the country of origin with the highest number of migrants coming to Europe in 2015 as depicted in table 1. The migration inflow from Syria was stable until 2010 and has more than doubled every year since, starting with more than 8,000 in 2011 and reaching more than 368,000 in 2015. Since the migration inflow to Europe was generally increasing, the relative increase of the inflow from Syria did not fully double from year to year, starting with 3% in 2011 and reaching almost 28% in 2015 of the total migration inflow to Europe.

The increase of migration from Syria to Europe beginning in 2011 can clearly be attributed to the start of hostilities within Syria, eventually leading to the ongoing intra-state conflict.¹⁵

In 2011, the EU was well aware of a severe crisis developing with the start of anti-government protests and the outbreak of hostilities in Syria. As a first reaction, the EU shut down diplomatic relations with the Syrian government.¹⁶ Since then the EU has remained almost inactive as a main actor dealing with the conflict there or its effect.¹⁷

Reference/Year	2008	2009	2010	2011	2012	2013	2014	2015	2016
EU28 total inflow	225,150	263,835	259,400	309,040	335,290	431,090	626,960	1,322,825	1,260,910
Total inflow from Afghanistan	10,150	20,455	20,600	28,160	28,020	26,215	41,405	181,415	186,605
Percentage of EU28 inflow from Afghanistan	4.5	7.8	7.9	9.1	8.4	6.1	6.6	13.7	14.8
Total inflow from Iraq	27,655	18,845	15,830	15,230	13,190	10,740	21,365	124,965	130,100
Percentage of EU28 inflow from Iraq	12.3	7.1	6.1	4.9	3.9	2.5	3.4	9.4	10.3
Total inflow from Syria	4,220	4,750	5,010	8,145	24,115	49,980	122,065	368,350	339,245
Percentage of EU28 inflow from Syria	1.9	1.8	1.9	2.6	7.2	11.6	19.5	27.8	26.9
Percentage on total inflow to EU28	18.7	16.7	16.0	16.7	19.5	20.2	29.5	51.0	52.0

Table 4: Development of Migration from Main Countries of Origin from 2008 to 2016. Source: EUROSTAT, Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded), http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en.

The EU reacted primarily with humanitarian aid, focusing on providing help and assistance to Syrians in their home country and simultaneously supporting the efforts of neighboring countries like Jordan, Lebanon, and Turkey, which hosted the bulk of the initial migration outflow from Syria.¹⁸ With these support measures the EU attempted to limit the migration of fleeing Syrians to Europe, causing them to remain within their neighboring countries or convincing them to stay in Syria. This approach demonstrates the EU's overall awareness of the migratory movements resulting from the hostilities within Syria.

Nevertheless, the EU underestimated the scope of the problem, and was unsuccessful in limiting migration from Syria to Europe by creating acceptable living conditions for migrants within neighboring countries.¹⁹ As living conditions deteriorated within countries of first asylum, the EU witnessed a steadily increasing inflow of Syrian migrants since 2011. Given these trends, the last increase from 2014 to 2015 can hardly be interpreted as a surprise.

Afghanistan

Afghanistan was the country of origin with the second highest number of migrants coming to Europe in 2015 as depicted in table 1.

The migration inflow from Afghanistan had been somewhat constant before 2013, always above 20,000 but never exceeding 29,000 annually, representing a relative amount of 6% to 9% of the total inflow to the EU. In 2014, the migratory inflow to Europe from Afghanistan doubled from over 26,000 to more than 41,000 migrants entering the EU. In the following year, the inflow from Afghanistan to Europe more than tripled to over 181,000 migrants arriving in the EU, reaching 13.7% of the total migratory inflow to the EU in 2015.

The increase of the migratory flow from Afghanistan to Europe can be attributed to the changing security environment following a decline in war efforts. Along with the end of the ISAF mission in 2014 and a subsequent reduction of foreign security forces, Afghanistan witnessed a steady decline of foreign financial aid. Both acted as push factors for Afghan migrants deciding to leave. As a consequence of the general disengagement of NATO from Afghanistan, the EU decided to equally reduce its engagement in Afghanistan. The main arguments for this disengagement of the EU were sincere security concerns for its member states' own forces engaged in Afghanistan without the cover of NATO forces, and the hope for increased Afghan ownership of both its security and economic sectors.²⁰ Subsequently, the EU, as a main donor of financial aid to Afghanistan, decreased its donations to Afghanistan and reached the third lowest annual spending on Afghanistan since 2002 in 2015 as depicted in table 2.

Even though the actual effect of the decrease of Western security forces and financial aid is unclear, Afghans stated that the perceived decline in security as well as in economic well-being were the main reasons for their decisions to leave in 2015.²¹ As a result, the increased migration inflow to the EU in 2014 already foreshadowed the subsequent tripling in 2015.

Year	Commitments (Mio €)	Disbursement (Mio €)
2002	247.59	151.04
2003	285.55	213.90
2004	247.55	171.19
2005	224.48	206.11
2006	200.53	175.98
2007	195.90	224.59
2008	214.49	213.27
2009	269.83	285.65
2010	254.61	215.20
2011	347.00	261.41
2012	283.61	199.63
2013	316.86	188.41
2014	297.90	270.50
2015	275	173
2016	362	268
Total	4.022.90	3.217.88

Table 5: EU Aid to Afghanistan 2002 – 2016. Source: European External Action Service Publication, EU-Afghanistan Relations, Factsheet, https://eeas.europa.eu/headquarters/headquarters-homepage_en/10740/EU-Afghanistan%20relations,%20factsheet.

Iraq

Iraq was the country of origin with the third highest number of migrants coming to Europe in 2015 as depicted in table 1. The migration inflow from Iraq had been steadily shrinking from more than 27,000 in 2008 to less than 11,000 in 2013. The following year, the numbers approximately doubled and subsequently quintupled in 2015 to more than 124,000 migrants arriving, reaching a percentage of 9.4% of the total migratory inflow to the EU in 2015.

The rapid increase of migration from Iraq, after a long period of slow but steady decrease, can be directly linked to the successes of Da'esh in Iraq, starting in the first half of the year 2014, threatening the Iraqi population and thus acting as a strong push factor. The EU had anticipated this development

during the Foreign Affairs Council in December 2014 and agreed on developing a “comprehensive EU regional strategy on Syria and Iraq and the ISIL/Da’esh threat.”²² The Council adopted this strategy on 16 March 2015 and clearly envisaged the possibility of mass migration flowing from Iraq to the EU.²³ Having witnessed the doubling of the migration flow from Iraq to the EU in 2014 and addressing this issue within its Council conclusions as well as developing a suitable strategy to deal with the problem of migration that Da’esh was causing in Iraq and Syria, it seems likely that the EU already anticipated the possibility of a further increase of migration numbers from Iraq in 2015.

2.2. The Impact of Pull Factors on the Migration Crisis

Security and Political Factors

The research on the role of security and political factors as pull factors shows some ambiguity with regard to the extent of their impact on the individual decision to migrate to a specific destination country. Generally, the degree to which migrants are influenced by the perception of a possible destination country as being safe is not clear.²⁴ On this basis, it seems acceptable to assume that the EU member states are generally all perceived as secure countries since they do not highly differ in this regard. This would imply that the overall security situation within the EU member states has no big impact on the decision of where to migrate. Comparatively, political factors seem to have a higher impact on migration flows. The prevalence of a political right-wing orientation within a destination country’s political system creates a deterrent effect while a prevalence of left-wing orientation does not significantly impact the migration flow.²⁵

Economic Situation

Besides security and political factors, the economic situation in a destination influences the decision of where to migrate. As stated previously, economic inequality is somewhat overemphasized as a distinct factor for migration. Nevertheless, the general economic situation in a destination country plays a role as a pull factor. More precisely, the perception of a destination country as being rich or poor guides this

decision and not actual and precise figures and facts about economic growth and unemployment rates, for example.²⁶ The reason for this behavior might be migrants' limited access to reliable information, resulting in their having only a crude picture of possible destination countries before they choose a specific country. Consequently, the highest migration inflow in 2015 can be found in comparatively wealthy EU member states like Germany and Sweden, which were also known to have particularly liberal immigration policies in conjunction with work opportunities as depicted in table 3.²⁷

Country/Year	2015	Country/Year	2015
EU (28 countries)	1,322,825	Ireland	3,275
Austria	88,160	Italy	83,540
Belgium	44,660	Latvia	330
Bulgaria	20,365	Lithuania	315
Croatia	210	Luxembourg	2,505
Cyprus	2,265	Malta	1,845
Czech Republic	1,515	Netherlands	44,970
Denmark	20,935	Poland	12,190
Estonia	230	Portugal	895
Finland	32,345	Romania	1,260
France	76,165	Slovakia	330
Germany	476,510	Slovenia	275
Greece	13,205	Spain	14,780
Hungary	177,135	Sweden	162,450
		United Kingdom	40,160

Table 6: Application for Asylum in EU Member States 2015. Source:

<http://ec.europa.eu/eurostat/tgm/table.dotab=table&init=1&language=en&pcode=tps00191&plugin=1>.

Networks

While economic factors seem to have a high impact on migration flows, they are intertwined with developing migrant networks. Existing networks of people from countries of origin are an influential pull factor.²⁸ Existing networks decrease migration costs and improve information on migration, thus making migration more attractive. Once a migration flow to a specific destination country is

established, transit will get easier, facilitated by the expertise of those who transited earlier or the dubious help of experienced traffickers. Within the destination country, networks and communities help arriving people from their country of origin to accommodate themselves to their new environment.²⁹ Developing or existing networks within one EU member state thus can become an increasing pull factor, attracting even more migration from a specific country of origin.

2.3. The Impact of EU Migration Policy on the Migration Crisis

The analysis of EU migration policy will be conducted on the basis of the proposed approach by Mathias Czaika and Hein de Haas.³⁰ While Czaika and de Haas use their methodology to analyze the impact of migration policies as pull factors influencing migration flows, this work will use it to estimate the overall effectiveness of the EU's migration policy.

Public Discourse – How the EU's Population Views Migration

Inside the EU, a generally negative perception and attitude towards “migration” characterizes public opinion, although the degree varies in a wide continuum. Public opinions on migration are different in Northwest Europe than in Southeast Europe but have been largely stable over time. When asked if EU member states would benefit from migration, only slight positive changes in public opinion occurred from 2002 to 2014.³¹ Within this timeframe, many citizens in the North and West of the EU considered their countries to generally benefit from migration. Between 2002 and 2014,³² this view actually improved in some Northern and Western countries like Sweden, Finland, and Germany. Contrary to that, within the Southern and Eastern parts of the EU, the opposite development took place. In countries like Hungary, Austria, and the Czech Republic, more citizens held a negative perception of migration.

Additionally, EU member states' societies are witnessing an increased polarization, especially on the question of allowing migrants from poorer countries. While some member states' societies showed an increased acceptance of migration from poorer countries, others showed an opposite increase, refusing

migration from poorer countries to the EU.³³ All in all, the percentage of European publics with a negative attitude towards migration from poorer countries to the EU increased from 11% to 20% between 2002 and 2014.³⁴ Overall, when asked about their general perception of immigration from non-EU countries to the EU in 2015, a majority in twenty-four of twenty-eight member states' populations expressed negative feelings.³⁵ This implies that the majority of the EU's population expects the EU to apply a rather reluctant migration policy, avoiding a high inflow of migrants into its societies.

This generally negative attitude and division about migration within the EU can also be traced in the language, which is used in the public discourse about migration, exemplified in the press coverage on migration in 2015. The vocabulary chosen to discuss migration in the respective EU member states differs remarkably. While some member states' press mainly refer to migrants as refugees or asylum-seekers, others mainly use the term immigrants or simply migrants for them.³⁶ In Germany (91.0%) as well as in Sweden (75.3%), the media preferred the term "refugee" or "asylum seeker;" in Italy (35.8%) and the United Kingdom (54.2%), the media preferred the term "migrant," while in Spain (67.1%) the media predominantly used the term "immigrant."³⁷

The term "immigrant" conveys a completely different meaning than the term "refugee," evoking different perceptions within the respective audiences about migration. While the term "refugee" implies that a person flees from personal persecution, violence, or war, the motivation of an "immigrant" is mostly related to economic interests. The most obvious difference is that refugees would be protected under the umbrella of the 1951 UN refugee convention. The status of a refugee grants him legal protection, other assistance, and social rights while a "mere" immigrant cannot rely on such protective rights.³⁸

While terminology varies in coverage on migration, some overarching themes can be found within media coverage in EU member states. EU media neither regularly cover how receiving countries

benefit from migration nor do they discuss how push factors drive migration flows.³⁹ Nevertheless, the media coverage shows a rather common understanding that the EU has a key role in solving the migration crisis but is performing this role inadequately.⁴⁰ This is even more interesting when looking at public opinion about the possible role of the EU in dealing with migration. Surveys show that two-thirds of the overall population of the EU would support a common EU migration policy, while more than a quarter is against it.⁴¹

The rise of right-wing parties throughout Europe can also be considered as another indicator of negative public discourse on migration. Although there are exceptions, the outcomes of the elections for the European Parliament generally depict an increase of right-wing representation in the EU institution.⁴² Within the member states the same development can be observed. In 2014 and 2015, right-wing parties (re-)assumed the reins of government in Hungary, Belgium, Latvia, and Poland.⁴³

Summing up, public discourse about migration inside the EU has a widely negative connotation. People seem to broadly fear migration from non-EU states, notwithstanding that this perception varies from Northwest to Southeast. Contrary to this varying perception of migration, a two-thirds majority of the EU population favors a common EU migration policy. Analyzing how the EU is addressing these diverging interests and perceptions within its formal migration policies will thus be an important step in examining the overall influence of EU migration policy on the 2015 crisis.

EU Migration Policy – How the EU Intended to Address Migration to the EU

In 1999, the European Commission (EU Commission) introduced the CEAS with the intent to harmonize the asylum application procedure between EU member states. For this purpose, it includes five legal instruments to provide common minimum standards for the treatment of asylum seekers and applications for asylum.⁴⁴ These five instruments include the treatment of asylum seekers and minimum housing standards, the definition of common grounds for asylum application, the determination of member states' responsibility to conduct the asylum application procedure (Dublin Regulation), and a

common registration system (EURODAC).⁴⁵ To support EU member states in implementing the CEAS instruments, the EU Commission created a fund under the Home Affairs budget to provide financial assistance with external border and visa policies.⁴⁶ All in all, the five different legal instruments of the CEAS are directed towards managing incoming migration to the EU and migration that already reached the EU.

In 2005, the EU adopted the “Global Approach to Migration” as an attempt to balance the exclusively internal focus of CEAS with an external and more strategic dimension on migration.⁴⁷ In 2011, the EU extended it to the “Global Approach to Mobility and Migration” (GAMM), defining the EU’s external approach to migration and asylum. This external approach is based on four pillars, intended to build a comprehensive framework. The four pillars relate to improving legal migration procedures, preventing and combatting irregular migration, maximizing the development impact of migration and mobility, and promoting international protection.⁴⁸ Additionally, the protection of human rights is presented as an overarching goal of the GAMM. Despite this, security aspects like the fight against irregular migration and border security measures are described as the crux of the approach; thus, they are the dominating theme within the GAMM.⁴⁹ While previous EU migration policy approaches were rather scattered and additionally limited in scope and available tools, the EU intended to structure and systemize the available tools by introducing the GAMM.⁵⁰

Already facing an increased migration inflow, the EU Commission adopted the “European Agenda on Migration” in 2015, adding another piece to the common EU migration policy.⁵¹ This reaction to the increased migration inflow to Europe seemed necessary since “the collective European policy on the matter has fallen short,”⁵² as the Agenda states. To address those shortcomings, the European Agenda on Migration includes parts of both the CEAS and the GAMM. The agenda summarizes them under four new pillars, which deal with internal as well as external migration policy aspects.⁵³ Obviously

written with the ongoing migration crisis in mind, the external migration policy aspects are strongly focused on security rationales and measures.

Implementation – How the EU Addressed Migration

One of the primary measures the EU uses to deal with the external dimension of migration to the EU is FRONTEX. In pursuit of an “Integrated Border Management” (IBM) approach, EU member states agreed in 2004 to establish FRONTEX, a “European agency for the management of operational cooperation at the external borders of the member states of the European Union.”⁵⁴ EU member states agreed on designing the IBM and FRONTEX to complement the “Global Approach to Migration” with concrete measures. Unfortunately, FRONTEX proved to be inefficient after it became operational in 2005, due to three major flaws. First, the reluctance of EU member states to shift power to the supranational level limited FRONTEX’s efficiency. As a result, FRONTEX could only take action on the basis of an EU member state’s request for support. This led to further slowdown of action, since FRONTEX was not allowed to conduct operational planning prior to a member states’ request for support.⁵⁵ Consequently, this contributed to the second flaw, a constantly emergency-driven FRONTEX action. Since EU member states’ governments seem to perceive the involvement of FRONTEX as a display of weakness, EU member states tended to call for FRONTEX rather late and eventually used the agency for scapegoating purposes on the occurring dilemmas and problems of irregular migration.⁵⁶ Lastly, FRONTEX was highly dependent on EU member states’ voluntary commitments, both in manpower and assets.⁵⁷ On this basis, it remained unclear which assets and how much personnel would be available for an upcoming FRONTEX operation. All in all, these FRONTEX-related frictions exemplify the problems that the EU faced through 2015 in implementing its common migration policy on the external border of the EU.⁵⁸ Having a look to the Dublin Regulation reveals that implementing the common EU migration policy internally is no less problematic.

In a nutshell, the Dublin Regulation stipulates that the state where an asylum seeker first entered the EU has the responsibility to conduct the asylum application process.⁵⁹ Undeniably, this general principle disadvantages the less wealthy, southern EU member states that are facing the largest migration inflows. This is even more severe since a standardized redistribution of asylum applicants that could rebalance the burden sharing between the EU member states is not part of the Dublin Regulation.⁶⁰ Due to this imbalance of burden-sharing, when faced with an increasing migration inflow, Italy disregarded the Dublin Regulation, refusing to register asylum seekers and to conduct the asylum application procedure in 2011, resulting in a flow of these asylum seekers into other EU member states.⁶¹

In addition to the problems identified above, a complex structure of decision-making competences between EU institutions and the EU member states further complicates the implementation of the common EU migration policy. Two general cases can be distinguished. First, the EU Commission and the EU member states run their own migration policies in parallel. Second, competences are exclusively assigned to the EU member states where the EU Commission has a coordinating function.⁶² Unsurprisingly, the shared competences between EU member states and the EU Commission are problematic when different interests and goals conflict.⁶³ For example, mandatory EU negotiations in the field of migration policy have been obstructed by simultaneous bilateral talks between EU member states and third countries.⁶⁴ Even though bilateral actions between EU member states and third countries can be of added value, a lack of coordination between EU member states and the EU and a lack of systematic information exchange, especially with the EU Commission, obstruct EU migration policy.⁶⁵

Gap Analysis

Significant gaps exist between the public discourse on migration and the way the EU *intended* to implement and eventually has implemented the migration policy. Gaps are understood as inconsistencies, logical flaws, or severe frictions that occur between these three parts of the framework. Analysis of the public discourse on migration reveals the demands that a common EU migration policy would have to fulfill in the eyes of the European population. Even though a main cause for the crisis was the EU's inability to find an adequate response to the high migration inflow in 2014 and 2015, the key to a solution will likely be a more prominent role for the EU in the field of migration and a truly common EU migration policy. This policy must restrict migration inflows to the EU, as the general negative attitude towards migration implies.

By and large, the EU intends to implement its common EU migration policy to meet public demands and expectations. With the CEAS, the GAMM, and the "European Agenda on Migration," the EU provides a wide policy landscape to deal with the internal as well as external dimension of migration. All policies emphasize the security-related aspects of migration and migration avoidance, reflecting the negative attitude towards migration in the EU. In general, there is no significant gap between the public discourse and the way the EU intends to implement its common migration policy. At the same time, the wide migration policy landscape can also be interpreted as an expression of ineffectiveness. While CEAS and GAMM complement each other, the "European Agenda on Migration" picks up parts of both without even mentioning the former policies. Most importantly, while stating that the former policies fell short to meet the requirements to solve the problems at hand, the agenda presents yet more of the same as the solution to the problem of increased migration to the EU. This sprawling policy landscape is already a hint that the major gaps can be found between how the common EU migration policy was *intended* to be implemented and how it *has been* implemented eventually.

The implementation of the policy to guard the EU's border against migration is flawed since its main instrument, FRONTEX, cannot be used effectively. Instead, FRONTEX operates in a constant emergency mode. States have misused FRONTEX as a kind of "fire-brigade" and last resort whenever a European government felt that FRONTEX could be useful to manage migration. FRONTEX was a welcome scapegoat when migration pressure increased, distracting from member states' own responsibilities to deal with the issue. The fact that FRONTEX is rather ill-equipped and manned by the EU member states on a voluntary basis aggravates the problems resulting from the described *modus operandi*.

Internally, similar problems can be identified. The Dublin Regulation might be considered the centerpiece of the common EU migration policy. It produces imbalances in burden sharing between the EU member states by putting the responsibility for the asylum applicants on the European border states without a mandatory compensating mechanism. As a result, the mutual solidarity that is the political core of the EU is questioned by the EU member states carrying this burden. Undoubtedly, the implementation of Dublin is also aggravated by a complex decision-making structure and shared competences between EU member states and EU bodies.

Overlapping competences between the EU member states and the EU bodies also result in a complex decision-making structure and counterproductive actions. Even though EU member states and the European population view higher EU involvement as a key to the migration crisis, EU member states are reluctant to shift competences to the EU. This is paradoxical since EU member states showed frustrations about both internal and external problems of implementing the common EU migration policy. One striking finding is that although the EU member states are quite aware of the limitations that result from the complex structure of competences in the field of migration, they refuse to improve this situation by shifting competences to the EU.

3. Summary

The examination of push and pull factors revealed that both certainly influenced the migration flow to the EU. As the analysis of push factors demonstrated, the EU was apparently aware of the general development of migration inflow from the three examined countries of origin. Consequently, the EU could have been hardly surprised or overwhelmed by the scope of the migration inflow in 2015. In comparison with push factors, the impact of pull factors is harder to estimate. While their impact on the scope remains unclear, pull factors created an imbalanced migration inflow to EU member states. Since it would be evidence of an effective migration policy to level such imbalances, the analysis reveals that pull factors were merely another trigger, pointing to the EU migration policy as the underlying cause for the crisis. This diagnosis suggests that the political crisis was not mainly caused by a kind of strategic surprise or wrong political assumption about the effects of changed conditions in the analyzed countries and the scope of migration that followed in 2015. Instead, the EU should have been able to anticipate increased migration. However, their policies were not set up to deal with it.

The findings of the analyzed migration policies suggest that this conviction is comprehensible since it revealed only minor inconsistencies in comparison with the way these policies are implemented eventually. All in all, the implementation of the common EU migration policy proved ineffective as a result of two factors. First, a complex and dysfunctional distribution of decision-making competences between the EU member states and the EU bodies hampered the overall policy effectiveness. Second, even though the EU and its member states clearly anticipated the dysfunctional structure of the Dublin Regulation, they were not able to make substantial improvements to avoid imbalances of migration within the EU, caused by the regulation.

One might argue against this view, and posit that EU migration policy had been working without much noise since its beginning until the crisis in 2015 occurred. Thus, one could jump to the

conclusion that the crisis was primarily related to an exceptionally high number of migrants entering the EU which would have had an overwhelming effect, irrespective of the possible migration policy in place. This logic has two major flaws. First, even though there was a big jump in migration numbers in 2015, this should not have been a surprise for the EU. Migration numbers had been increasing constantly since 2011. The EU was monitoring situations on the ground in the three main migrant-producing countries and knew the wars were getting worse (Syria, Iraq) or had even withdrawn troops and financial aid (Afghanistan). Thus, they should not have been surprised: they should have been prepared. Consequently, it is wrong to think about EU migration policy being “overwhelmed” by mass migration inflow. Precisely, the situation that finally led to the crisis in 2015 was building up successively when it became increasingly clear that EU member states like Italy, Greece, and later Hungary could not cope with the pressure anymore that EU migration policy inflicted on them. Secondly, EU migration policies are not working any better now that migration has decreased again. That said, the EU should not feel certain that the rise of migration numbers in 2015 was just an exception that will not repeat itself in the near future, being surrounded by a relatively unstable neighborhood in its South. The scope of migration inflow to the EU in 2015 more likely presents a kind of new normalcy for the future. Even if it does not, it would be wise to have an EU migration policy in place that can adequately and efficiently manage a large migration inflow to the EU.

All in all, it was the coincidence of an unprecedented migration inflow to the EU induced by push and pull factors which overstrained the inherent limitations of the common EU migration policy. Since the work demonstrated that the main flaw of the common EU migration policy is the complex distribution of competences, one possible solution to better prepare the EU for similar future scenarios would be to create incentives for EU member states to shift national competences to the EU. Actually, limited progress has been made so far on empowering the EU to better exercise its competencies.

Remarkably, the EU member states made progress in sharing the responsibility for the external border security. With the transformation of FRONTEX into the “External Border and Coast Guard Agency,” the EU member states addressed some of the main flaws described in the respective section of this work.⁶⁶ For example, within the new “External Border Coast Guard Agency” framework, FRONTEX is now eligible not only to purchase its own equipment but also to maintain a permanent response force of 1,500 border security officers. The most important change is that the EU member states agreed on transferring the responsibility for border security to FRONTEX as the “External Border and Coast Guard Agency” as well. The external border of one EU member state will thus become the responsibility of all member states, legally and operationally with FRONTEX exercising this responsibility. While this demonstrates substantial improvements for the general availability of FRONTEX managing migration at the EU’s external border, overall the internal dimension lacks a remedy of the main flaws. The main discussion between the EU member states is still about how to improve burden sharing between EU member states when it comes to asylum application processes and the accommodation of applicants and refugees. Even though imbalances caused by the Dublin Regulation are recognized and undisputed by the EU member states, a change of this regulation to overcome this problematic policy aspect seems unattainable. Instead of changing the regulation, the EU member states agreed in 2015 on a relocation program of 120,000 refugees, mostly from Italy and Greece.⁶⁷ Nevertheless, even this modest goal has yet not been reached, inevitably demonstrating the need to stop fighting the symptoms and start fixing the problem of an ineffective common EU migration policy.

Assessing the impact of push and pull factors as well as the effectiveness of EU common migration policies, this paper demonstrated that the EU could have better managed the massive migration inflow in 2015 with a more effective common migration policy. A more effective migration policy would

foremost have to shift power away from the member states and emphasize the competences of the EU in this field. Most likely, EU common migration policy needs improvements in other areas as well to make it more effective. The entire aspect of economic and development policies addressing the root causes of migration have not been analyzed since this would be beyond the scope of this work.

Nevertheless, future research should investigate if the common EU migration policy could profit from a better coordination and balance of economic and development measures. Additionally, future research will be needed to investigate and assess the already undertaken policy changes after 2015 in order to determine the resulting overall effectiveness of EU common migration policy.

¹ EUROSTAT, Asylum and first Time Asylum Applicants by Citizenship, Age and Sex: Annual Aggregated Data (Rounded). Also available online at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en#.

² The Lisbon Treaty implemented the “Treaty on the European Union“ (TEU) as well as the “Treaty on the Functioning of the European Union“ (TFEU). Art 78(1) of the TFEU obliged the EU member states to develop a “common policy on asylum, subsidiary protection and temporary protection”. The TFEU is also available online at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>.

³ Christian Kaunert and Sarah Léonard, “The European Union Asylum Policy After The Treaty of Lisbon and The Stockholm Programme: Towards Suranational Governance in a Common Area of Protection?” In *Refugee Survey Quarterly*, Vol. 31, No. 4, (Dec. 2012), 15. Also available online at: <https://academic.oup.com/rsq/article/31/4/1/1572616>.

⁴ While GAMM was first introduced in 2005, it was renewed in 2011 under the impression of the Arab Spring. GAMM is available online at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52011DC0743>.

⁵ Raphaëlle Faure, Mikaela Gavas, Anna Knoll, *Challenges to a Comprehensive EU migration and Asylum Policy* (Maastricht: European Centre for Development Policy Management, 2015), 9.

⁶ CEAS consists of: (1) Asylum Procedure Directive; (2) Reception Conditions Directive; (3) Qualification Directive; (4) Dublin Regulation; (5) EURODAC Regulation. An overview on CEAS is available online at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en.

⁷ The EU Commission criticizes EU member states for “differing treatment of asylum seekers and varying recognition rates amongst EU Member States. This divergence is what encourages secondary movements and is partly due to the fact that the current rules grant Member States a lot of discretion in how they apply the common EU rules.” See online at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160713/factsheet_the_common_european_asylum_system_en.pdf

⁸ The term “migration crisis” is not used in official policy documents of the EU. However, comparing the communication of different EU bodies reveals the understanding of the migration crisis being a conglomerate of the mentioned aspects. As a reference, the European Parliaments’ communication on the EU response to the migration crisis gives a good example of this view. The communication is available online at: <http://www.europarl.europa.eu/news/en/headlines/society/20170629STO78629/the-eu-response-to-the-migrant-crisis>.

⁹ EUROSTAT is the statistical office of the European Union situated in Luxembourg. Its mission is to provide high quality statistics for Europe. While fulfilling its mission, EUROSTAT promotes the following values: respect and trust, fostering excellence, promoting innovation, service orientation, professional independence. Looking for ways to continually improve its products and services, Eurostat gained the European Foundation for Quality Management "Committed to Excellence" recognition in November 2016. EUROSTAT’s mission statement is available online at: <http://ec.europa.eu/eurostat/about/overview>.

¹⁰ While economic inequality as an isolated push factor is questioned, it seems fair to recognize economic factors as contributing to a decision to migrate as well, especially as a pull factor. The different views on economic inequality as a factor for migration can be found in the following sources.

Andrew Geddes, Peter Scholten, *The Politics of Migration and Immigration in Europe* (Los Angeles: Sage, 2016), 6.

Eric Neumeyer, “Asylum Destination Choice: What Makes Some West European Countries More Attractive Than Others?” In *European Union Politics* (Los Angeles: Sage, No. 4, 2004).

Poppy James and Lucy Mayblin *Factors influencing asylum destination choice: A review of the evidence*, Working paper: 04/16.1 (Sheffield: University of Sheffield, March 2016). Also available online at: <https://asylumwelfarework.files.wordpress.com/2015/03/asylum-seeker-pull-factors-working-paper.pdf>.

¹¹ The distinction of push and pull factors influencing migratory movements can be considered the most general approach. It can be further subdivided in more specific theories like economic, sociological, anthropologic, and additionally cumulative theories. Nevertheless, for the purposes of this work, the general division in push and pull factors to analyze the migratory movements from the main countries of origin in 2015 is sufficient. An overview of theories can be found in: Caroline B. Brettell and James F. Hollifield ed. *Migration Theory: Talking Across Disciplines* (New York: Routledge, 2000).

¹² Jeannette Schoorl, *Push and Pull Factors of International Migration: A Comparative Report*. (Luxembourg: Office for Official Publications of the European Communities, 2000), 83 and Belachew Gebrewold, “Migration Theories and African Migration to Europe,” in *Africa and Fortress Europe: Threats and Opportunities*, ed. Belachew Gebrewold (New York:

Routledge, 2016), 89. Push factors can be economic or demographic (poverty, unemployment, low wages), political (conflict, violence, insecurity, poor governance), social or cultural (ethnic, religious, or gender discrimination), and environmental (natural/man-made disaster, harvest failure, resource depletion). Pull factors are economic or individual opportunities (jobs, increase in living standard, family reunification).

¹³ Mathias Czaika and Hein de Haas, “The Effectiveness of Immigration Policies,” in *Population and Development Review* 39 no. 3 (September 2013).

¹⁴ Caroline B. Brettell, James F. Hollifield ed. *Migration Theory: Talking Across Disciplines* (New York: Routledge, 2000).

¹⁵ Marc Pierini, *In Search of an EU Role in the Syrian War* (Brussels: Carnegie Europe, 18 August 2016), 2, <http://carnegieeurope.eu/2016/08/18/in-search-of-eu-role-in-syrian-war-pub-64352>.

¹⁶ European External Action Service Publication, *The EU and the Crisis in Syria*, https://eeas.europa.eu/sites/eeas/files/6_syria_5pg.pdf

¹⁷ Marc Pierini, *In Search of an EU Role*, 2.

¹⁸ European Union External Action Service Publication, *The EU and the Crisis in Syria*.

¹⁹ Marc Pierini, *A Bolder EU Strategy for Syrian Refugees* (Brussels: Carnegie Europe, 15 July 2015), 2, <http://carnegieeurope.eu/2015/07/15/bolder-eu-strategy-for-syrian-refugees-pub-60712>.

The sustainment of Syrian migrants in neighboring countries was lacking 75% of the financial requirements for the actual year in midst July 2015. The lack of funding is applicable to Jordan, Lebanon, and Turkey similarly. In addition, the lack of protection, job perspectives, education, decent housing, and social services in combination with a lack of a perspective to return to Syria within the near future created new push factors for Syrians who fled to neighboring countries.

²⁰ Michael Holtje and Ronja Kempin, *The EU in Afghanistan What Role after NATO's Withdrawal?* SWP Comments 2013/C 38, December 2013 (Berlin: SWP, December 2013), 3, https://www.swp-berlin.org/fileadmin/contents/products/comments/2013C38_hot_kmp.pdf.

²¹ Sayed Masood Sadat, *Uncertainty Drives Afghan Migrants to the West* (San Francisco: The Asia Foundation, 03 May 2017), 4, <https://asiafoundation.org/2017/05/03/uncertainty-drives-afghan-migrants-west/>.

See also interviews conducted with Afghans about their reasoning to leave Afghanistan in 2015 conducted in a recent study by Afghanistan Analysts Network and Friedrich-Ebert-Stiftung, published by Friedrich-Ebert-Stiftung.

Afghanistan Analysts Network, *We Knew That They Had No Future in Kabul: Why and How Afghan Families Decide to Leave* (Berlin: Friedrich-Ebert-Stiftung, April 2016), 4, <https://www.afghanistan-analysts.org/wp-content/uploads/2016/04/20160427FES-Migration-IVs-paper-Engl.pdf>.

²² Council of the European Union, Press Release 3361st Council Meeting Foreign Affairs (Brussels, 15 December 2014), 10, <http://www.consilium.europa.eu/media/24768/146293.pdf>.

²³ Council of the European Union, *Council conclusions on the EU Regional Strategy for Syria and Iraq as well as the ISIL/Da'esh threat*, 15, <http://www.consilium.europa.eu/media/21843/st07267en15.pdf>

²⁴ Poppy James and Lucy Mayblin, *Factors influencing asylum*, 6.

²⁵ Eric Neumeyer, “Asylum Destination Choice,” 174.

²⁶ Ibid.

²⁷ The highest numbers of application for asylum in 2015 can be found in Germany and Sweden. Hungary is the exception with relative lower wealth compared to Sweden and Germany but with comparable asylum application numbers to Sweden. The reason is Hungary's location as an entry country for migrants and its subsequent obligation to carry out the asylum application procedure. This effect will be later discussed in the policy analysis section.

²⁸ Existing networks from a specific country of origin are commonly identified as one of the most important factors influencing the decision where to migrate.

Poppy James and Lucy Mayblin, *Factors influencing asylum*, 5.

Eric Neumeyer, “Asylum Destination Choice,” 175.

²⁹ Eric Neumeyer, “Bogus Refugees? The Determinants of Asylum Migration to Western Europe.” in *International Studies Quarterly*, Vol. 49, No. 3 (Sep., 2005), 393.

³⁰ Mathias Czaika and Hein de Haas, “The Effectiveness of Immigration Policies.”

³¹ Anthony Heath and Lindsay Richards, *Attitudes towards Immigration and their Antecedents: Topline Results from Round 7 of the European Social Survey* (London: ESS Topline Results Series 7, European Social Survey, November 2016), 4. Also available online at: https://www.europeansocialsurvey.org/docs/findings/ESS7_toplines_issue_7_immigration.pdf.

³² While the European Social Survey does not provide data for 2015 and beyond, it can be assumed that public opinion within the mentioned Northern and Western countries worsened on this topic. The data provided by the market research bureau IPSOS suggests this negative trend. For further information see Ipsos’ white paper “Einstellungen und Meinungen zu Migration. Eine vergleichende Europa-Studie” (Germany, March 2017). Also available online at: https://www.ipsos.com/sites/default/files/2017-05/WP_Migration_RGB-RZ_final.pdf.

³³ Anthony Heath and Lindsay Richards, *Attitudes towards Immigration*, 12.

³⁴ *Ibid.*, 7.

³⁵ European Commission, Standard Eurobarometer 85 (Brussels, Spring 2016), 36. Also available online at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/75902>.

³⁶ Mike Berry, Inaki Garcia-Blanco, Kerry Moore, *Press Coverage of the Refugee and Migrant Crisis in the EU: A Content Analysis of Five European Countries. Report prepared for the United Nations High Commission for Refugees* (Cardiff: Cardiff School of Journalism, Media and Cultural Studies, December 2015), 7. Also available online at: <http://www.unhcr.org/56bb369c9.pdf>.

³⁷ *Ibid.*, 7 and 8.

³⁸ See the definition of the refugee status available online at: <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>.

³⁹ Mike Berry, Inaki Garcia-Blanco, Kerry Moore, *Press Coverage of the Refugee and Migrant Crisis*, 9.

⁴⁰ *Ibid.*, 10 and 12.

⁴¹ European Commission, Standard Eurobarometer 85 (Brussels, Spring 2016), 35.

⁴² See Annex D.

⁴³ Election results for all EU member states’ national elections available at: <http://www.parties-and-elections.eu/>.

⁴⁴ CEAS consists of: (1) Asylum Procedure Directive; (2) Reception Conditions Directive; (3) Qualification Directive; (4) Dublin Regulation; (5) EURODAC Regulation. An overview on CEAS is available online at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en.

⁴⁵ Abbreviation for “European Dactyloscopy”, a common EU registration system and databank.

⁴⁶ Raphaëlle Faure, Mikaela Gavvas, Anna Knoll, *Challenges to a Comprehensive EU migration and Asylum Policy*, 12.

⁴⁷ *Ibid.*, 13.

⁴⁸ European Commission, *Communication From the Commission to the European Parliament, the Council and Social Committee and the Committee of the Regions: The Global Approach to Migration and Mobility*, COM(2011) 743 final (Brussels: European Commission, 28.11.2011), 7. Also available online at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0743&from=EN>. Additionally, an overview on GAMM is available at: https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en.

⁴⁹ *Ibid.*, 5.

⁵⁰ *Ibid.*, 10.

⁵¹ European Commission, *Communication From the Commission to the European Parliament, the Council and Social Committee and the Committee of the Regions: A European Agenda on Migration*, COM(2015) 240 final (Brussels: European Commission, 13.05.2015). Also available online at: https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/communication_on_the_european_agenda_on_migration_en.pdf.

⁵² European Commission, *Communication From the Commission*, COM(2015), 2.

⁵³ The four pillars are (1) reducing the incentives for irregular migration, (2) saving lives and securing the external borders, (3) a strong asylum policy, and (4) a new policy on legal migration.

⁵⁴ The Council of the European Union, *Council Regulation Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, No. 2007/2004 (Brussels: Council of the European Union, 26 October 2004).

⁵⁵ Article 3 of the Council regulation No. 2007/2004 states that “The Agency shall evaluate, approve and coordinate proposals for joint operations and pilot projects made by Member States.”

⁵⁶ Sergio Carrera, *The EU Border Management Strategy: FRONTEX and the Challenges of Irregular Immigration in the Canary Islands*, CEPS Working Document No. 261/March 2007 (Brussels: Centre for European Policy Studies, March 2007), 12. Also available online at: <https://www.ceps.eu/publications/eu-border-management-strategy-frontex-and-challenges-irregular-immigration-canary>.

⁵⁷ Article 7 of the Council regulation No. 2007/2004 states that “The Agency shall set up and keep centralised records of technical equipment for control and surveillance of external borders belonging to Member States, which they, on a voluntary basis and upon request from another Member State, are willing to put at the disposal of that Member State for a temporary period following a needs and risks analysis carried out by the Agency.” Similarly, FRONTEX is dependent on EU member states’ border security experts, since the Council regulations only provides for a core staff to run the agency itself.

⁵⁸ As a matter of fact, some of these flaws were tackled by a newly adopted Council regulation in 2016 which underlines their relevance in the migration crisis in 2015.

⁵⁹ Chapter III of the European Parliament and the European Council Regulation Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-Country National or a Stateless Person, No. 604/2013 (Brussels: The European Parliament and the European Council, 26 June 2013). More specific rules can be applicable and thus override this general principle.

⁶⁰ Article 78(3) of the TFEU provides the possibility for temporary and voluntary relocation system when it states that “in the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.”

⁶¹ Corinne Balleix, “From Lampedusa to the Post-Stockholm Programme: Difficult European Solidarity in the Field of Migration,” *European Policy Brief* No. 24 (March 2014), 4. Also available at: <http://www.egmontinstitute.be/content/uploads/2014/03/EPB-241.pdf?type=pdf>.

⁶² Raphaëlle Faure, Mikaela Gavvas, Anna Knoll, *Challenges to a Comprehensive EU migration and Asylum Policy*, 15.

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 16.

⁶⁵ Paula Garcia Andrade, Ivan Martin, Sergio Mananashvili, *EU Cooperation With Third Countries in the Field of Migration: Study for the European Parliament* (Brussels: European Union, 2015), 103. Also available online at: http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536469/IPOL_STU%282015%29536469_EN.pdf.

⁶⁶ FRONTEX, press release. Also available online at: <http://frontex.europa.eu/pressroom/news/european-border-and-coast-guard-agency-launches-today-5p2T7y>.

⁶⁷ The EU member states adopted the relocation program on the European Council on 22 September 2015. The Council Conclusions are also available online at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015D1601&from=EN>.

Eventually, approximately 33,000 refugees were relocated until the program expired in September 2017. For details about the relocation figures see also online at: <http://www.faz.net/aktuell/politik/fluechtlinge-umverteilung-nach-deutschland-weitgehend-abgeschlossen-15422160.html>.

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