



## **The European migrant crisis:**

### **Reaching a full agreement on a common European migration policy**

*“What are the main obstacles to achieve a common European migration policy within the context of the migration crisis?”*

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## Executive Summary

In this study, the main obstacles which impede a common European migration policy are described. The research was mainly focused on the period between 2015 and 2019. This thesis consists of a qualitative interview and extensive desk research.

The Schengen agreement came under pressure by the migrant crisis in 2015. The temporary state of the common European migration policy has resulted in several challenges, including the revision of the Dublin III regulation. Finding a common solution for relocating migrants in member states of the European Union is an important issue on the European agenda. The different responses regarding irregular migration to member states of the European Union were described in this study. The purpose of this research is to investigate what the main obstacles are that impede a full agreement on a common European migration policy.

The motivation for this thesis is the disproportionate burden of migrants due to the Dublin III Regulation. The migrant crisis has resulted in disunity between several European member states concerning the relocation of migrants. For example, Hungary and Germany share a different view concerning the acceptance of migrants. This thesis aims to give a contemporary analysis of European migration policy and how the migrant crisis has affected a full agreement on a common European migration policy.

This thesis was written as part of the bachelor study European Studies at The Hague University of Applied Sciences. This research includes a qualitative interview with Mr. Robbert van Lanschot, a former diplomat at the Dutch Ministry of Foreign Affairs and renowned author and journalist. To provide an analysis of European migration policy, academic sources were included in this research. Moreover, articles, treaties of the European Union, press releases were analysed and the essential information regarding migration policy was applied.

The research has found that there is not enough support of various European member states to reach a full agreement on a common European migration policy. However, there is enough support for improving the protection of the external borders of the European Union to reduce the migrant influx. The Dublin III regulation has proved to be ineffective. If amended, it could lead to a more equal distribution of migrants.

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## List of abbreviations

<b>EC</b>	European Commission
<b>ECRE</b>	European Council on Refugees and Exiles
<b>ECtHR</b>	European Court of Human Rights
<b>EEC</b>	European Economic Community
<b>EP</b>	European Parliament
<b>EU</b>	European Union
<b>Frontex</b>	European Border and Coast Guard Agency
<b>PiS</b>	Poland's Law and Justice
<b>SEA</b>	Single European Act
<b>NATO</b>	North Atlantic Treaty Organization
<b>UNHCR</b>	United Nations High Commission for Refugees
<b>WW II</b>	World War II

## Introduction

In 2015, the migration crisis reached its most critical level with 1 million migrants in member states of the European Union (hereafter: EU). The war in Syria led to the biggest influx of migrants to Europe since World War II (hereafter: WW II). Furthermore, there were waves of migrants from Africa crossing the Mediterranean seeking resettlement in Europe. The group of migrants consists of refugees fleeing from war and migrants who are looking for a better economic position. All migrants face extreme difficulties in their journey to Europe. The majority faces danger (European Commission , 2017).

A majority of EU member states have accepted a considerable group of migrants in the recent years. Sweden and Germany have accepted the most migrants voluntarily, in comparison with other member states such as Poland, Hungary, Slovakia and the Czech Republic. These member states feel that accepting migrants should be done on a voluntary basis and that the EU may not obligate EU member states to accept migrants under a contentious quota system (Kanter, 2017). There are other member states which are entry countries for migrants such as Italy, Spain, Malta and Greece. Under the Dublin III Regulation, migrants have to apply for asylum in the country in which they arrive. This causes a disproportionate burden of migrants among member states (European Commission , 2019). This has all fuelled a disunity between the EU member states.

There are many books, articles, interviews and documentaries on this topic. The aim of this thesis is to analyse how the main obstacles impede an effective common migration policy in the EU.

The focus of the dissertation is the following question: *What are the main obstacles to achieve a common European migration policy within the context of the migration crisis?*

The research question was broken down in the following sub-questions:

1. *What are the current agreements of the EU member states facing migration?*
2. *How did the migration crisis start and what has been the response of the EU member states so far?*
3. *Why is there currently a disunity concerning the European migration policy between certain member states?*

## Methodology

The following section will inform the reader about the methodological approach. Essentially, explaining the approach, it will be outlined what effect the European migrant crisis has had on coming to a full agreement regarding a common European migration policy. The research question and the sub-questions were answered by using a qualitative interview and extensive desk research. In this thesis, qualitative desk research was chosen as research method because it is the most effective approach to analyse the main obstacles regarding forming a full agreement on a common European migration policy within the context of the migration crisis by providing academic sources. Qualitative desk research provides the essential ‘‘understanding of underlining reasons, opinions and motivations’’ (Monfared, 2015).

The interview was conducted with an expert on European migration policy, Mr. Robbert van Lanschot, former diplomat of the Dutch Ministry of Foreign Affairs and a renowned author and journalist. The research took place between October 2018 and May 2019.

Germany and Hungary were analysed thoroughly. To achieve a high level of legitimacy and reliability, different sources were analysed such as articles, documents, treaties of the EU and press releases were incorporated in this research. The analysis was applied to answer the research questions and the sub-questions. This research mainly focuses on the period between 2015 – 2019.

## **1. The foundation of a united Europe**

### **1.1 Introduction**

This chapter describes how the EU came about, including the position of the EU facing migration and the strategy of the EU trying to solve the migration crisis. Furthermore, all the important treaties and agreements between EU member states will be explained, and the several agreements such as Schengen and the Dublin III Regulation will be thoroughly analysed. The current agreements of EU member states regarding migration will be described.

### **1.2 The history of the European Union**

After WW II, Europe was in a very disturbed state. The European leaders made the decision to start working together to strengthen their economy and expand their trade. France, Italy, Germany, the Netherlands, Belgium and Luxembourg started cooperating and founded The European Economic Community (hereafter: EEC). The EEC was renamed the European Union in 1992, and a treaty was signed in the city of Maastricht in the Netherlands. The Maastricht Treaty is considered as the foundation of The EU (Council of the European Communities Commission of the European Communities, 1992).

The 1960's was a striving period for Europe due to the fact that trade intensified because of a trade agreement which was created to stop charging custom duties between the European member states. Agreements were reached about food production which led to a boost in the agricultural sector. On the 1<sup>st</sup> of January 1973, the EU expanded to nine member states. However, The United Kingdom, Denmark and Ireland were the only member states to join the EU in the 1970's. The EU member states started to take action concerning regional policy, through transferring a large amount of money to create employment and improve the infrastructure in poorer areas. In 1979, the EP started to engage actively in EU affairs and for the first time their members were directly elected. Reducing pollution started to be an important topic for the EU. The EU started to approve laws to protect the environment, introducing the concept of "the polluter pays" (European Union, 2017).

Subsequently, at the beginning of the 1980's, Greece Spain and Portugal joined the EU. The Single European Act (hereafter: SEA) was signed in the year 1986 (European Union, 2017). The SEA brought modifications to the treaties building the European Communities and thereby established European political cooperation. The goal of the SEA was to solve problems regarding the free flow of trade across the borders of the European member states. After the collapse of communism in

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Eastern and Central Europe, the eastern part of Europe became more connected with the western countries in Europe. In 1993, the ‘‘Single Market’’ was achieved by implementing the movement of four actors: services, goods, people and money. Sweden, Austria, and Finland joined the EU in 1995. Furthermore, political divisions between east and west European countries were finally reconciled when in 2004, ten new countries joined the EU. Romania, and Bulgaria followed joining the EU in 2007. In 2013, Croatia became the 28<sup>th</sup> member state to join the EU.

The core values of the EU have always been respect for human rights, democracy, freedom, equality and the rule of law. Furthermore, the EU has always strived to improve cooperation between all member states regarding politics, economy, asylum policy and security (Biscop, 2017).

### **1.3 The agreements between the European member states regarding migration**

On June 14, 1985, the Schengen agreement was signed, which is a treaty that led the majority of the European member states towards the dissolution of their national borders. The goal was to build a Europe without borders which is recognized as the Schengen Area. The EU member states which have not signed the Schengen agreement are the following: Romania, Croatia, Ireland, Bulgaria, Cyprus and The United Kingdom (European Commission, 2015). To ensure that legitimate travel does not endanger security, the EU subsidizes its member states with economic support through the ‘Borders’ part of the International Security Fund. The International Security Fund decided that between 2014 and 2020, a total amount of €2.7 billion would be accessible to increase the management of controls at external borders which should result in tackling irregular migration. The countries which are part of Schengen all share the same external borders, which means that they all are responsible for the security within the Schengen area.

In 1997, the Treaty of Amsterdam (European Communities, 1997) granted the EU institutions power to draw up legislation in the division of asylum, with a five-year transitional period applying a shared right of initiative between the member states and the European Commission (hereafter: EC). The decision was made by a unanimous vote in the EU Council after consulting the European Parliament (hereafter: EP). The Treaty of Amsterdam anticipated that the EU Council should have adopted measures regarding mechanisms for determining which member states are responsible for an application for asylum of a third-country national within the EU (European Parliament, 2018). This resulted in the establishment of the Dublin Regulation which will be explained in this chapter.

When the Lisbon Treaty was signed, the agreement ensured the absence of internal border controls and would frame a common policy on asylum, external border control and immigration, based on a

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consensus between the European member states. For the first time the Lisbon Treaty formulated the powers of the EU. It divided three types of qualifications. The first type of qualification is exclusive competence, in which the Union alone can legislate and member states only may implement. The second type of qualification is shared competence in which the member states can adopt legally binding measures and legislate. The third type of qualification is supporting competence in which the EU adopts measures to support policies of the other member states. If the Lisbon Treaty is revised, competences can be handed back to the EU (European Union, 2007).

The Lisbon Treaty prescribes that the EU would develop supplementary protection regarding offering appropriate status to any third-country national who requires international protection. In addition, the agreements that were implemented in relation to migration policy were the following: the EU developed a policy which ensured the absence of any controls on persons, whatever their nationality, while crossing borders in countries which are part of the Schengen agreement. The policy also extends to carrying out efficient monitoring of the crossing of external borders. This is essential for controlling the influx of migrants who enter the European member states from countries outside the Schengen Area and the EU.

In Article 63 of the Lisbon Treaty, agreements concerning migration policy are described. It is essential for the implementation of the current EU migration policy. The European Council and the EP both adopted measures for a common European asylum system containing a common system providing temporary protection for displaced persons in the event of a massive influx of migrants. Furthermore, the Lisbon Treaty criteria were established for determining which member state carries the responsibility for considering the application of asylum or subsidiary protection (European Union, 2007). Moreover, the EP and the European Council, acting in consensus with the ordinary legislative procedure, are able to provide incentives and support for the action of member states with the goal to promote the integration of third-country nationals settled legally in their territory.

In July 2013, the Dublin III regulation was adopted, replacing the Dublin II regulation. In January 2014, the Dublin III regulation went into effect, containing various procedures for the protection of asylum applicants and the improvement of the efficiency of the system (European Commission, 2016). When a migrant arrives in a country which is part of the EU and applies for asylum in the country of arrival, this person must apply for asylum according to the Dublin III regulation. The Dublin III regulation determines which member state is responsible for the process of examination of the asylum application. There are several factors which are examined to establish the responsibility such as family considerations, the recent possessions of a visa or a residence permit in

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a member state, whether the applicant has entered the EU irregularly, or regularly (European Commission, 2019).

In June 2015, the EC performed studies to evaluate the implementation of the Dublin III regulation.

There were three aims of the studies:

1. The first aim of the study was to provide an analysis of the implementation of the Dublin III regulation in all member states.
2. The second aim of the study was to evaluate the consistency, effectiveness, relevance and EU added value of the Dublin III regulation.
3. The third aim of the study was to determine potential aspects in which the Dublin III regulation could be amended without modifying the essential principles and alternatives taking into account the results of the research conducted (European Commission , 2016).

In 2016, the EC set a proposal in motion to amend the rules of the Dublin III regulation. The proposal of the EC was to supplement and streamline the current rules with a corrective allocation mechanism. However, it would not amend the criteria for determining which EU member state is responsible for the migrant application. In the event a EU member state is faced with a disproportionate number of migrants, this mechanism would be activated. The mechanism implies a relocation scheme of migrants to other EU member states to relieve the burden of the member state affected. In case a EU member state refused to accept the allocation of migrants, a ‘solidarity contribution’ per applicant would be formed (Radjenovic, 2019).

## 2. The migrant crisis and the response of the European member states

### 2.1 Introduction

It is not possible to form an educated opinion about migration policy without studying the migrant crisis of 2015. The crisis commenced in 2015 and is still ongoing until today. It is a crisis which is infamous by war, economic deprivation, drownings, and the rise of populist parties in member states of the EU (Goldman, 2016). This topic has been the most dominant in the international headlines over the last decade.

This chapter will focus mainly on the question what the response of the EU member states was to the migrant crisis and which differences were noticeable between member states in their response to this crisis. The function of the European Border and Coast Guard Agency (hereafter: Frontex) will be explained and the deal the EU made with Turkey regarding the reduction of the influx of migrants will be enlightened. Essentially the migrant crisis will be explained and the question regarding the response of several member states regarding irregular migration. Germany and Hungary will be thoroughly analysed concerning the different approaches dealing with the influx of migrants and the reasons various countries had to impose measures against irregular migration.

### 2.2 Europe's migrant crisis

The conflict in Syria has produced the largest group of migrants coming to Europe, but Syria was not the only country in crisis. In Afghanistan, over 5 million people have been displaced due to decades of conflict. In Iraq an estimated 4.4 million people were forced to flee their homes due to the conflicts in the last two decades (International Rescue Committee, 2017). At the same time, thousands of African migrants made the dangerous journey across the Mediterranean. The EC announced that in 2015 circa one million African migrants arrived in EU member states (Campbell, 2018).

Before forming an opinion about the migrant crisis and the migration policy European member states tend to carry out, it is required to know what the difference is between a migrant and a refugee.

According to the Geneva Convention of 1951, "a refugee is someone who is outside their country of origin for reasons of conflict, feared persecution, generalized violence or other circumstances that have effected public order, resulting in need for international protection" (UNHCR, 1951).

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“A migrant is a person who moves from his or her country of usual residence, regardless of the reason for migration” (United Nations, 2019).

Migrants of many countries in need of international protection have arrived in the EU in the last 5 years. The majority is fleeing from war and is seeking asylum in Europe. However, there is also a large group who is mainly travelling for economic reasons. Migration applicants in 2015 have passed more than one million arrivals by land and sea (BBC , 2015). Most migrants in 2015 travelled by sea. From Turkey to Greece an estimated number of 800,000 migrants travelled mostly from Syria, Afghanistan and Somalia. The flow of migrants has been the largest and most complex facing Europe since WW II (Metcalf-Hough, 2015). There were also various other nationalities present in the migrant flow for example from South Sudan, The Democratic Republic of Congo, Ukraine and Iraq (Bajekal, 2015). The profile of the migrants has changed since 2015. First the majority of the migrants seeking entry to Europe through irregular channels were individual males. In 2015, the majority of the migrants, 72 percent were aged 20 to 64 years old (United Nations, 2016). The migrant groups have changed to whole families travelling together occasionally with elderly or disabled people. The routes that were used consisted of highly dynamic routes which were often changed in response to restrictions placed at borders in transit countries. The risks the migrants are facing for making the journey to Europe are disturbing, including physical danger, human trafficking, sexual violence, and extortion (Hagen-Zanker, 2016).

Member states of the EU are legally and morally obligated to protect people who are fleeing from persecution and war as stated in the 1951 Convention of the United Nations (UNHCR, 1951). Each member state is responsible for examining asylum applications and taking the decision who will be granted asylum. It is utterly important for the EU member states to provide protection for children since child migration has reached disturbing high levels. There are obvious reasons for people to leave their country if needed, but not everyone who arrives in Europe needs protection. This group of people is referred to as economic migrants. Member states are obliged to ensure the safety of economic migrants and if there is no legitimate claim for protection to make sure they return to their home country either voluntarily or with forcible measures (Reuters, 2015).

### 2.3 Frontex

The EU established Frontex in 2004, due to the growing number of irregular migration to Europe over the last two decades. The goal of Frontex is to assist EU countries and Schengen associated countries to manage their external borders and to assist in the harmonization of border controls across the EU. Frontex facilitates cooperation between border authorities in EU members states, providing

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expertise and technical support (European Union, 2019). According to Fabrice Leggeri, Executive Director of Frontex, when a border of a EU member state is under extensive strain, a cooperation between interagencies is needed for a response team to assist (Frontex, 2016).

Frontex has several responsibilities which have a legal basis in the ‘‘Regulation (EU) 2016/1624 of the EP and of the Council of 14 September 2016’’ (European Union, 2016). Frontex has the following main responsibilities:

1. Risk-analysis - Frontex only operates if the activities are based on risk-analysis, which entails risk to EU border security. The analysis is made by examining patterns in irregular migration and cross border criminal activity at the external borders, including attempting to stop human trafficking. Frontex shares their finding with the EC and the EU, so they can set up a strategy to attack the problems at the borders of the EU (European Union, 2019).
2. Joint operations - Frontex deploys specially trained staff and assists with technical equipment to areas at the border in need of assistance. Imagine rescue vessels which save groups of migrants stranded at sea.
3. Information sharing - by sharing information between all border authorities a common information system can be established.

It is essential to know that the EU member states have given Frontex a key role in implementing the concept of ‘‘integrated border management’’ (Léonard, 2011). This is in relation to risk-analysis at the borders, border controls, the planning of facilities and personnel that is required. Frontex has also played an important role in launching operations in the Mediterranean to assist Greece, Italy and Spain in border control activities and ensuring the safety of migrants (Frontex, 2018). According to Dr. Adriaan Schout, a senior research fellow and coordinator of Europe at the Clingendael Institute, Frontex has proved to be a good mechanism to assist EU member states in analysing border threats and improved the training, technical resources and practices of the border guards (Schout, 2012).

In addition to Frontex, the EU Naval Force was launched on 8 December 2008, by the resolutions of the United Nations Security Council (EUNAVFOR, 2019).

On June 22, 2015, the EU Naval Force initiated Operation Sophia. The core mandate of the operation was to identify, intercept, and capture vessels if they were suspected of being used by migrant traffickers and to prevent the further loss of human lives at sea (Mogherini, 2016). The EU Naval Force is a separate institution of the EU which mostly focuses on battling piracy near Somalia. Frontex has had several problems in the past regarding human rights violations against migrants. It is often difficult to assess who was responsible for inhumane behaviour in Frontex operations

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because Frontex tended to refer to the national government in question which led the joint operation. In case the governments of Italy, Greece and Spain were asked, they replied "Ask Frontex". Furthermore, human rights organizations have claimed that Frontex is trying to stop migrants from entering EU countries so they cannot claim asylum in that particular country, which is often interpreted as a breach of human rights. In 2012, the European Court of Human Rights (hereafter: ECtHR) passed an important judgement against Italy. According to the court, Italy violated the European Convention on Human Rights by pushing back boats to Libya which was considered to be illegal. They were accused of violating the non-refoulement principle which was discussed in chapter 2. The court's decision had an impact on European migration policy. EU members states were obligated to review their refugee policies and examine their own borders to prevent this from happening again. Due to the court's judgement, Frontex was handed a new mandate, which emphasized the importance of protecting migrants and rescuing migrants who were in distress at sea. If Frontex violated human rights of a serious nature, it would be possible that the operations could be discontinued (Kopp, 2012).

However, not all member states are supporters of Frontex. Italy, where the Interior Minister Matteo Salvini, who is known for his anti-immigration views, has stated that Brussels should not try to impose that Italy should be assisted by Frontex or the EU Naval Force to rescue migrants at sea. According to the Italian government, Operation Sophia was an operation meant to fight people smugglers and ended up bringing 45,000 migrants to Italy. The Italian government feels that they need no technical help rescuing people at sea. Italy feels that a redistribution system for asylum seekers is a priority (Taylor, Salvini's Sophia soapbox, 2019). The EU has decided to suspend the number of ship patrols in the Mediterranean due to the growing opposition of the Italian government. According to Maja Kocijancic, a spokeswoman for the EU, "Member states have decided to extend the mandate of Operation Sophia for six months with a temporary suspension of its naval assets while member states continue working on a solution related to disembarkation" (The Local, 2019). However, the EU spokeswoman states that without naval resources, Frontex will not be able to carry out their mandate effectively. As was stated earlier in this paragraph, various EU member states find the redistribution of migrants unfair and their goal is to achieve an effective policy which will lead to an equal redistribution of migrants to reduce the burden of the entry countries in the Mediterranean.

Currently, Frontex has added new functions to their mission such as training the Libyan coastguard to assist Libya reducing the number of vessels trying to make the journey to Europe. The cooperation between Libya and the EU has significantly reduced the number of irregular migrants from North-

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Africa and the Middle East since 2015. At the moment, the majority of assistance in Operation Sophia is air support from Spain, Poland, Italy and Luxembourg (The Local, 2019).

According to Mr. Robbert van Lanschot, adjusting the mandate of Frontex with mainly focusing on protecting the external borders of the EU could lead to reaching a more effective common European border policy. He also states that improving the EU border policy is more realistic than reaching a full agreement on a common EU migration policy regarding the redistribution of migrants which are currently residing in the EU (R. van Lanschot, personal communication, January 4, 2019).

It can be concluded that Frontex has implemented an effective strategy to combat human trafficking and carried out successful rescue operations to save stranded migrants at sea. However, due to the geographic position of Italy, Greece, and Malta leads to a disproportionate number of migrant arrivals in these countries, leading to friction between Frontex and various member states. The Italian government has refused to accept any further migrant ships which resulted in the amendment of the number of ship patrols in the Mediterranean.

### 2.4 The EU-deal with Turkey

In March of 2016, the EU and Turkey reached an agreement on migration, which would reduce the influx of irregular migrants to Europe. This would become the EU-Turkey Statement. Acting in accordance with the EU-Turkey Statement, all new irregular migrants arriving on the Greek islands whose applications would be declared inadmissible should be returned to Turkey (Corrao, 2019).

Furthermore, the EU and Turkey wanted to break the business model of smugglers by offering migrants another solution instead of putting their lives at risk. In order to achieve this goal the EU and Turkey agreed on the following key action points:

1. All new irregular migrants who arrive on the Greek islands will be returned to Turkey.
2. For every Syrian who is resettled from Greece to Turkey, another Syrian migrant will be resettled from Turkey to the EU.
3. Turkey shall take all necessary measures to prevent migrants travelling via new land or sea routes from Turkey to the EU .
4. In the event the irregular border crossings between Turkey-EU have substantially been reduced, a Voluntary Humanitarian Admission Scheme shall be activated (Council of the European Union, 2017).
5. The process of lifting visa requirements for Turkish citizens will be accelerated once Turkey takes all necessary steps to fulfil the remaining requirements.

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6. The EU will accelerate the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once all resources are used in full, the possibility of an additional €3 billion will be considered.
7. The EU and Turkey will work to improve the humanitarian conditions in Syria to assess if it is possible for people to stay in their own region (European Commission, 2015);

As a result of the EU-Turkey Statement, measures against migrant smugglers increased and the North Atlantic Treaty Organization (hereafter: NATO) started launching active operations as Operation Sea Guardian in the Aegean Sea (NATO, 2018). Research has shown that the EU-Turkey Statement has been an effective measure for reducing the influx of irregular migrants as it succeeded to bring down the number of arrivals on the Greek islands (European Commission, 2016).

According to Thomas Spijkerboer, a professor of migration law at the ‘Vrije Universiteit van Amsterdam’ (Free University of Amsterdam), due to the shifting European border policies the fatalities of migrants have increased and the number of migrants that are not registered as deceased are not taken into account. Spijkerboer emphasized that the EU migration policy can only function if the cost of human lives are taken into account as well and that all human rights should be protected (Spijkerboer, 2013).

In 2017, an assessment was made of the EU-Turkey Statement. Within the EU, it was considered to be a success and it was the foundation to enhance the EU externalization policy. However, the enhancement of EU policy depends on the EU-Turkey Statement holding in the future. The EU and Turkey have experienced several problems and issues that still have not been resolved. The Turkish President Recep Tayyip Erdogan threatened to tear up the EU-Turkey Statement if the EU did not fulfil the promises made in the accord (Cunningham, 2016). Firstly, Erdogan was referring to the financial part of the deal, according to him the EU had not fulfilled with the full €3 billion as promised. Secondly, Turkey used the deal to put pressure on the EU to speed up visa liberalization for Turkish citizens. The threats of Erdogan led to further deterioration between the EU and Turkey (Benvenuti, 2017). Currently, the EU-Turkey Statement is still in effect and the number of irregular migrants from Turkey to the EU has dropped significantly compared with the years before the accord.

### 2.5 Response of European member states to the migrant crisis

The EU has agreed on a number of measures to deal with the migrant crisis. To substantiate the measures agreed upon between the member states, a number of key factors had to be resolved, for instance trying to resolve the root causes of the migrant crisis. Furthermore, the humanitarian aid had to be increased both inside and outside the EU (European Union, 2017).

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In 2015, Jean Claude Juncker, the president of the EC, emphasized the fact ‘‘that the member states where most refugees first arrive – at the moment, these are Italy, Greece, Hungary- cannot be left alone to cope with this challenge’’ (European Commission, 2015). Accordingly, the EC proposed several burden sharing measures such as creating an emergency relocation scheme so that the migrants could be relocated in order to alleviate the burden from the member states most affected. The countries that received the largest groups of migrants were Greece, Italy, Hungary, Spain and Malta. These countries were entry countries due to their geographical position at the Mediterranean Sea and the Balkan route. However, the most popular destination countries were Germany and Sweden (Eurostat, 2019).

In September 2015, Jean Claude Juncker, the president of the EC, proposed to relocate 40,000 migrants to other EU member states, with binding quotas (European Commission, 2015). This proposal was enhanced with an additional 120,000 migrants. The proposal was to relocate 60% of the migrants in Italy, Greece, and Hungary by relocating them to Germany, France, and Spain (BBC, 2015). The proposal was accepted by most EU member states to reduce the burden of the most affected countries. However, there were four countries that voted against the proposal of the EC: the Czech Republic, Slovakia, Hungary and Slovakia. Finland abstained from voting. The decision to overrule the votes of the four member states was highly unusual and the four member states felt this was an attack on their sovereignty (Fioretti, 2015). It was highly unusual because the EC used a regulation in EU law that allows certain decisions to be made without consensus of all member states. The voting mechanism is common for less controversial proposals, it has never been used for an issue as divisive and sensitive as refugee relocation (Barigazzi, 2015). Hungary, Poland, Slovakia and the Czech Republic refused to accept any migrants under the relocation scheme, which resulted in the launch of infringement procedures by the EC against these four member states.

Examining all views of all member states regarding migration is a subject too broad to include in this thesis. Nonetheless, it is essential to identify the most important factors that form the opinions of member states concerning migration. Germany started with an open gate policy for all migrants from Syria, with the famous words of the German Chancellor Angela Merkel, ‘‘Wir schaffen das’’ (which is translated into ‘‘we will manage it’’). It resulted in a migration wave towards Germany. As a result of Merkel’s open gate policy it was demonstrated that decisions of one member state had a direct effect on the migrant influx to other member states. Due to the fact of Merkel’s ‘‘wir schaffen das’’ the result was a subsequent lockdown of the Western Balkan Route by Hungary (Tiekstra, Clingendael, 2018).

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Germany was seen at first as a role model to other EU member states regarding their open migration policy. Merkel took the lead hoping to prevent a probable humanitarian disaster (Carrel, 2015). Germany was supported by Sweden in their leadership and both countries attempted to lead by example. Expecting that other member states would show solidarity and accept an equal burden of the migrants (Taylor, Reuters, 2015). Prime Minister Stefan Löfven of Sweden urged other member states to show solidarity and stated that their attitude towards accepting migrants would define Europe's values regarding human rights (Molin, 2015).

During the zenith of the migration crisis in 2015, the Visegrád countries (Visegradgroup, 2019) which are the Czech Republic, Poland, Slovakia and Hungary, voted against the refugee relocation quota system (European Commission, 2015). As a result Slovakia, the Czech Republic, Hungary and Romania the decision had to be taken by a majority vote. At first Poland voted for the quota, the new government that was installed in 2015, however changed course and also rejected the quota system (Krajewski, 2015). The Visegrád countries had a negative attitude towards accepting irregular migrants and currently have the lowest acceptance of migrants of all EU member states (Barber, 2016). The Baltic states, which are Latvia, Lithuania, and Estonia, also found the proposal of the EC controversial (Veebel, 2015). In 2017, the Polish government stated that they would not accept Muslim immigrants because they could pose a threat to their national security and stability and could affect their Christian values (Kelly, 2017). This resulted in more friction within the EU, dividing the Visegrád countries and the majority of the western European member states.

Viktor Orbán, the prime-minister of Hungary, who does not share the same view as Merkel and Macron, is known for his anti-migration campaigns. According to EU coalition explorer Zsuzsanna Végh, Orbán uses the EU as an arena where he fights political battles for domestic consumption rather than building for constructive cooperation (Végh, 2019). Orbán has hailed various populist politicians such as the populist interior minister Matteo Salvini in Italy, who has created a new partnership with Poland's right-wing government regarding migration. However, Salvini is in favour of the quota system proposed by the EC and Poland and Hungary are not (Walker, 2019).

Germany and Hungary have a completely different view concerning establishing a full agreement on a common EU migration policy, which will be outlined in the next paragraphs.

## 2.6 Hungary's response to irregular migration

Hungary joined the EU in 2004, thereby accepting all conditions of this membership as the Copenhagen criteria which are set out in Article 2 of the Treaty of the EU:

''The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination tolerance, justice, solidarity and equality between women and men prevail'' (European Union, 2013).

One of the main entry points to Europe has been the Balkan route via Hungary. Hungary started receiving a rise in migrant applications in 2013, when the migration crisis started in 2015 a remarkable amount of migrants (177,135 persons) entered Hungary. The government of Hungary declared a situation of emergency due to the high level of migrants in 2016, which needed an intervention urgently to reduce the influx of migrants. Thousands of migrants in Hungary were waiting for relocation to other member states were allowed to cross the Austrian border. The Austrian Chancellor Werner Faymann stated ''on the basis of the current situation of need, Austria and Germany agree to allow in this case the onward journey of these refugees into their countries'' (Smale, 2015).

Viktor Orbán gained power in 2010 with his centre-right party Fidesz. The Hungarian people believed Fidesz would restore Hungary's national pride (Than K. S., 2010). Furthermore, Orbán won a second four-year term in 2014. His party is known for its anti-immigration policy and for its nationalistic view of protecting Hungary. In 2018, Orbán was elected prime minister for a third consecutive time. Orbán stated in a press conference that preserving Hungary's security and Christian culture was the main task of the new government (Wróbel, 2018).

International pressure from the EU has not softened the view of the Hungarian government regarding irregular migration. The Orbán administration feels it is a matter of national sovereignty, the core of their political creed. The most essential part of Hungary's migration policy is that Hungary feels it should be allowed to decide who lives on Hungarian territory without interference from the EU (Bershidsky, 2018). Viktor Orbán stated that Hungary would not accept the EU quotas but would proceed in accordance with EU law and international treaties (Pivarnyik, 2016).

As mentioned before in chapter 1, Orbán chose to enhance border controls and built several large fences at the Hungarian border as a possible solution for reducing the influx of irregular migrants. After border fences were built, all migrants from third-countries were obligated to travel through

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“transit zones” built inside the perimeter of the fences (Borbély, 2017). These “transit zones” were described as detention centres by the UN High Commissioner for Refugees Filippo Grandi. He urged Hungary to consider the importance of European solidarity and to accept quotas for the relocation of migrants from Italy and Greece to relieve the burden (Novak, 2017). There was a shift in the recognition rate of migrants in Hungary, it dropped from 4% in 2013 to 1.68% in 2017 (Borbély, 2017). By August 2018, Hungary granted 320 people international protection, of whom 54 were granted asylum and 266 obtained subsidiary protection, out of a total of 3119 people who filed for asylum (Roth, 2018).

The approach of Hungary facing migration became clear to the other EU member states. Hungary had no intention to comply with the appeal for solidarity of other member states such as Germany, Sweden and France. So it could be argued that the amount of irregular migrants that are currently residing in Hungary is certainly not overwhelming in comparison with Greece, Italy and Malta. The decision made by the Hungarian government to deny entry to irregular migrants is due to their political views, in particular the preservation of their national sovereignty.

Hungary even advanced with amending the Criminal Code, by penalizing vandalism in relation to the border fence, illegal crossings at the border, and obstruction of construction works in relation to the border fence. “Furthermore, the Hungarian Parliament passed legislation that included a ban on groups of people assisting irregular migrants. Subsequently, anyone who was caught facilitating illegal migration, could have faced up to one year in prison” (Duncan, 2018). The new legislation passed by the Hungarian government shocked member states across the EU, as a result of this new legislation the EC took action by initiating the infringement procedure once more against Hungary for “criminalising activities in support of an asylum applicant” (European Commission, 2019).

As a result of the measures imposed by the Hungarian government, the EC referred the Hungarian government to the European Court of Justice regarding to the treatment of irregular migrants declaring that Hungary was violating EU law. This is the final stage of an infringement procedure, which is the procedure the EC implements when a member state is in violation of EU law. According to the EC, the Commission considers that the indefinite detention of asylum seekers in transit zones without respecting the applicable procedural guarantees is in breach of EU law (Bayer, 2018).

The European Court of Human Rights found that Hungary was violating various human rights laws in the case of “Ilias and Ahmed vs Hungary” (Law, 2017). It found that placement in transit zones without having a legal basis is unlawful and because of the lack of remedies people had to challenge

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the detention. According to the European Council on Refugees and Exiles (hereafter: ECRE), the Hungarian government was making a mockery of the EU migration policy and was undermining the rule of law (European Council on Refugees and Exiles, 2017). The majority of the migrants who were desperate to get into Hungary are now desperate to get out due to the inhumane circumstances they face while awaiting their asylum application which were described earlier. The migrants wanted to use Hungary as a transit country with the intention to travel to Germany or Sweden that have a more accepting view on migrants (Hartocollis, 2015). As a result of the human rights violations in Hungary, the UN Refugee Agency (hereafter: UNHCR) called for “a temporary suspension of all transfers of asylum-seekers to Hungary from other European States under the Dublin Regulation” (Pouilly, 2017).

The situation escalated to such a worrying level that on September 12, 2018, the EP suggested to trigger Article 7 of the Lisbon Treaty, which is the EU “Nuclear Option” procedure. In the case it is applied, it could lead to unprecedented sanctions such as Hungary losing its right to vote when new EU laws are proposed (Sargentini, 2019). According to the UNHCR, the EC attempted to work with the Hungarian government bringing the new legislation regarding migration policy in line with EU law (Pouilly, 2017).

From a historical perspective Hungary has been a country which was affected by both World Wars. However, the Ottoman occupation from 1541 - 1699 is more dominantly present in the memory of the Hungarian people (Pall, 2016). According to Mr. Robbert van Lanschot, the attitude of the Hungarian government towards the migrant crisis is not astounding. The Hungarian population feels that it would be unusual to accept a large group of migrants, the majority being Muslim, which could lead to this minority exerting influence in Hungary. This attitude of the Hungarian population can be traced back to the occupation of the Ottoman empire which affected their attitude towards migrants. The majority of the Hungarian people supports the idea of protecting their Christian values and their national sovereignty of the Orbán. Furthermore, Mr. Robbert van Lanschot states that other EU member states should be considerate with their criticism on Hungary because they do not share the same history as Hungary (R. van Lanschot, personal communication, January 4, 2019).

In essence, the Hungarian government achieved to create political discourse in the EU by rejecting the relocation scheme proposed by the EC. Due to the restrictive measures which were mentioned earlier in this chapter, Hungary had several infringement procedures activated by the EC because of cases of human rights violations. By analysing the number of migrants that were granted asylum or subsidiary protection it could be argued that the amount of irregular migrants who are currently

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residing in Hungary is not overwhelming in comparison with Greece, Italy and Malta. The Hungarian government simply chose not to accept migrants due to their attitude towards migration. Furthermore, the response of Hungary can be related to their view of preservation of their national sovereignty and Christian values. The Hungarian government showed no intention on the migration issue to share the same solidarity as other EU member states.

### 2.7 Germany's response to irregular migration

One of the core values of the EU has always been solidarity between member states. The migrant crisis reopened the discussion on the importance of burden sharing regarding to migration policies (Thielemann, 2005).

From a historic perspective, Germany adopted the right to asylum in article 16a of German Basic Law in 1948, as a direct reaction to the Holocaust (Library of Congress, 2016). Germany has prided itself for being a sanctuary for people who are in need of international protection after WW II. As mentioned before in chapter 1, an estimated 1.1 million irregular migrants entered Europe and an estimated 476,649 asylum applications were registered in Germany in 2015 (Bundesamt für Migration und Flüchtlinge, 2015). In 2017, the EC published a report where a number of 917,000 immigrants applied for asylum in Germany. The registered asylum application dropped significantly from 2017 till 2019, due to the shift in the German policy regarding migration which will be explained in this paragraph (Eurostat, 2019). Normally an asylum claim is processed in accordance with the Dublin III Regulation, which was explained in the first chapter. Nonetheless, Germany discontinued the Dublin III Regulation for all irregular migrants from Syria, which made it possible that irregular migrants could apply for asylum regardless of whether the irregular migrants had entered Germany through another EU member state (Mayer, 2016).

Due to the suspension of the Dublin III regulation and the famous words of Angela Merkel 'wir schaffen das'', Germany opened a wave of migrants towards Europe and Germany in particular became the main destination for the majority of migrants (Hutton, 2015). During the humanitarian crisis in 2015 Angela Merkel was praised for the German attitude towards providing migrants an opportunity to apply for asylum by several leaders of EU member states.

However, Merkel stated that unless all EU member states showed an equal attitude towards sharing the burden of the influx of migrants the Schengen agreement could be threatened. Merkel also reminded the German people that they should be proud on the principles regarding human rights, solidarity, and the right to political asylum post WW II (Eddy, 2015). Research has shown that

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Germany has prided itself with a ‘‘Wilkommenskultur’’ (Welcoming Culture), a culture that has perceived migration positive in the past, and that migration gave an economic boost to national economic problems. It resulted in the main foundation of solidarity that Germany has towards receiving migrants (Kober, 2012). During the migrant crisis in 2015, Europe reacted with several agreements and rescue missions as mentioned in the beginning of this chapter. The EU-Turkey deal and rescue missions from Frontex in the Mediterranean to reduce the influx of migrants to Europe, save stranded migrants at sea, and stopping human trafficking was a joint response of the EU member states. In addition to the latter strategy, Germany insisted on an European approach with two main strategies: collaborating and stabilizing countries of origin and securing the European borders (Peixoto, 2017).

In 2018, the migrant crisis shifted to a political crisis within the German government where the German government almost collapsed due to different views on immigration within the political parties. The opponents of Merkel within Germany and other EU member states attempted to force Merkel to reverse her course on the open border policy of Germany. The public opinion within Germany also shifted after several attacks by migrants in several German cities such as Cologne (O'Donnell, 2016). Moreover, in Sweden the public opinion towards the acceptance of migrants shifted after a asylum seeker killed five people in Stockholm (Ahlander, 2017).

Currently Germany and Sweden have altered their open border policy and Merkel acknowledged that the German government had a weak strategy to receive such a large group of migrants which resulted in friction within the German government (Oltermann, 2016). Merkel was criticized by European leaders that by deciding unilaterally on her open border policy and lacking a strategy to cope with the influx of migrants could lead to her political undoing (Tsoukalis, 2016).

### 3. Disunity among member states concerning the European migration policy

#### 3.1 Introduction

The migration crisis is regarded as one of the most important political issues during the last decade in Europe. The goal of this chapter is to describe the main obstacles which resulted in disunity between the EU member states regarding reaching a full agreement on a common European migration policy. The disproportionate burden of migrants among member states will be examined and the effectiveness of the Dublin III Regulation will be discussed. Furthermore, the rise of populist parties in several member states will be described and if it affects current negotiations on EU level regarding migration policy.

The principle of free movement has always had an important value for the EU member states that are part of the Schengen agreement (Peter, 2015). However, it has also been a root cause for disunity between those member states, due to the fact all migrants who have already entered the Schengen area can travel without any obstruction within this area. Furthermore, due to the great influx of migrants political discourse was created about the Schengen agreement regarding security within all member states. As a result of the migrant influx the Schengen Borders Code allowed temporary checks to be carried out at borders of member states within the Schengen area in the event of a threat to public order or internal security (European Parliament, 2019).

#### 3.2 Main obstacles for reaching a full agreement on a common migration policy

As mentioned earlier in chapter 2, there were four countries that voted against the proposal of the EC: the Czech Republic, Slovakia, Hungary and Romania. Finland abstained from voting. The decision to overrule the votes of the four member states was highly unusual and the four member states felt this was an assault on their sovereignty (Fioretti, 2015). Hungary, Poland, Slovakia and the Czech Republic refused to accept any migrants under the relocation scheme, as a result of which the EC launched infringement procedures against these four member states.

More member states started to take their own measures to reduce irregular migration, Italy refused to grant safe harbour to a migrant ship that had hundreds of people on board who were rescued off the coast of Libya. Italy called on the United Kingdom to provide safe harbour to the migrant ship because it was registered in Gibraltar which is British territory. The British refused and said Italy should receive it at an Italian port. The EC contacted several member states to see which country wanted to accept the migrant ship named Aquarius, at first Malta was the destination of the Aquarius

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but the government of Malta also refused stating ‘‘the request for the vessel to enter our ports is unwarranted and without legal standing’’. After conferring with the EC, Spain accepted the Aquarius and provided safe harbour for the migrant ship (Denti, 2018).

The EU is striving to develop a Common European Asylum System (European Parliament, 2018). This system could be traced back to the ineffectiveness of the Dublin III regulation which resulted in a disproportionate burden of migrants to the entry countries of the EU, due to the fact the Dublin III regulation is based on the principle of first entry of a migrant in a member state. Only relying on the first entry criterion is not aligned with the EU’s principle of solidarity. The tension is created by the unequal share of migrants. It results in disunity under member states of the EU and forms a main obstacle to reach a full agreement on a common EU migration policy. This has resulted in the EC introducing two proposals to alter the Common European Asylum System. The goal was to create a more efficient system for allocating asylum applications across the member states. The second proposal was to introduce the Dublin IV, which includes a fairer mechanism to improve solidarity-based that should redistribute the burden sharing among member states (Tiekstra, *The future of the European migration system: unlikely partners*, 2018). Furthermore, the goal was to establish a common policy on subsidiary protection and temporary protection of third-country nationals in need of international protection and in conjunction that the principle of non-refoulement is observed. The non-refoulement principle is defined by protecting any person against returning to a country where this person’s fundamental rights are in danger (International Committee of the Red Cross, 2018). The EU has combated irregular immigration by preventing and regulating the flow of migrants, and in particular by having an effective return policy that is consistent with protecting fundamental rights of each migrant (European Parliament, 2018).

In addition to the measures imposed by the EU to reduce the migrant influx, there is a lacking support from various EU member states for accepting migrants which was mentioned in chapter 2. According to Mr. Robbert van Lanschot, there is a lacking willingness from EU member states to participate in a quota system, which was proposed by the EC, and that it will not be achievable to obligate countries such as Hungary, Poland, the Czech Republic and Slovakia to accept migrants. This is the main obstacle which impedes any further progression regarding reaching a full agreement on a common EU migration policy in the context of the migration crisis. In addition to the lack of solidarity between EU member states, Mr. Robbert van Lanschot states that the defining moment in the migrant crisis was the open border policy of Germany. The expectation of Germany to successfully receive a large group of migrants lacked a common EU strategy. Due to the open border policy which was applied by Germany the countries in Central and Eastern Europe were affected without their consent.

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This resulted in applied pressure from the EU on the countries in Central and Eastern Europe which imposed measures against migrants. By applying pressure to obligate these countries to accept migrants has resulted in disunity between EU member states (R. van Lanschot, personal communication, January 4, 2019).

In essence, the disproportionate burden of migrants among EU member states has resulted in countries taken their own measures against irregular migration, conflicting with the proposal of the EC concerning the quota system and the relocation scheme. As a result, the EC has launched several infringement procedures against various member states which has caused tension between EU member states. This could be related to the ineffectiveness of the Dublin III regulation which is based on the solidarity of other member states to share the burden of migrants. The lack of a strategy coping with the migrant influx resulted in friction between the EU member states. Furthermore, the open border policy of mainly Germany opened a wave of migrants to Europe without compliance of various member states which resulted in disunity regarding any progression on a full agreement concerning a common EU migration policy within the context of the migration crisis.

### 3.3 Rise of populism in Europe and its effect on EU migration policy

From a historical perspective, Europe has always been struggling with divided visions of its identity, the unifying idea that could impact national interests and affect European culture. The idea of losing national sovereignty fuels the populist mindset of right-wing parties that desire taking measures against migration. The rise of populism will be explained briefly and linked with the migrant crisis.

During the last decade a surge of populism in the member states has contributed to tension between Europeans who wish to have an ever closing Union and Europeans who feel migration is a danger which could result to affecting their national identity. The further rise of populism in Europe might have significant influence on EU migration policies, and also for trans-European institutions (Davis, 2017).

Nationalism can lead populist parties to advance on themes concerning social groups or ethnic minorities (Surel, 2011). According to Leo Lucassen, a migration professor at the University of Leiden, populist leaders use the fear of people who are afraid of losing their national identity for their own political gain by referring to the danger migrants form for Europe (Polman, 2017). Furthermore, the media played an important role in influencing the citizens of Europe with spreading the agenda of these political parties and therefore enhanced the political arena of the populist parties (McNair, 2011).

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The threat of terrorism and the fear of the massive influx of migrants have also played a significant role fuelling the right-wing populists who used this fear as their main political creed (Mudde, 2016). In a report of the Austrian Society for European Politics the main reasons for the populist mindset were described. According to Paul Smith, Secretary General of the Austrian Society for European politics, populist parties blame migrants for all the current problems in their society. This rhetoric promotes xenophobic views and establishes populism as ‘defenders’ of their ‘traditional values’ (Smith, 2018).

It is crucial to understand how right-wing populist parties influence policy-making decisions regarding migration. In various member states populist parties have gained more influence in their national governments. In 2018, Austria’s Conservative People’s Party agreed on a coalition with the Freedom Party, they found common ground sharing the same views on certain policies, they vowed to improve their liberal economic policies and to take measures to reduce immigration (Weisskircher, 2018).

As discussed earlier in chapter 2, Hungary’s Fidesz party has taken the most extensive measures of all EU member states to reduce migration. Italy also led by a populist party in the government has refused to accept any further migrant ships that are stranded in the Mediterranean, which resulted in an amended mandate of Frontex. Poland is another Central European country with an Eurosceptic party in their government applying anti-migration policy. Poland’s Law and Justice (hereafter: PiS) party clashed various times with the EC due to rejecting the EC quota system for migrants and judicial reforms that were condemned by the EU as a threat to democratic values and the rule of law (Jones, 2018).

According to Mr. Robbert van Lanschot, the rise of populism within several governments in the EU is not surprising due to the national problems these countries are struggling with concerning minority groups. The proposal of the EC to impose quotas on accepting migrants has fuelled the populist following in the countries described earlier in this chapter and several populist leaders stated it was an attack on their sovereignty (R. van Lanschot, personal communication, January 4, 2019).

One of the main obstacles which impedes reaching a full agreement on a common migration policy are the conflicting views on accepting migrants in several EU member states. The threat of losing traditional values and the fear of terrorism fuels the debate about migration on a national and European level regarding policy-making decisions. As a result of all these conflicting views it will

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be improbable for member states to reach a full agreement on a common migration policy within the EU. However, there is enough support within the EU to improve the protection of the external borders to reduce the influx of migrants to the EU.

#### 4. Conclusions

The objective of this study was to determine what the main obstacles are concerning reaching a full agreement on a common EU migration policy. To do so, the following research question was specified:

*“What are the main obstacles to achieve a common European migration policy within the context of the migration crisis?”*

An analysis of the current agreements between EU member states concerning a common European migration policy was provided. The Schengen agreement came under pressure due to the migrant crisis in 2015. The solidarity between EU member states concerning burden sharing of migrants became an important aspect in EU migration policy. The conflicting interests between national politics and a joint EU approach towards a solution dealing with the migrant crisis have resulted in a challenge. The Dublin III Regulation proved ineffective and resulted in a disproportionate burden for the EU member states that due to their geographic location at the Mediterranean Sea were facing the majority of arrivals of migrants. The main problem between EU member states that created political discourse was the disproportionate burden of migrants among member states. The fundamental values regarding migration of the current German and Hungarian government were also discussed in this study. An attempt was made to describe the different responses on the migration crisis of both countries. More importantly, the effect the different responses had on reaching a full agreement on a common EU migration policy were described.

Based on the research conducted, it can be concluded there is not enough support for reaching a full agreement on a common EU migration policy. The relocation of migrants within the EU is dependent on the solidarity of other member states. Furthermore, there is a lack of a common EU strategy to deal with the migrants who are currently residing in EU member states. However, there is enough support to improve the protection of the external borders of the EU member states. This study recommends the EU member states to improve the protection of the external borders of the EU. Once the border protection is improved and the influx of migrants is reduced, the EU member states can possibly create an effective migration policy. However, it will be impossible to achieve a full agreement on a common EU migration policy by imposing a relocation scheme with a quota system.

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## **Annex: Interview with Mr. Robbert van Lanschot**

*The Hague, January 11, 2019*

In this study I added an interview with an expert on EU migration policy, Mr Robbert van Lanschot, to assist me in answering my research and sub-questions.

- 1. Mr Robbert van Lanschot, at first I want to thank you for the possibility for this interview. I will use this interview as an additional chapter for my dissertation. By conducting this interview I would like to provide more perspective about the influence of the migrant crisis on forming a full agreement on a European migration policy. Could you please share some information about your professional experience and background?**

*My name is Robbert van Lanschot and I was a former diplomat working at the Dutch Ministry of Foreign Affairs in The Hague. During my diplomatic career I have been stationed in Bosnia, Sudan, Ethiopia, Russia and Congo. In 2010 my book *Café Mogadishu* was published which is about the Islam in The Netherlands and the problems surrounding failed integration in certain cities. Currently, I am writing a new book which is about the relics of the prophet Mohammed.*

- 2. What is your opinion on the response of the EU on the migration crisis?**

*The European response on the migration lacked an efficient strategy to cope with the massive migrant influx. Countries such as Germany and Sweden did take an admirable decision on accepting the majority of the migrants in comparison with other EU member states. However, the current attitude towards accepting migrants has shifted due to the fact that both countries can't cope with the number of migrants currently residing in both countries. Most importantly the EU response lacked a common policy to redistribute the migrants equally. The Dublin III regulation was ineffective as we have witnessed in Italy and Greece due to their geographic position. The initial response of the EU was not a common response and it resulted that various member states acted in their national interest such as Hungary, the Czech Republic, Slovakia and Poland.*

**3. What could be a possible solution regarding the redistribution of the migrants?**

*Currently the redistribution of migrants between EU member states depends on the solidarity of the EU member states who are willing to relieve the burden of countries such as Italy and Greece. In my opinion it is also dependent on the effectiveness of the protection of the external borders of the EU, once the migration influx is reduced to a manageable number of migrants the EU member states can reach an agreement and create an effective strategy to receive and protect migrants.*

**4. Is it in your opinion possible for all EU member states to achieve a full agreement on a common European migration policy?**

*Yes and no. In my opinion it will be possible for all European member states to enhance and improve the defence of external borders of the EU to reduce the influx of migrants. However, I feel that it is highly unlikely reaching a full agreement on a common EU migration policy by imposing a quota system regarding the redistribution of migrants to be accepted by EU member states. It will not be effective to obligate countries to accept migrants under a relocation scheme. Let us imagine a scenario where the EU obligates a member state to accept migrants under a relocation scheme, knowing that this country has already refused the relocation scheme. It would create fear and uncertainty in the group of migrants who are allocated to this country. This can be seen in several countries of Central and Eastern Europe, for example in Hungary where the government is opposing to comply with any kind of a quota system. Various other countries such as Poland, Slovakia and the Czech Republic share the same view like Hungary. So I would say that in the near future there will be a common defence policy of external borders of the EU member states to reduce the influx of migrants.*

*However, I do feel that in the future when the migrant influx is reduced to an manageable level, once the protection of the EU external borders are improved, the EU member states that currently are opposing the relocation scheme will shift their attitude and possibly will accept migrant from other EU member states. The Dublin III regulation has to be amended with a mandate that makes the redistribution of migrants equally, because the current system is ineffective. I think that there will be progress on agreements on a common European migration policy, because the responses of EU member states during the migrant crisis can*

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*be seen as ‘crisis management’ and not as a migration policy. In conclusion, I feel that currently the EU member states will not reach a full agreement on a common migration policy within the context of the migration crisis due to the lack of solidarity and support of various member states. Hopefully in the future there will be a change in attitude and a common EU migration policy will be created.*