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INSIDE OUT – OUTSIDE IN

Territorial, Intra-territorial and Extra-territorial Migration Management

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Abstract

This thesis uncovers how a securitization of transnational migration has led to a reinforcement of territorial migration management and to the introduction of extra-territorial and intra-territorial migration management, jeopardizing the protection standard for asylum-seekers and refugees.

The thesis is based on an analysis of the Schengen Agreement, the European Neighborhood Policy, the Regional Protection Program and the Common European Asylum System. The theoretical framework of the Copenhagen School, the theory of Securitization has been applied in order to uncover how and why migration management has been securitized. The methodology of Social Constructivism has been guiding the steps of the analysis. The study is based on empirical data, ranging from newspaper articles to EU policy papers.

The main findings show that the area of free movement of capital, goods and labor created by the Schengen Agreement has been accompanied by control, as a response to the perceived threat of immigration. Gradually control of migration has expanded from being territorially confined to being extra-territorial and intra-territorial. Migration management has been exported to third countries, by being incorporated into the policy frameworks of the European Neighborhood Policy and the Regional Protection Program. Besides being exported to third countries, migration management has also appeared in an intra-territorial context, as the Common European Asylum System increasingly has been facilitating migration management inside the EU's external geographical border. The new aspects of migration management have had quite a few consequences for refugees and asylum-seekers and the overall protection standard has decreased, as the overall control of immigration has increased.

Cover page picture: Morocco: early in the morning a migrant is sitting on a pole that makes part of the fence, separating Morocco from the Spanish enclave of Melilla (photographer: Santi Palacios AP)

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1 Introducing Migration Management

In 1648, the treaty of Westphalia defined the geographical border of the state as the denotation line for state-sovereignty, manifesting the territorial dimension of the legal system (Starr, 2013). The prince was constituted as the legal ruler of his territory and his authority ended at the external borders of his territorial unit (ibid). The prince ruled over the inhabitants of his territory, the nationals, but not over the inhabitants outside his territory, the aliens, who resided on the other side of the state-border (ibid).

The geographical border defined the limit of sovereignty of the state and demarked the line across which immigration and emigration was controlled. The security of the state was enhanced by providing a 'hard shell' along the border, only penetrable for those aliens, that the state would allow access (Starr, 2013). The national border marked a line of distinction between "us" and "them" and marked a differentiation between those who enjoyed national rights and privileges and those who did not (Carr, 2012). Borders consequently divided people into "*Here-There, Us-Them, Include-Exclude, Self-Other, or Inside-Outside"* (Starr, 2013: 69).

Despite the fact that totalitarian states and rulers around the world still seek to maintain the border as a hard shell, the technological development and globalization lead way for a new understanding of borders.

The literature and research seeking to uncover and explain the 'new border' is diverse and ranges from the discipline of geography to the discipline of anthropology (Anderson & Bigo, 2002). Consequently, the study of borders varies enormously, some focusing on borderlands and transnational identities, others on fences and security policies. Alongside the changed notion of borders, the notion of migration management has changed. As the border no longer is given as a 'hard shell', migration management is no longer confined to the border. The 'explosion' of the border has entailed an 'explosion' of migration management, which today in an EU context is not just taking place at the border, but also before and after the border.

The EU is based on the creation of a liberal trade regime, which relies on the free movement of capital, goods and labor and is dependent on open borders, internally between the member-states. The Schengen Agreement moved the distinction between "us" and "them" away from state borders and out to the external border of the Schengen Area.[1] The external borders of the Schengen Area are duplicating already existing state borders. It is widely discussed if the EU is "*a quasi-state, a state*

[1] Internal border controls are however for different reasons now and again reinforced, as will be discussed in the main analysis

in the making, or a different constellation of power relations" (Anderson & Bigo, 2002: 13). It is contested if the EU represents a "*cosmopolitan, community-tolerant, diversity-oriented organization*" or a "*new European authoritarian state*" (ibid). Regardless the definition of the political, economic, financial, social, military, political and/or geographical unit constituting the EU, the EU's external borders do share similarities with that of the state and cross-border activity is subject to much control and surveillance (ibid). The EU's external borders seek to manage migration by easing the movement of high-skilled labor, goods and services and blocking the movement of human trafficking, terrorism and transnational crime. This latter has resulted in a securitization of migration management, which now is taking place, not just at, but also beyond and within the EU's external border.

The quotation of Heijer catches the current contradiction of both the content and context of migration management in a European Union setting: "*Border controls and other measures of migration enforcement […] are not purely restrictive or aimed at putting migration to an end, but translate the needs and interests of Member States, international obligations and general humanitarian traditions into a system of selection and control*" (2012: 175).

EU member-states seek to manage migration long before migrants reach the EU's external borders and long after migrants have crossed the border. Migration management no longer equals border controls and migration policies, but is incorporated into a range of policy areas ranging from development to security. Some of these policies aim at eliminating root-causes of emigration, so that people anticipated to emigrate stay in their country of origin and thereby never come to pose a potential threat to the EU. Other policies aim at assuring that third states are capable of containing migrants on their move and others again aim at returning immigrants, that have managed to come across the external border and reached EU territory.[2]

The introduction of an area of free movement of capital, goods and labor within the borderless Schengen Area created a perceived greater need to manage migration. As the free movement steadily became a reality, the member-states sought to restrict the movement of "others" than "us" inside the Schengen Area. Gradually the restriction towards outsiders also became internal, as internal border controls between the member-states were reinforced.

Today, migration management in an EU context is both exported to third countries and extended inwards to "our" side of the external border. The EU member-states are managing migration not only in their own territory, but also in the territories of third states, in order to fulfill the EU's

[2] The term 'third countries/states' refer to states, that are not EU member-states

internal security concerns. The result is that the distinction between "us" and "them" takes place long before and even after "they" reach the territory of the EU. The EU provides a possibility for the member-states to export migration management to non-EU member-states and to manage migration internally through a common asylum system.

At the webpage of the European Commission of Home Affairs, it is stated that "*migration cannot be managed by the EU alone. Finding ways to address the challenges and make the most of the benefits brought by migration requires dialogue and partnerships with non-EU countries*" (European Commission, Home Affairs, 2014i).

Migration management was included into the EU's external migration policies, originally aiming at containing and controlling migration in the regions of origin by focusing on preventive measures (Schuster, 2005). Consequently, migrants now meet the border of the EU long before they leave their country of origin, on their way to the EU, in the transit countries and inside the territory of the European Union, long after crossing the external geographical border.[3]

In 2012, 72.437 illegal[4] border crossings were registered at the EU's external borders and 344.928 illegal stayers were detected inside the EU (Frontex, 2013:12).[5] Different conflicts in the African continent and a growing economic gap between Europe and Africa have resulted in 53.990 detected illegal crossings through the Mediterranean in 2012 (Frontex, 2013). The *undetected* illegal border crossings are to be added to these numbers, which by some is estimated to be more than 400.000 a year (Dietrich, 2004). The war in Syria has created refugee flows on the doorstep of the EU; according to UNHCR 2.582.777 refugees have fled Syria as of 1st of April, 2014 (UNHCR, 2014a). Images of boat migrants, drowning on their way to Europe, African migrants dying in their attempt to circumvent the fences along the Spanish enclaves in North Africa all add to the public perception of a heavy pressure on EU's borders and of an ongoing mass influx of illegal immigrants[6] into Europe.

However, there are more than 215.000.000 migrants and 15.200.000 refugees worldwide (Besharov et al., 2013; UNHCR, 2014b). In 2010, EU was home to around 38.000.000 migrants and in 2013,

[3] The definition of the EU external border is found in the Regulation establishing Frontex; "*'external border means Member States' land and sea borders, airports and seaports to which the provisions of EU law on the crossing of external borders by persons apply*" (Council of the European Union, 2004a). Here the concept of the border is opened up, not just referring to the territorial border, but also symbolizing migration management in general

[4] "Illegal border crossing" is the term used by Frontex

[5] The number from 2013 has not yet been published as of 4th of April 2014

[6] The term illegal immigrant is used in the EU policy papers, whereas academia is discussing whether unregistered immigration is illegal or irregular

435.000 asylum-seekers[7] were registered in the EU (Frontex, 2014m; Asylum in the EU28, 2014). The EU28 in total counts more than 505.700.000 inhabitants and the EU border is crossed more than 500.000.000 times each year (European demography, 2014; Frontex, 2014m). According to the latest report from IPCC several hundred million people are expected to flee due to climate changes (Adger et al., 2014). [8] This tells us, that, despite various perceptions of the opposite, it is still a relatively small number of people, who seeks illegal entry to Europe. Nevertheless, immigration has been securitized and migration management is devoted a high priority on the political agenda in the EU. Consequently, in order to create a 'safe and secure EU'[9], politicians debate, discuss and present all kinds of solutions to the perceived threat of asylum-seekers, terrorists and transnational criminality.

1.1 The Research Question

The geographical border no-longer represents the external limits of a state's sovereignty, influence or interests. It is no longer at the geographical state-border that "they" are distinguished from "us". The distinction is increasingly based on a security discourse and as a consequence, the categorization and distinction process takes place both externally and internally. The following research question therefore becomes highly relevant:

Exemplified by the Schengen Agreement, the European Neighborhood Policy, the Regional Protection Program and the Common European Asylum System, how and why is EU migration management taking place both outside and inside the external borders of the European Union and what are the main consequences for refugees and asylum-seekers?

The assumption behind this question is that the creation of the EU as an area of free movement of capital and labor has brought along a fear of uncontrolled waves of immigration, and that this fear has resulted in the introduction of migration management both outside the borders of the EU and inside the EU territory. It is assumed that the fear is constructed and based on a securitization of immigration, which does not make any distinction between those who travel freely and those who leave their region of origin in order to seek protection in the EU. This master's thesis thus seeks to uncover how the EU's migration management is included in a range of areas not directly connected to migration management and how this has some quite problematic consequences for people in need of protection.

[7] 90 % of these were new applicants, 10 % were repeat applicants
[8] IPCC is short for International Panel on Climate Change
[9] Safe and secure is put in quotation marks in order to emphasize how the perception of security is a constructed phenomenon, as will be elaborated upon in the next chapter

2 Methodological and Theoretical Framework

The discipline of border studies is quite broad and is traditionally covered by scholars belonging to a range of disciplines, varying from anthropology to ethnology, philosophy, politics and geography. Each discipline would offer different answers to the research question and focus on different aspects, as for example transnational identities, borderlands or spatiality.

The analysis is based on an interdisciplinary approach, as the underlying assumption springs out of critical theory and assumes that "*the construction of a larger picture of the whole of which the initially contemplated part is just one component and seeks to understand the processes of change in which both parts and whole are involved*" (Cox, 1981: 129).

The inter-disciplinary approach is chosen, as the research question seeks to find the answer to an analytical problem. The answer is searched for within the social sciences. The analysis is conducted within the political sub-discipline of social sciences and the theoretical framework is adhering from security politics.

Four policies are analyzed. The chosen policies are the Schengen Agreement, the European Neighborhood Policy, the Regional Protection Program and the Common European Asylum System. As will be illustrated throughout the analysis, the four policies are different in their means and aims, but are constructed as part of the same political agenda and share enough similarities in their outcome to be analyzed together. They have all come to include migration management, which quite contrary to EU ideals about human rights promotion ends up having quite problematic consequences for people seeking protection in the EU.

The empirical data of the thesis is constituted of policy papers and communications from the Council of the European Union and the European Commission, information material from different European Union institutions and agencies and articles from the media and academia.[10] However, not all policy papers and communications published on the four policies are included in the analysis. Those included are those, which either constitute or reiterate the four policies.[11] Due to the limited number of pages and time available, also not all articles from the media on the four policies are included. Those included are published by larger European news agencies. The empirical data is chosen in order to uncover a tendency and question an analytical assumption, rather than to uncover theoretical or empirical shortcomings. In order to reach the conclusion

[10] The policy papers, communications, information material and articles from the media represent the Speech Act, see Securitization Theory, page 15

[11] It has due to the limited time and number of pages not been possible to analyze all published material on the four policies

through an academically sound argumentation the theory of Securitization is applied throughout the analysis.[12]

The level of the analysis is regional in its outset.[13] However, the regional level is influenced by and influences the national level, to which the analysis will also dedicate some attention in order to be comprehensive.[14] As regional tendencies are created by and can create international trends, the analysis will also have an international outreach. [15]

This section will continue with a discussion of the methodological and theoretical framework, then a critique of them, and last but not least, a presentation of how the theory and methodology supplement one another and how they will be applied throughout the analysis.

2.1 Social Constructivism

Before proceeding with a discussion of the theoretical framework, the methodological approach will be elaborated upon. The methodological approach is as aforementioned taking its outset in Social Constructivism.

Social Constructivism belongs to the hermeneutic tradition which origins from the subjectivist epistemology and is actor-oriented (Van der Pilj, 2009). Hermeneutics opposes itself to positivism in stating that knowledge never is positive, but always a matter of interpretation, inter-subjectivity and comparison (ibid). A cornerstone within the hermeneutic tradition is the assumption, that everyone understands the world according to their own pre-assumptions, based on their given time and space (ibid). Therefore, when researching a phenomenon, the researcher (re-)constructs reality based on his/her own pre-assumptions, which means that no such thing as an eternal truth or finite reality exists (ibid).

Social Constructivism, based on the hermeneutic method claims that everything is constructed, rather than empirically observable (ibid). The approach is based on three ontological claims; ideational structures matter; identities matter; agents and structures create each other (Agius, 2007). Social Constructivism thereby takes its outset in subjectivist ontology, recognizing that actors construct their own world and that the world therefore is imagined (Van der Pilj, 2009).

Actions are based on the identity and interests of the actors, which are different from agent to agent and based on subjective rationality (ibid). Interactions are based on "*ideational, mental constructions which are 'institutionalized' because and to the extent they are shared*" (Van der Pilj,

[12] To know more about the theoretical framework, see The Copenhagen School, page 13-16
[13] 'Regional' refers to the regional political level; the EU as a political security complex (Buzan et al., 1998)
[14] 'National' refers to the national political level; the member-states
[15] The international out-reach, mainly goes towards the South; African states

2009: 108). This means that if enough states share the same interests, these interests may become institutionalized in such a way that all the states, - perceiving themselves as belonging to that shared identity, - act according to the ideational framework of their cooperation. In a European Union context, the member-states act according to their own interests in creating an understanding of themselves as identically belonging to the constructed ethos of 'embedded liberalism'. [16]

Social Constructivism as an approach came about in the late 80ies and has ever since been dominating much of the literature and debate within critical security studies (Agius, 2007).[17] Social Constructivism is inspired by the discipline of sociology and brings actors, interests and identities inside the former "black-box" of security studies (ibid).[18]

By focusing on identity it becomes possible to uncover the interests of actors and to explain their actions, however, keeping in mind that identity in itself is constructed and changed over time. Social Constructivism is based on the assumption that ideas, identities and actors are what define and govern the way in which security is created and anticipated (ibid).

Identities and interests are shaped through interaction and are consequently not given or natural, but constituted and constructed and continuously open to change (ibid). Identity is further constructed through interaction (ibid). The ideational identity of European Union member-states as peaceful and liberal states is created through the establishment of the common project of the EU, in which the states have created rules for themselves and by living up to these institutionalized rules, they add to a construction of a peaceful and liberal union.

2.2 The Copenhagen School

"*In the process of securitization, the key issue is for whom security becomes a consideration in relation to whom*" (Buzan et al., 1998: 18).

Security is traditionally defined as the absence of threats. Someone, who removes the threats, for someone, who is threatened by something/someone, which/who poses a threat, thus creates security. According to Buzan et al. the methodology to apply when analyzing an issue within security studies is to find out "*who securitizes, on what issues (threats), for whom (referent objects), why, with what results, and, not least, under what conditions*" (1998: 32). The assumption that security is constructed partly originates from the Copenhagen School, which emerged from Critical Security Studies in the beginning of the 90ies (Mutimer, 2007).

[16] 'Embedded liberalism' refers to the "*embedded liberal political culture of Europe*" with the promotion of liberal norms and international liberalization, alongside respect of human rights and welfare (Levy, 2010: 117)

[17] For a discussion of critical security studies, see page 14

[18] The "Black-box-mentality" refers to the level of analysis scholars belonging to Realism apply to explain state behavior

2.2.1 Traditional Security Studies

Critical Security Studies (CSS) developed out of a conference in 1994, during which academic scholars discussed the new security era following the end of the Cold War (Mutimer, 2007). CSS developed as a reaction to Traditional Security Studies (TSS) which claims that *"the referent object is the state: security refers to protecting the state from external threats, and the people living within the territory of the state are considered secure to the degree that the state is secure"* (Mutimer, 2007: 88).

TSS relies on the worldview of Realism and the assumptions of Morgenthau (1948) in arguing that states prioritize their own survival and failing to do so will jeopardize their existence (in Betts, 2009: 61). TSS belongs to a state-centric tradition, where security is analyzed through balances of power polarities (Buzan et al., 2003). The priority of state survival and self-interests creates a balance of power and an absence of conflict, which is also a priority to the citizens (Betts, 2009). The main threat to the state is the military capacity of other states (ibid). International order is not achieved through international cooperation, but through a balance of power, established through the pursuit of military power of each state (ibid). According to TSS, the international arena is characterized by the absence of a world sovereign and is consequently dominated by anarchy (ibid). The state is analytically to be perceived as a black box and power is linked to sovereignty and military (ibid). The state is defined as the referent object – the object in connection to which threats are to be analyzed – and security is obtained through military capacities (Collins, 2007).

2.2.2 Critical Security Studies

One of the main critiques from CSS of traditional security studies is the assumption that the state represents the only possible referent object, as this assumption ignores and leaves out a range of scenarios (Mutimer, 2007). The CSS scholars introduced communities and individuals as referent objects and consequently considered other threats than military threats (ibid). From CSS a number of sub-approaches have developed, among them the Copenhagen School, which takes its outset in Social Constructivism (Betts, 2009).

The works of Jap de Wilde, Barry Buzan and Ole Wæver represent the Copenhagen School (Emmers, 2007). The Copenhagen School combines elements from TSS and Social Constructivism. The definition of security originates from TSS and is therefore centered round a referent object. Security is, according to the Copenhagen School, created when an existential threat is imposed on a referent object and extraordinary measures consequently are introduced in order to eliminate that threat (Buzan et al., 1998). The Copenhagen School, however, opens up the analysis, introduces

other referent objects than the state, and recognizes that a potential threat varies from object to object (ibid). The referent object is according to the Copenhagen School an object that holds security legitimacy and is most often characterized as some sort of collectivity (ibid). In its analysis of how something becomes a security issue the Copenhagen School leans heavily on Social Constructivism in stating that threats are not material, but constructed (Emmers, 2007).

The Copenhagen School has sought to narrow in the methodological approach of Social Constructivism by developing a systematic analytical tool, which emphasizes a few distinct elements to be considered when analyzing security (Emmers, 2007; Betts, 2009). This analytical tool has been called the Securitization theory. The security analysis of Securitization theory, - which can be said to imply a certain linguistic grammatical logic, - says that (in)security is constructed and relies on a securitization process with a securitizing *actor*, a securitization *action*, a referent *object*, a *threat* and the introduction of *extraordinary measures*. This will be clarified in the following.

2.2.3 Securitization

An essential concept within the Copenhagen School is securitization, referred to as the theory of Securitization.

Securitization is what happens when an issue moves from normal politics to emergency politics. A politicized issue "*is part of public policy, requiring government decision and resource allocations*" (Buzan et al., 1998: 23). A securitized issue *"is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure*" (Buzan et al., 1998: 24).

When an issue moves from being politicized to being securitized, it happens because an actor has convinced an audience that the issue poses - or will come to pose - a threat (Buzan et al., 1998). A securitizing actor thus moves the issue from normal politics and brings it into emergency politics. A securitized issue becomes a political priority and calls for the introduction of extraordinary measures (Betts, 2009).

When an actor attempts to move an issue into the politics of emergency it is a securitization move. It is only when the audience accepts the move and extraordinary measures are introduced to eliminate the threat, that it is Securitization proper (Buzan et al., 1998). A successful Securitization makes it possible for the actor to convince the audience about the necessity of overruling or even ignoring human rights and international conventions (Emmers, 2007).When applying the theory of Securitization it therefore becomes relevant to consider the speech act and the securitizing actor, who constructed the threat (Buzan et al., 1998). The speech act is a politically conscious action and

the actors can be states, policy-makers, international organizations, civil society,[19] the media or individuals (Betts, 2009, Emmers, 2007; Buzan et al., 1998).

Securitization is an inter-subjective and constructed process (Buzan et al., 1998). Not only the securitizing actor, but also the audience, must agree on the fact that the survival of the referent object is essential, and the audience must accept the construction of an issue as a threat to the shared value of the referent object (ibid). In order for the speech act to be successful, the arguments must be presented convincingly and the actor presenting them must be socially accepted as a relevant actor, and are therefore most often states or elites (Buzan et al., 1998; Emmers, 2007). In the following analysis the actors in focus are mainly politicians who securitize through the media or policy papers.

2.2.4 Sectors

The theoretical framework of Securitization operates with five different sectors; the military sector, the environmental, the economic, the societal and the political sectors (Buzan et al., 1998). The sectors represent categories of security (Emmers, 2007).

Within each sector the referent object and thereby the existential threats, the actors and the audiences are in theory different, but in reality appear to be identical (Buzan et al., 1998). What appear as an environmental threat can also be perceived as a societal threat, and the actors securitizing an issue within the military sector can appear as actors in the political sector and so on and so forth.

In a democracy the societal and the political securities are, at least in theory, intertwined as the survival of the political sector depends on votes from citizens belonging to an identity within the societal sector, of which they seek to assure survival. Furthermore, the securitizing actor often belongs to the political sector, whereas the audience that needs to accept the Securitization and recognize the need for extraordinary measures often belongs to the societal sector (Emmers, 2007). When a nation corresponds to a state, the state leader can consolidate power by referring to identity and nationhood (Buzan et al., 1998).[20] Accordingly, the security of the political sector can depend on the survival of a societal identity.

The following analysis will mainly have its focus within the societal sector, however, with references to other sectors, where deemed relevant. In the societal sector the referent object is most

[19] The role of civil society will only shortly be included in the following analysis, due to the limited number of pages and time available

[20] When a nation does not correspond to a state, the leader can also consolidate power by referring to nationhood and identity, however, in that case the interconnection between the political and societal sectors is less expressed

commonly a larger self-sustaining identity which people define and perceive themselves as belonging to, and threats will most commonly be in terms of changes from the outside threatening to break up the collective identity (Buzan et al., 1998). The threat is mainly characterized by threatening the "we" and is thereby reproducing a feeling of belonging to an "us" (ibid). Societal identities can constitute nations and follow nation-borders, as they often do in the European continent, but they can also constitute minorities or cross-border regions (ibid).

2.3 Criticism

2.3.1 Methodological shortcomings

Social Constructivism has been criticized for a number of things within international politics. Some critics question the importance of norms and values for international cooperation (Agius, 2007). Neo-realists would argue that norms are only important if they serve the self-interest of states and that states commonly disregard norms in international relations (Jackson & Sørensen, 2010). Furthermore, according to Neo-realism, states always interact in order to maximize security, and therefore states do not trust one another or engage in international cooperation under common normative systems as claimed by Social Constructivism (ibid). Other critics argue that Social Constructivism does not contribute with anything new to the analysis of international relations (ibid). However, Constructivism does open up the analysis by bringing social interaction between states, the role of domestic norms and civil society into the picture (ibid).

A shortcoming that was uncovered throughout the following analysis, is one of the cornerstones of constructivist thinking, namely the assumption that everything is constructed. When it is assumed that everything is constructed and that actions always have more than one layer, it entails the risk of ignoring "good deeds" and real straightforward intentions. Another shortcoming of the approach is that the opening up of the black box does make it difficult to limit the analysis. To open up does have the advantage that everything can be considered, but it also has the disadvantage of considering everything, and thereby nothing in particular, as relevant.

2.3.2 Theoretical shortcomings

The theory of Securitization has been criticized for adding to the securitization process itself, as researchers and scholars are reiterating and thereby reaffirming the speech act, which securitizes (Peoples & Vaughan-Williams, 2010). Academic articles discussing securitization processes are not readily separable from the speech act itself, as the researchers and scholars by applying securitization speak the object further into the security discourse (ibid). Academia thus potentially

fuels the speech act and give priority to the role of elites, by referring to their securitizing moves (ibid).

It has been questioned whether the differentiation between a politicized issue and a securitized is theoretical and in reality not possible (Peoples & Vaughan-Williams, 2010). Critics have argued that the movement of an issue along the spectrum between politicized and securitized is less distinct than claimed by the theory, and that it is difficult to define whether an issue is perceived as belonging to normal politics, emergency politics or both (ibid). The perception of an issue as a threat, it is argued, slides back and forth between 'normal' and 'emergency' (ibid).

The theory has further been criticized for focusing on an elite discourse (Peoples & Vaughan-Williams, 2010). The focus on discourse has the risk of ignoring physical actions, which also potentially endanger and threaten referent objects, and thereby ignoring situations where speech does not occur (ibid). The focus on speech act also rules out the possibility for non-elite actors to raise their voice against a threat, as actors with lower social positions do not have the ability to securitize (ibid). The focus on the securitization move and the speech act has also been criticized for creating a simplified picture of public discourse, and some scholars argue that pictures and videos should be brought into the security analysis as the public debate of today relies heavily on visual media (ibid).

The division into sectors has been criticized for simplifying threats, as it is difficult to argue that e.g. environmental degradation is deliberately aimed at threatening others. Furthermore, the securitization of the environment calls for the introduction of extraordinary measures, however, it is unlikely that state actors by setting up a defense can eliminate the potential threat of the environment (Peoples & Vaughan-Williams, 2010).

The theory of Securitization has been criticized for being too Eurocentric in its arguments on the societal sector and in devoting too much meaning to identity. It is argued that in less democratic and ethnically homogeneous parts of the world than Europe a securitization process would be less relevant, as dictators for example do not wait for the acceptance of the audience before imposing extraordinary measures (Emmers, 2007). Some scholars have argued that the intense focus on identity might result in too distinct categorizations of "us" and "them" and that this distinction might potentially fuel ethnic conflicts, xenophobia and racism (Peoples & Vaughan-Williams, 2010). However, the following analysis will show that the distinction between "us" and "them" is quite vivant in the public discourse and that a Securitization has resulted in the introduction of

extraordinary measures aimed at concealing and controlling "them", regardless theoretical categorizations and shortcomings.

2.4 Operationalization of Methodology and Theory

Writing this thesis, I seek to be constantly conscious about the fact that all the empirical data is written by authors with pre-assumptions and that these are influenced by their time and space, and that my own pre-assumptions also are influenced by my time and space.[21] The social constructivist approach in the following analysis is based on interpretation, rather than observation, and it is recognized that I understand the empirical data, with an outset in my own background as a student at Aalborg University.

The key to interpretation is the sociological-cultural understanding of the empirical data analyzed (Van der Pilj, 2009). This understanding is based on the assumption that "*the interpretation of actions/events[..], proceeds by deriving their presupposed meaning from the inter-subjective world of norms and ideas, through which we construct our reality*" (Van der Pilj, 2009: 111). The actions of EU member-states are therefore analyzed in relation to the normative system based on the ideals of embedded liberalism that they claim to make part of. It is however recognized that the normative system is constructed and that the policy papers represent something quite different from the reality on ground, which is uncovered to be heavily affected by the different national agendas. The regional cooperation strategy is in the regional security complex (EU) based on common threats and on the interaction between the national and the regional; national threats become regional, regional threats become national (Buzan et al, 1998).

Content analysis is the key method to interpretation, by reading what is written between the lines in the policy papers (Van der Pilj, 2009). It is recognized that the normative system of the EU is reproduced by the interactions between the participating states, which are based on their interests and identities. This creates a contradiction between a neo-functionalist perspective and an intergovernmental reality.[22] The approach of Social Constructivism and Securitization theory therefore makes it possible to analyze the policies and the political deeds as constructed intentions, based on divergent motivations.

The empirical data is collected in order to assess the prevailing normative system within the EU, based on a symbolic language. Furthermore, the consequences of the policy papers and the programs are analyzed in order to uncover the contradiction between reality and the intentions of

[21] I base my pre-assumptions on the writings of scholars as Alexander Betts (2004, 2006, 2009), Thomas Gammeltoft-Hansen (2007, 2011), Jef Huysmans (2006) and Carl Levy (2010), all belonging to a critical approach

[22] Referring to the regional integration theories of Intergovernmentalism and Neo-functionalism

the normative system. It is sought uncovered that the claimed intentions of the policies analyzed are based on the constructed normative system of the EU member-states and the institutions, but that the partnering non-EU member-states and the immigrants perceive the policies quite differently as they perceive the policies based on their constructed realities.

'Migration management' in the following analysis is by the European Commission presented as making part of the constructed ethos of embedded liberalism, human rights promotion and burden-sharing. The analysis will reveal how and why this ethos is constructed in order to fulfill other intentions, than the ones claimed by the ethos. The normative system legitimating migration management is sought uncovered, in recognizing that a deeper layer exists from which the motivations to export and internalize migration management origin.

The core assumption is that migration has been securitized by different securitizing actors through the speech act, represented by policy papers, political communication and public debate. The referent object, to which migration is perceived as posing a threat, is the European citizens. The threat to the European citizens is presented within different sectors, however, primarily within the societal sector. The politicians consequently have an interest in or a responsibility to introduce extraordinary measures. The extraordinary measures are represented by the regional and national control mechanisms introduced into the Schengen cooperation and the creation of different EU policies, aiming at concealing and controlling the migrants; the perceived threat. The theory of Securitization is applied throughout the analysis in order to create a comprehensive line of arguments in accordance with the above stated. The analysis is divided into five main sections.

The section 'Migration Management in a European Context' analyzes the securitization of migration management, which followed the realization of the Schengen Area. The section shows how the area of free movement of capital and labor came to be dominated by control of migration and how the free movement, - a corner-stone in European cooperation, - consequently was jeopardized. The section analyzes how the national level has affected the regional level and brought migration management into a security discourse.

The next section 'From Territorial Migration Management to Extra-territorial Migration Management' links the nationally enhanced focus on migration management to the regional level and shows how national and intergovernmental approaches to migration management became part of the regional political agenda. The section uncovers which processes brought migration management outside and inside the borders of the EU.

The section ‘Extra-territorial Migration Management’ analyzes the European Neighborhood Policy and the Regional Protection Program, unified in the Global Approach to Mobility and Migration. The section argues that the two policies represent securitized migration management, aiming at controlling and concealing unwanted immigration before it reaches the geographical external border of the EU.

The section ‘Intra-territorial Migration Management’ brings the analysis back inside the border of the EU, in arguing that the Common European Asylum System represents intra-territorial migration management. The section analyzes how European member-states in varying degrees have implemented the Asylum Directives, as a means of concealing, controlling and sending back unwanted immigration.

The last section ‘When Internal Security Concerns are Decisive’ analyzes the main consequences of securitized migration management for asylum-seekers and refugees.

Last, but not least, the main arguments are summed-up in the conclusion.

3 Migration Management in a European Union Context

The agreement, establishing the Schengen Area in 1985, is seen as one of the cornerstones of the EU, paving the way for free movement of people, goods, services and capital. The following section will analyze how increased control accompanies the increased free movement. The section will show how an intergovernmental need to reestablish national border controls emerged in parallel with the introduction of still stronger external EU borders. The external borders of the EU, in theory national borders, have gradually become of EU concern. Despite a neo-functional call for burden-sharing and solidarity, the process has been dominated by finger-pointing and burden-shifting.

The section illustrates how the focus on migration management and control has threatened the very existence of the Schengen Area. The section further illustrates how national politics affect regional politics and vice-versa, and how the current securitization of migration management to a large extend is based on a right-wing created public discourse, dominating Europe.

3.1 The Schengen Agreement

The Schengen Agreement, establishing a borderless area for free movement, was signed on June 14, 1985 and was in its first years an intergovernmental agreement between the Benelux Economic Union, the Federal Republic of Germany and the French Republic (Collett, 2013; European Commission, Home Affairs, 2014b). In 1997, by the signing of the Treaty of Amsterdam, the Schengen Agreement became an integrated part of the European Union (Collett, 2013). According to the EU Commission of Home Affairs the Schengen Area is based on the following:

"The free movement of persons is a fundamental right guaranteed by the EU to its citizens. […] Schengen cooperation enhances this freedom by enabling citizens to cross internal borders without being subjected to border checks. The border-free Schengen Area guarantees free movement to more than 400 million EU citizens, as well as to many non-EU nationals, businessmen, tourists or other persons legally present on the EU territory" (European Commission, Home Affairs, 2014b).

The free movement has been accompanied by control and states wishing to join the area are expected to *"take on the responsibility for control of the external borders on behalf of the other Schengen states [and] cooperate with law enforcement agencies in other Schengen States in order to maintain a high level of security once border controls between Schengen countries are abolished"* (European Commission, Home Affairs, 2014b). The Agreement walks on two legs, simultaneously aiming at assuring the free movement of travelers, migrants and workers internally and aiming at tightening controls at the external borders, reducing illegal immigration into the area

(ibid). The border staff at the external border counts around 400.000 border guards, who have committed themselves to take the interest of all member-states into account in refusing the entry to "*foreigners representing a threat to public policy, national security or international relations of any Schengen member*" (Carr, 2012; Hobbing, 2006: 162).

As this is quite an expensive and comprehensive task, - both economically and politically, - not all EU member-states are Schengen members and not all Schengen members are EU member-states (Hobbing, 2006). The inclusion of Romania, Bulgaria, Croatia and Cyprus into the Schengen area is delayed, since their migration management and border institutions are still not considered sufficiently efficient. States as Iceland, Lichtenstein, Norway and Switzerland have joined in, and the UK and Ireland have chosen not to join (Collett, 2013).

3.2 From Freedom of Movement to Control of Movement

In December 2001 the European Council announced that a "*better management of the Union's external borders will help in the fight against terrorism, illegal immigration networks and the traffic in human beings*" (Hobbing, 2006: 168). This brought along several suggestions focusing on unification and enhancement of control mechanisms (Hobbing, 2006). In 2002, under the External Border Practitioners Common Unit, six ad hoc national centers on border control were established, each with their own focus. [23] All centers were to be step-stones towards more cooperation in the area of migration, asylum and security (Frontex, 2014c). The action plan for the management of external borders from 2002, besides the coordination of border management between member-states, entailed border cooperation with third countries (Heijer, 2012).

In 2004 the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was established as part of the Hague Program (Frontex, 2014c). The Hague Program was formulated at a time when the external borders of the EU were renegotiated, when revolutions were taking place in the EU neighboring region and when public discourse was heavily securitizing migration. [24]

In an article from February 2004 in Financial Times it says that "*Britain is set to introduce new curbs on migrants claiming welfare benefits, in the latest in a series of European Union moves designed to limit immigration from central and eastern Europe. […] Tony Blair, prime minister, ordered the clampdown in the face of a campaign by some newspapers claiming a "flood" of immigrants, including Roma from Slovakia, was on its way.[…] Other EU countries have imposed*

[23] For example, one center was responsible for Risk Analysis and was situated in Helsinki, another center was responsible for Air Borders situated in Rome and a third center was a Training Center in Traiskirchen

[24] The revolutions referred to are the Revolution of Roses in Georgia and the Orange Revolution in Ukraine

restrictions on migration from the 10 states - mostly from the former communist bloc - due to join on May 1. Sweden announced restrictions last week, leaving Britain and Ireland the only members fully to open their doors to migrant workers." (Cienski et al., 2004). In another article an official from IOM[25] concludes that "*As enlargement brings more wealth, mafias will send more victims to places like Hungary. The real challenge will be helping these new destination countries contain this inflow.*" The article bulletin summarizes the securitization of migration taking place in 2004 *"The addition on May 1 of 10 countries to the European Union - most of them former communist states - has fuelled fears that enlargement will allow the mafias of central and Eastern Europe to tighten their grip on organized crime across the continent."* (Minder, 2004).

The public discourse was predominantly securitizing migration from the new EU member-states. The creation of Frontex aimed at somehow meeting the widespread fear of uncontrolled migration. Frontex exposes a neo-functional attempt from the EU to unite the member-states, by changing focus from internal migration to immigration from third countries and thereby illustrating the threat as coming from the outside rather than from within. [26] The public (the audience) easily accepted this securitization of immigration from third countries as migration was already widely perceived as a threat.

The establishment of Frontex made it possible to intensify the already initiated border control cooperation between the Schengen members. The Agency was to strengthen the integrated border management, the surveillance of border-crossings and the coordination of the exclusion of non-EU citizens (Heijer, 2012). [27]

According to the official homepage of Frontex, the agency "*promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management*" (Frontex, 2014d). [28]

Frontex was accompanied by three pre-entry control mechanisms, - the posting of immigration liaison officers in third countries, carrier sanctions and the EU visa requirement, - which for the first time brought migration control outside the territory of the European Union (Heijer, 2012). [29]

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[25] International Organization for Migration

[26] Internal migration refers to migration within the Schengen Area between EU member-states

[27] Frontex is primarily a coordination agency which due to its role as 'assistant' to member-states has limited executive powers; whenever a Frontex operation is launched, it is launched as a *joined* operation, facilitated by Frontex in cooperation with the hosting member-state, but commanded and controlled solely by the member-state (Heijer, 2012)

[28] Frontex is in charge of: joint operations, training of border guards and border officials, risk analysis of the situation on the external borders, research, providing a rapid response capability through the European Board Guard Teams, assisting member-states in joint return operations and the European border surveillance system (Council of the European Union, 2004a; Council of the European Union, 2011a)

The *Liaison Officers* are deployed in order to facilitate exchange of information and make risk analyses of immigration trends (Lemberg-Pedersen, 2012). The Officers thus for some immigrants represents the first meeting with EU border officials, taking place long before the immigrants meet the territorial border guards at the physical border of the EU (ibid).

Carrier sanctions imply that carriers are sanctioned if they carry persons without valid travel documents and these will consequently be returned to the state from which they travelled out (Heijer, 2012). Despite the fact that some states have special regulations as regards asylum-seekers, the sanctions imply a risk of sending back and criminalizing asylum-seekers (ibid).

The *EU visa requirements* are the same for all third nationals; asylum-seekers, refugees and economic migrants alike (Heijer, 2012). However, the visa requirements are withdrawn for asylum-seekers when and if they reach the border of the EU (ibid).

Frontex has furthermore, through bilateral agreements, conducted operations in the territories of non-EU member-states in order to prevent boat-migrants from reaching the EU border (Lemberg-Pedersen, 2012). An example of such operations are the HERA-operations taking place between 2006 and 2007 (ibid). Spain, Italy, Portugal and Finland provided aircrafts, helicopters and vessels to the operations, which took place partly in the territorial waters of Senegal, Cap Verde and Mauritania and partly in the air above Sahara (ibid). Interception was conducted both at sea and in the desert in order to prevent the immigrants from risking their lives, but however, also had the consequence of preventing them from reaching the EU territory and claiming asylum (ibid).

Academics and humanitarian organizations have criticized Frontex and the EU for ignoring the human consequences of this militarization of border control (Carr, 2012; Heijer, 2012). Especially the joint maritime border control operations in the Mediterranean have been subject to much critique and even the EU institutions themselves have called for a clearer mandate as regard to the protection of "*those in need who travel in mixed flows*" during such operations (Heijer, 2012: 180-182).

3.3 Closing the Borders

The Arab Spring brought along a small peak in immigration to the EU. The European Commission consequently provided additional funding to Frontex in order to stabilize the situation, which highlighted the perception of a threat towards the EU (European Commission, 2011c). The Commission called for solidarity among the member-states by offering assistance to those member-

[29] Frontex's cooperates with Europol, EASO, Eurojust and other relevant partners (Frontex, 2014d)

states bearing the largest burden (ibid). Solidarity and burden-sharing have been much contested within the EU cooperation on immigration. Member-states with external borders have often called for solidarity and redistribution of immigrants, whereas member-states with no external borders have blamed the former for not living up to the common commitment of protecting the external border (Hobbing, 2006). Several immigrant-receiving states were initially very optimistic about a potential burden-sharing mechanism, this optimism has, however, turned into pessimism as burden-sharing has only been vaguely effectuated (Heijer, 2012).

During the Arab Spring, Italy was witnessing one of the largest influxes of immigrants and, in a lack of answer to the call for solidarity made by the Commission, the Italian government saw no other solution than granting visas to thousands of those immigrants. France consequently closed its borders to Italy (France and Italy push for reform of Schengen Treaty, 2011).

Sarkozy (French President at the time) and Berlusconi (Italian Prime minister at the time) arranged a meeting, during which they drafted a letter to the President of the European Commission, urging him to change the Schengen rules and make way for temporary border closures (ibid). The letter from the politicians added to the speech act, which through the media had created a common understanding of immigrants and refugees from the Arab Spring as posing an existential threat.

As stated in an article in the Wall Street Journal: "*The operation is part of France's attempt to stop a wave of North African migrants who, having fled violence back home, regard Italy as a way station as they travel by boat, train and foot toward jobs and family in French cities. More than 700 migrants who have crossed into French territory via Italy have been detained by French police and escorted back, Italian officials said"* (Meichtry, 2011).

The fear of a high influx of immigrants as a consequence of the Arab Spring was not just shared by France and Italy, as *"other European countries have been increasingly concerned about migration from north Africa following the political turmoil in the region*" (France blocks Italian trains carrying migrants, 2011). The crisis further added to the perception of a threat on EU's doorstep: "*Furious at the failure of other EU countries to "share the burden", the Italians granted visas to the immigrants enabling them to move elsewhere in the EU. The Germans and the Austrians complained. The Belgians accused Rome of "cheating" on the Schengen rulebook. The French government promptly closed a part of the border with Italy briefly, re-erecting passport controls to halt trains"* (Traynor & Hooper, 2011).

Before the Schengen reform was realized, two other member-states also reintroduced border controls. In 2011, Denmark reestablished border controls along the borders with Sweden and

Germany. This was according to the politicians done in order to intensify the fight against cross-border crime, which emphasized the perception of migration as a security concern (Collett, 2013). As described in an article from the Guardian: "*The move to curb freedom of travel came as the extreme nationalist right, which is increasingly influencing policy across Europe, chalked up a notable victory in Denmark, which announced it would unilaterally re-erect controls on its borders with Germany and Sweden. The centre-right minority government in Copenhagen capitulated to the fiercely anti-immigrant nationalists of the Danish People's party to secure parliamentary backing for long-term budget, welfare and retirement policies. "I have worked hard for this," said Pia Kjaersgaard, the far-right leader"* (Traynor, 2011).

The reestablished border controls met heavy critique from members of the European Parliament and the European Commission. "*The European commission said it would scrutinize the decision to see if it complied with the Schengen rules. There were calls in the European parliament for Denmark to be kicked out of the Schengen regime*." (ibid).

Despite the critique of Denmark, the Netherlands later that year took a similar stance, as they reinstalled security surveillance on border stretches also to stop and detect illegal migration and criminals (Collett, 2013). According to the EU-observer "*heavily reliant on the anti-immigrant vote, the Dutch government plans to introduce an automatic video-surveillance system along its borders"*, and *"the Dutch government has already taken a tough stance on enlarging the Schengen area to Romania and Bulgaria, citing failure to tackle corruption and organized crime"* (Pop, 2011). At this time the threat of both internally and externally originating[30] immigration was a given in most of the news stream.

On May 30 2013, the Council of the European Union and the European Parliament agreed on a reform of the Schengen Governance legislative package. The existing provisions were amended and "*the temporary reintroduction of border controls at internal borders in exceptional circumstances"* was introduced (Council of the European Union, 2013a: 1).

One of the corner-stones of the EU, the free movement, was consequently constricted as internal borders may be reintroduced when "*serious threats [foreseeable or urgent] to public policy or internal security*" arises (Council of the European Union, 2013a: 3). As of today, states are entitled

[30] Internally originating immigration refers to migrants migrating from one EU member-state to the other, whereas externally originating immigration refers to immigrants from third countries

to reestablish border control on the internal borders if another Schengen member neglects its control obligations (Council of the European Union, 2013a: 4).[31]

3.4 An Anti-immigration Discourse - Securitizing Immigration

Frontex has since it was established in 2004 added heavily to the securitization of border control and migration management.

In most of Europe, right-wing politicians have had great success in convincing the public that the primary threat to Europe following the EU enlargement and the Arab Spring is immigration (Collett, 2013). The free movement of capital and labor within the Schengen Area has been perceived as a threat to public order and economic welfare and this has urged the political elite to act, by introducing extra-ordinary measures. The securitization of migration has moved migration management out of the social sphere and into the security sphere and has brought border controls and migration management high up on the political agenda. In order to stay legitimate and become reelected it has therefore been crucial for the European politicians to introduce extraordinary measures, wherever possible, both at the national and the regional level. The introduction of extraordinary measures, the establishment of Frontex and the Schengen-reform have further fueled and affirmed the securitization of immigration.

The public discourse and the member-states have securitized free movement and migration in general without considering the nature of 'mixed flows'. The securitization has made no clear distinction between unwanted Schengen-created labor mobility and asylum-seekers as the public discourse has been securitizing all types of immigration, - both 'internal immigration' from other EU member-states and immigration from third countries.

In most EU member-states asylum-seekers do not have access to the labor market while their asylum application is being processed (Levy, 2010). Consequently, asylum-seekers are fully dependent on financial aid from the host state, which fuels the public right-wing dominated perception of asylum-seekers as threatening the survival of the welfare system (ibid). For a securitized object to become accepted by the audience as posing a threat, the threat has to be extraordinary.

[31] Despite reforms, Switzerland is now the latest Schengen member, - however, not an EU member, - to close its borders to migration both from third countries and from other Schengen countries. The stop for immigration in Switzerland is also based on a right-wing debate, securitizing migration by illustrating immigrants as the greatest threat to public welfare in Switzerland (Baghdjian & Schmeider 2014)

The speech act has been instrumental for political parties in linking migration to organized crime and terrorism and thereby illustrating migration as a threat to the societal security and consequently legitimating extraordinary measures to deal with the threat (Boswell, 2003). The perception of migrants as threats has been linked to the economic burden of offering asylum and integration, but also to the perceived cultural and socioeconomic burden on internal security, welfare, jobs and collective identities (Boswell, 2003).

The referent object, which is to be protected against the threat, is not distinct but is a public identity with roots in the social, economical and political sectors. The three sectors are interlinked as a threat to the economical sector can be perceived as posing a threat to the social sector, and a threat to the social sector can be perceived as posing a threat to the political sector. Immigrants are perceived as threatening the societal identity of the audience, the European citizens; their national identities and – if they have one[32] – their European identity. [33]

The member-states are accusing each other of not controlling migration sufficiently. This has resulted in the EU seeking to solve the dispute first by offering a neo-functional solution and then an intergovernmental solution. First, Frontex was established in order to better manage migration. When this did not solve the problem, the member-states got entitled to close their borders under 'exceptional circumstances'.

This section has shown how control of movement has accompanied freedom of movement, nationally as well as regionally. Migration has throughout the last 30 years been politicized and securitized and is now devoted a high priority on the political agenda. The disputes about the Schengen Area has illustrated the difficulties for the EU member-states to find a common solution to the securitized issue of migration. The solutions offered have been dominated by inconsistency and by a somewhat desperate attempt offered by the EU institutions to keep migration management at the EU level. The next section will show how migration management has been taken outside the EU territory and how internal security concerns of the EU and its member-states now are exported to third countries.

[32] It has been broadly debated whether a European identity exists, see Kantner, 2006

[33] The national identity does not rule out the existence of a European identity and vice-versa, as people are capable of identifying with more than one societal sector at the time (Buzan et al., 1993)

4 Towards Extra-territorial Migration Management

The fear of immigration following the Arab Spring as analyzed in the previous section is not the first incident, igniting anti-immigration regulations and initiatives in EU member-states. This section will illustrate how the traditional way of managing migration at the territorial border gradually became securitized and sought exported outside the EU territory already from the 1980ies and onward.

4.1 The Intergovernmental Spillover

In 1986, Denmark was the first EU member-state to suggest an alternative way of dealing with unwanted immigration outside the EU's external border. At the UN General Assembly, that year, Denmark suggested the "*establishment of regional United Nations processing centers administrating resettlement*", and that "*asylum seekers who arrive irregularly in third countries outside their region should in principle be returned to the UN processing center of their home region to have their case examined*" (Noll, 2003: 311-312). The Danish proposal was rejected, - but not forgotten.

Eight years after, the Netherlands reintroduced the Danish proposal on the agenda of the Intergovernmental Consultations on Migration, Asylum and Refugees (Noll, 2003). In addition, the European Commission, the same year, suggested that cooperation on migration should build on "*action on migration pressure, action on controlling migration and action to strengthen policies for legal immigrants*" (Heijer, 2012: 177; Boswell, 2003: 621).). The US model, bringing refugees interdicted at sea to Guantanamo for asylum processing, inspired the European suggestions for extra-territorial asylum processing (Noll, 2003).

Leading up to the Tampere European Council in 1999 the Austrian Presidency published a paper, reiterating much of the Danish proposal from 1986 (Levy, 2010). The Tampere European Council for the first time introduced the external dimension of migration control at the EU level. In the Council Conclusions paragraphs on 'Partnership with countries of origin' and 'Management of migrant flows' the need for a "*comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit*" and for a "*more efficient management of migration flows at all their stages*" was emphasized (Heijer, 2012: 177).

The war on terrorism, initiated by former US President George W. Bush, following the attack on the Twin Towers in 2001, further added to the evolving anti-immigration discourse in the EU. In the discourse asylum-seekers and refugees were pooled with terrorists and illegal immigrants and

consequently not only immigration was restricted, but also the access to asylum (Luedtke, 2009; Huysmans, 2006).

On December 18th 2001, the Council of the European Union linked refugees to the security agenda in article 16 and 17 of the Council Common Paper on Combating Terrorism by stating that "*appropriate measures shall be taken […] before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts*" (Huysmans, 2006: 71).

Denmark reintroduced the debate on "protection in the region" based on the 1986 proposal during its Presidency in 2002 (Levy, 2010). This second Danish proposal concerning extra-territorial migration management was based on the Australian Pacific Solution. (Noll, 2003). The Pacific Solution implies that refugees arriving by boat, instead of having their asylum claims processed on Australian soil, are brought to asylum processing centers in Nauru and Papua New Guinea, - outside Australian territory (Noll, 2003).

The following year a plan aiming at creating Regional Protection Zones and Transit Processing Centers, drafted by the UK government was leaked to the press (Schuster, 2005).[34] The leaked draft suggested the possibility for military intervention in order to control the flow of refugees from regions of origin and the creation of "safe havens" in refugee producing states, through which refugees could seek asylum (Noll, 2003).

In 2003 the public discourse in the UK, as in the rest of Europe, was pooling asylum-seekers with terrorism and in the article "Press whips up asylum hysteria" the Guardian criticizes the Sun, Daily Mail and Daily Express for adding to this as "*Teams of reporters have been asked to "stitch up" asylum seekers. A source at Kent police said he had received half a dozen calls from newspapers asking for examples of crimes committed by asylum seekers. Leader writers and columnists have been ordered to write damning commentaries*" (Morris, 2003).

The plans of bringing migration management outside the EU territory divided the member-states. Most member-states held themselves critical towards the suggestions, however, Denmark and the Netherlands, - having already promoted the idea of 'reception in the region', - were positive (Schuster, 2005). Denmark, UK and the Netherlands together with the European Commission, IOM and UNHCR continued to discuss the proposals in an "informal forum" (ibid).

[34] The plan was based on a domestic demand to reduce the number of asylum-seekers in the UK and the Zones were to be located in the region of origin and the Centers in the region of transit (Schuster, 2005)

During the discussions, Spanish and Italian politicians joined in on the plans, while Swedish, French and German politicians stayed in opposition (Schuster, 2005; Noll, 2003). The publication of the Danish Memorandum in 2004, - based on the informal discussions, - presented a somewhat more detailed description of the operationalization of Protection Zones and Transit Processing Centers outside the EU territory (Noll, 2003). Despite the fact that the Danish Memorandum received heavy critique and most EU member-states stayed reluctant, the external dimension of European migration control steadily became part of the policy papers.

4.2 The European Union's External Dimension of Asylum and Migration

In 2003, the Council Conclusions from Thessaloniki aimed at integrating migration policies into the sphere of the Unions external relations (Heijer, 2012). The Council invited the Commission to look into the protection capacities in the regions of origin and the management of protection seeking migrants on their way to the EU (Schuster, 2005). [35]

The Hague Program: Strengthening Freedom, Security and Justice in the European Union, from 2005, defines EU's External Dimension of Asylum and Migration (Council of the European Union, 2004b). The Hague Program, - besides from introducing Frontex, - presents the European Neighborhood and Partnership Instrument (ENP) and the EU-Regional Protection Programs (RPP) (Council of the European Union, 2004b). The two latter were heavily inspired by the UK Vision Paper and the Danish Memorandum and focused on making countries of origin able to offer protection, and on strengthening the asylum capacities in countries of transit (Schuster, 2005). [36]

Frontex makes part of the EU external migration policy in facilitating cooperation with border authorities of non-EU states "*mainly those countries identified as a source or transit route of irregular migration*". The "*key areas for the development of operational cooperation with the competent authorities of partner countries are information exchange, risk analysis, training, research and development, joint operations and pilot projects*" (Frontex, 2014d).

The ENP focuses on regions and countries of transit in order "*to enable these countries better to manage migration*". This is to be achieved through "*support for capacity building in national asylum systems, border control and wider cooperation on migration issues*" for "*those countries that demonstrate a genuine commitment to fulfill their obligations under the Geneva Convention on Refugees*" (Council of the European Union, 2004b: 5).

[35] 'Regions of origin' refers to countries/regions from which emigration takes place
[36] 'Regions of transit' refers to countries/regions through which migrants pass on their way to the EU

The RPP "*primarily focus on capacity building*", and "*link migration, development cooperation and humanitarian assistance… in partnership and dialogue with countries and regions of origin*". The RPP puts "*particular emphasis on root causes, push factors and poverty alleviation*" (Council of the European Union, 2004b: 5).

The EU Global Approach to Migration, adopted at the Brussels summit in 2005, together with the European Pact on Immigration and Asylum from 2008, reiterates the aspirations towards creating better migration management through cooperation with countries of origin and transit (Heijer, 2012). The Stockholm Program from 2010 echoes the need for cooperation with countries of origin and transit (Heijer, 2012). Last, but not least, the external dimension of European migration management is incorporated into the Treaty of the Functioning of the European Union, which calls for "*the creation of partnerships with third countries for managing inflows of asylum-seekers [and] measures relating to the prevention of illegal immigration*" (Heijer, 2012:181).

Today the Regional Protection Programs, the European Neighborhood Policy and the Common European Asylum System make part of the EU migration management policies. The three programs represent examples of how migration management has been securitized. The programs and policies are not perceived as being part of the traditional border management, but do have some of the same functions as borders, as they are aiming at controlling who enters EU territory.

Extra-territorial migration management refers to migration management taking place outside the European territory. Extra-territorial protection is defined by Betts as "*the raft of refugee policies initiated by OECD countries aimed at de-territorializing the provision of protection to refugees in such a way that temporary protection and the processing of asylum claims take place outside of the given nation-state*" (Betts, 2004: 2). In the following paper, extra-territorial migration management is based on Betts' definition of extra-territorial protection and the general findings in the analysis. Extra-territorial migration management therefore refers to the policies initiated by the European Union and its member-states, aiming at exporting internal security concerns to partnering countries through the de-territorializing of migration management with the purpose of controlling and concealing migration outside the EU territory. The concept of extra-territorial migration management in terms of strengthening migration control, border control and asylum systems in states of origin and transit is exemplified by the European Neighborhood Policy and the Regional Protection Program. They are in other words applicable *outside* the territory of the European Union.

Intra-territorial migration management refers to migration management taking place inside the EU territory. Intra-territorial migration management is activated after migrants have crossed the

external EU border and is mainly aiming at hindering secondary migration or sending back un-wanted migrants. Intra-territorial migration management is in the following paper exemplified by the Common European Asylum System. The CEAS represents the intra-territorial branch of EU migration management, as it aims at strengthening migration control *inside* the EU territory.

The RPP, the ENP and the CEAS are examples of the contradiction between freedom and control, which dominates the EU's external development and migration policies. The three programs are based on the promotion of democracy and human rights, but ends up promoting control and migration management. Furthermore, the three policies exemplify another contradiction in the EU cooperation, namely, that between neo-functional aspirations towards creating more and firmer common EU stand-points and the inter-governmental reality.

5 Extra-territorial Migration Management

The EU has negotiated different policies and agreements with third countries in order to enable export of migration management to their territory (Lemberg-Pedersen, 2012). The export of migration management is aiming at establishing cooperation with the so-called countries of transit and the countries of origin.

The European Neighborhood Policy (ENP) and the Regional Protection Program (RPP) explicitly concern migration management outside the EU territory. The ENP aims at containing or sending back migrants to the countries of transit and the RPP aims at containing, sending back or hindering emigration from the regions of origin. Both policies merge in the Global Approach to Migration and Mobility.

The ENP and RPP date back to The Hague Program from 2005. The Hague Program was developed in order to assure an area of freedom, security and justice "*responding to a central concern of the peoples of the States brought together in the Union*" (Council of the European Union, 2004b: 1). In the introduction of the Hague Program it is uncovered that *"the security of the European Union and its Member States has acquired a new urgency, especially in the light of the terrorist attacks in the United States on 11 September 2001 and in Madrid on 11 March 2004"* (Council of the European Union, 2004b: 1). According to the Program the citizens of the EU expects the Union "*to take a more effective, joint approach to cross-border problems such as illegal migration, trafficking in and smuggling of human beings, terrorism and organized crime, as well as the prevention thereof*" (Council of the European Union, 2004b: 1).

Therefore the EU aims at "*assisting third countries, in full partnership, using existing Community funds where appropriate, in their efforts to improve their capacity for migration management and refugee protection, prevent and combat illegal immigration, inform on legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return"* (Council of the European Union, 2004b: 5).

5.1 The European Neighborhood Policy

The European Neighborhood Policy is based on European Union investments in neighboring countries and is aimed at creating a ring of good neighbors with strong institutions around the EU (Brunet-Jailly, 2012).

The European Neighborhood Policy was initiated in 2004 in order to avoid new dividing lines in Europe and in order to create stability, security and prosperity in the EU's neighboring region (European Union External Action, 2014e). The ENP is "*building upon a mutual commitment to common values*" and "*the level of ambition of the relationship depends on the extent to which these values are shared*" (ibid). The ENP was introduced at a time when the external border of the EU was renegotiated and expanded eastwards, and was therefore introduced in order to create relations with the new neighbors. The countries covered by the ENP as of today are; Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestine, Syria, Tunisia and Ukraine (ibid). The ENP is mainly based on bilateral policies, but also on multilateral cooperation initiatives (ibid). [37]

An Action Plan or an Association Agreement is negotiated by the Commission with each country individually and sets out the priorities for political and economic reforms, based on a combination of the needs and capacities of each country and the interests of the EU and its member-states (European Union External Action, 2014f). The ENP is, since 2011, based on the principle of more-for-more, which means, "*the EU will develop stronger partnerships and offer greater incentives to countries that make more progress towards democratic reform*" (European Union External Action, 2014g).

The Hague Program emphasizes the need for "*intensified cooperation and capacity building both on the southern and the eastern borders of the EU to enable these countries better to manage migration and to provide adequate protection for refugees*" and proposes the establishment of a "*European Neighborhood and Partnership Instrument, [which] provides the strategic framework for intensifying cooperation and dialogue on asylum and migration*" (Council of the European Union, 2004b: 5).

The Stockholm Program from 2010 reiterates the importance of the European Neighborhood Policy in stipulating both the need for cooperation towards "*strengthened capacity and institution building…, increasing and facilitating the mobility of the citizens of the partner countries..., the gradual steps towards full visa liberation…, as well as describe the conditions for well-managed and secure mobility*" (Council of the European Union, 2010a: 7.5.).[38]

[37] The Eastern Partnership, the Euro-Mediterranean Partnership and the Black Sea Synergy (European Union External Action, 2014e)

[38] The European Neighborhood and Partnership Instrument has since 2007 financed the ENP and will in 2014 be replaced by the European Neighborhood Instrument (European External Access Service, 2013b)

5.1.1 The Bilateral Reality of the ENP

The ENP is integrated into already existing bilateral cooperation agreements between EU member-states and neighboring countries and is based on conditionality (Gänzle, 2009). This enables the member-states to manage the agenda of the ENP and to pressure partnering countries to enhance their migration control under the mantra for them *"to pursue EU standards in terms of border security and to sign readmission agreements*" (Gänzle, 2009: 1728). The conditionality endangers the *mutual commitment to common values*, as the bilateral policies make it possible for the EU member-states to export their internal security agenda to the partnering countries. The ENP is presented by the Council as a common EU policy, but is in reality a diverse set of policies through which the member-states at an intergovernmental level are able to pick and choose from the agenda expressed in the policy papers.

Each member-state have their priority countries. In Denmark, the Ministry of Foreign Affairs is in charge of the ENP and has chosen seven priority countries to cooperate with under the ENP: Albania, Bosnia-Hercegovina, Kosovo, Ukraine, Belarus, Moldova and Armenia (Ministry of Foreign Affairs of Denmark, 2014). In Germany, focus is primary dedicated to the Eastern Neighbors: Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan (Federal Foreign Office of Germany, 2014). France in 2012 initiated the foundation of the Union for the Mediterranean and takes much pride in the projects launched in the targeted countries: Albania, Algeria, Bosnia-Herzegovina, Egypt, Israel, Jordan, Lebanon, Morocco, Mauretania, Monaco, Montenegro and the Palestinian Authority (French Ministry of Foreign Affairs and International Development, 2014). According to a recent press release from the Ministry of Foreign Affairs of the Republic of Poland following a meeting between Spanish and Polish diplomats, Spain prioritizes its activity south of its borders, whereas Poland prioritizes cooperation with countries east of its borders (Ministry of Foreign Affairs of the Republic of Poland, 2014).

The ENP makes it possible for the member-states at an intergovernmental level to choose towards which region to focus their financial aid. The overall umbrella of the policy papers sets out the "common agenda", but the member-states are free to choose which countries and which goals they will target.[39] The geographical proximity and political agenda of each member-state seem to influences the choice of region.

[39] "Common agenda" is in quotation marks, as to emphasize that a common policy is constructed in the policy papers, but not realized by the member-states

5.1.2 The Partnering Countries

The partnering countries, the transit countries for migrants, engage in partnerships with EU member-states under the aforementioned conditions. Morocco and Ukraine are two significant migration transit countries, with which the EU has initiated neighborhood policies.

Morocco is a major transit country for Sub-Saharan migrants and having signed the 1951 Geneva Convention, Morocco serves as an ideal partner for the EU in the ENP (Schuster, 2005). Morocco is cooperating with the EU on "*human rights issues, democratization, the establishment of a Moroccan/EU Parliament Commission, assistance for local elections, business and trade relations, including import-export issues, support for the creation of a Moroccan Development Bank, information exchange on legal and illegal migration, the Morocco-Spain contention over Ceuta, drug trafficking, membership in the European Convention on cyber-crime, and European Council cooperation in the training of judges*" (Brunet-Jailly, 2012: 107). The ENP in Morocco serves as an instrument through which it becomes possible to collect and share information on European security issues and a large part of the funding in the EU-Moroccan agreement is dedicated to the "*construction of an advanced radar system to detect immigrants and drug trafficking along Moroccan northern coasts*"(Lemberg-Pedersen, 2012: 37; Brunet-Jailly, 2012).

Spain is the primary bilateral EU partner of Morocco and the cooperation primarily aims at controlling the borders of Ceuta and Melilla in cooperation with Moroccan authorities. [40] The Moroccan-Spain cooperation on migration, border control and interception originates back to 2001 (Betts & Milner, 2006). The export of migration management to Moroccan territory has resulted in the creation of a militarized zone on the borders between the two Spanish enclaves and Morocco (Lemberg-Pedersen, 2012). In quite a few incidents, migrants attempting to circumvent the 6 meters high fences and reach European territory have died. Either in their attempt to jump the fences or after deportation into the Algerian desert by Moroccan authorities (Lemberg-Pedersen, 2012). Moroccan authorities have furthermore agreed on admitting migrants, - national or not, - from Ceuta, Melilla and from the Mediterranean (Schuster, 2005). Another important part of the ENP with Morocco is the joint navel patrols between Moroccan and Spanish authorities, aiming at intercepting migrants in the Mediterranean (ibid). Morocco has refused signing a readmission agreement with the EU, but has agreed on readmission bilaterally from Italy, Germany, France, Spain, the Netherlands and Belgium (Martin, 2012).

[40] The two Spanish enclaves in Morocco (Lemberg-Pedersen, 2012)

One of the consequences of the securitization of migration is that refugees and asylum-seekers are categorized as 'illegal immigrants' by Moroccan authorities (ibid). Another consequence is the erection of a large number of informal camps, hosting unregistered numbers of asylum-seekers, refugees and migrants (ibid). Based on surveys and interviews conducted with detainees from these centers, Morocco is not fulfilling its obligations under the Geneva Convention for Refugees (Betts, 2006). Thereby one of the premises of the ENP that the partnering countries "*demonstrate a genuine commitment to fulfill their obligations under the Geneva Convention on Refugees*" is ignored (Council of the European Union, 2004b: 5).

Ukraine is another partnering country by which the premise of demonstrating a genuine commitment to fulfill its obligations under the Geneva Convention on Refugees is ignored.

The eastern borders of Ukraine are poorly controlled and Ukraine has visa-free arrangements with a list of countries, - the western borders towards the EU are contrarily well controlled. This makes Ukraine a migration hub for migrants coming from the east, heading towards the EU (Düvell, 2008).

EU has, based on the ENP, made readmission agreements with Ukraine, despite the fact that the conditions for refugees in Ukraine stand in severe contrast to the obligations under the Geneva Convention "*Ukraine's human rights record with respect to migrants and refugees are cause of concerns (HRW 2005). For instance, readmission to Ukraine, chain deportation and refoulement, in violation of the Geneva convention, arbitrary detention and conditions in detention centres as well as insufficient access to refugee status determination procedures and lack social services to asylum seekers have been recorded. Finally racial police harassment, unlawful arrests, confiscation of money and more recently skinhead violence seems to be a cause of concern for migrants*" (Düvell, 2008: 6).

Furthermore, the current situation in Ukraine illustrates how the ENP potentially fuels conflicts by exporting the internal security agenda of the EU and its member-states to third countries, when these countries are located within the Russian security sphere (Düvell, 2008). The ENP, - promoting the internal security agenda of the EU, - clashes with the internal security agenda of Russia in Ukraine. The ENP with Ukraine is also illustrated as a fiasco in the media, according to Reuters *"the fiasco at an Eastern Partnership summit in Vilnius has been blamed mostly on Ukrainian President Viktor Yanukovich's opaque post-Soviet governance, and on pressure from Russian President Vladimir Putin"*(Taylor, 2013).

When the Eurasian Economic Union (EEU), according to the plans, is realized in 2015 crises similar to the one in Ukraine might arise in other countries participating in the ENP and located between the EU and the EEU, as for example Moldova, Armenia or Azerbaijan.[41]

5.1.3 European Neighborhood *Policy* or *Policies*?

The ENP is not just facing difficulties in Ukraine and Morocco, but also in Libya, Georgia, Syria and Belarus has the policy been tested (How to be good neighbors, 2014). As an article in the Economist describes it, the ENP *"was meant to create "a ring of friends". Ten years on, Europe's borderlands look more like a ring of fire"* (ibid).

In 2008, the European Commissioner for External Relations, Benita Ferrero-Waldner said that the ENP aimed at keeping *"terrorists away and unwanted immigrants at arm's length*" and underscored that membership was not part of the plan (Schlamp, 2008).[42]

According to an article brought by Euractiv in April 2013, several experts point to the fact that the *"EEAS's growing influence on the ENP was increasingly politicizing it"*, as *"the EEAS is a diplomatic corps that [...] has the objective of developing a genuinely European foreign policy.* (EU's neighborhood policy becoming more political, say experts, 2013).[43] Rem Korteweg, senior research fellow at the Centre for European Reform said, *"what you are seeing is the EEAS playing a greater role in the ENP. This is bringing foreign policy priorities to the foreground"* and he added that the ENP is *"inherently politicized as the agenda reflects European values and interests. Pro-European governments in the region will thus tend to be perceived more positively than others"* (ibid).

Following the out-burst of conflict in Ukraine last November Reuters writes *"some critics, including one of the architects of the European Neighborhood Policy, say EU efforts to export democracy and the market economy to countries on the bloc's eastern and southern fringes have long been hampered by an unrealistic balance between carrots and sticks"* (Taylor, 2013).

However, supporters still believe that *"the EU strategy continues to offer the only realistic path for countries that aspire to modernize and lift their populations out of poverty"* (ibid). Latest in January this year, the Greek EU Presidency has decided to change focus from East to South and the Deputy Prime Minister and Foreign Minister, Evangelos Venizelos, said, *"The EU's Southern Neighborhood is of very great importance to us, as it is for other countries. Lithuania, whose*

[41] The Eurasian Union so far besides Russia, counts Kazakhstan and Belarus (Korotun, 2012)
[42] The 'Commissioner for External Relations' is since the Lisbon Treaty replaced by a High Representative, currently Catherine Ashton
[43] EEAS is the European External Action Service, which is headed by the High Representative

presidency just ended, focused on the Eastern Neighborhood – Ukraine, Armenia, etc. So we are putting an emphasis on the Southern Neighborhood and we are cultivating relations there" (Athens changes priority in EU neighborhood policy from east to south, 2014).

The ENP primarily realized bilaterally serves as an example of how migration is securitized, urging the politicians to act, and that the politicians do not act based on a common standpoint, but rather in accordance with their own internal security agenda. The Council of the EU publishes conclusions and programs through which the speech act constructs a common European policy, expressing great concern and care for migrants. In the intergovernmental reality, however, the ENP appears to have a distinct part of it, focusing on managing migration, rather than facilitating it.

Michael Leigh, former director-general for enlargement and neighborhood policy at the EU Commission, predicts *"For the EU, the 'nyet' of Ukraine and Armenia, taken together with the situation in most Arab countries around the Mediterranean, mean the end of a 10-year effort to put into place a European Neighborhood Policy,"* (Taylor, 2013).

5.2 The Regional Protection Program

The Regional Protection Program (RPP) was initiated in 2005 as part of the EU's new approach to the international protection system. The RPP differs from the ENP in its explicit focus on managing the entry of refugees into the European territory by "*enhancing the protection capacity of the regions involved and better protecting the refugee population there by providing Durable Solutions*"(European Commission, 2005a: 2; European Commission, 2004c). The RPP focuses on both the countries of transit and the countries of origin and thereby has a broader geographical scope than the ENP (European Commission, 2005a).

The programs primarily focus on capacity building (ibid).[44] Capacity building is understood as "*better access to registration and local integration and assistance for improving the local infrastructure and migration management*" (European Commission, 2005a: 3). The RPP is financially incorporated into already existing actions in the regions, as the ENP and other bilateral programs (European Commission, 2005a).

In the region of transit, RPP focuses on "*the need for intensified cooperation and capacity building […] to enable these countries better to manage migration"* and offers, *"support for capacity building in national asylum systems, border control and wider cooperation on migration*" (Council of the European Union, 2004b: 5).

[44] The RPP are carried out in cooperation with the third countries concerned and the UNHCR

In the region of origin RPP is more comprehensive and "*migration, development cooperation and humanitarian assistance should be coherent*" and carried out "*with particular emphasis on root causes, push factors and poverty alleviation*" (Council of the European Union, 2004b: 5).

The prosperity for political support and relative success of the RPP was initially tested via pilot projects. In the region of transit Moldova, Ukraine and Belarus were selected for the pilot projects, as the EU and its member-states had other cooperation agreements with these countries and therefore the prosperity of relative success was estimated to be quite good (European Commission, 2005a). The EU lacked the same kind of experience in the region of origin and the prosperity of success was more fragile. Again, already existing projects decided the geographical focus and the Great Lakes Region was chosen, with specific focus on Tanzania (ibid). The RPP is integrated into the EU refugee, humanitarian and development policies (European Commission, 2005a).[45]

The RPP merges with the ENP in a range of areas. The two policies share partnering countries and a large part of the RPP is financed through the European Neighborhood Instrument. The ENP is politically quite comprehensive and already covers migration management and refugee protection, which are at the core of RPP. The RPP is geographically covering a waste number of countries and the transit countries of the RPP are similar to the partnering countries of the ENP.

The increased control of movement, which accompanied the increased freedom of movement within the Schengen Area, has extended beyond Frontex and the border and the EU and its member-states now seek to implement control of movement at the institutional and systemic levels of third countries. The RPP and the ENP seek to control the movement of some in order to assure the freedom of movement of others.

The implementation of the RPP, as of the ENP, has come to have a distinct focus on migration management. To exemplify this the examples of Tanzania, Libya and Syria are explored beneath.

5.2.1 The Partnering Countries

In 2010 the two pilot Regional Protection Programs in Eastern Europe and Tanzania were prolonged and it was decided to initiate programs in the Horn of Africa; in Kenya, Yemen and Djibouti and in eastern North Africa; in Egypt, Libya and Tunisia (European Commission, Home

[45] The RPP aim at improving the general protection situation in the host countries, assuring effective refugee status determination procedures, improving reception conditions, addressing environmental concerns, disseminating information on the positive impact of refugees, providing training for those dealing with refugees and migrants and the voluntary offering of resettlement places in EU member-states (European Commission, 2005a: 4)

Affairs, 2014h). A number of African countries have, however, been quite skeptical towards the programs, as they have perceived them as burden-shifts, rather than burden-sharing (Levy, 2010). Among them Tanzania.[46] Already in 2004, following the publication of the Danish Memorandum, Denmark concluded a bilateral cooperation agreement with Tanzania, - partly funded by the EU (Betts & Milner, 2006). In 2005, Tanzania was one of the first countries in Sub-Saharan Africa to become a partnering country in a European RPP.

Tanzania is one of the five countries hosting most refugees in Africa and in 2007, the government estimated to be hosting just short of a million refugees (Betts & Milner, 2006). Therefore, the Tanzanian government held itself reluctant towards the initial plans about the Processing Centers and Zones as this would result in the accumulation of even more refugees in Tanzanian territory (Schuster, 2005). The country for many years had a somewhat positive stand towards refugees seeking protection from neighboring states and invited them to find employment and become self-sufficient (ibid). However, in lack of any evident consequences of the RPP, the Tanzanian government steadily started duplicating the European control mechanisms and adopted more and more restrictive asylum policies, based on a fear of proliferation of conflict, tension, theft and human trafficking (ibid; Levy, 2010). The Tanzanian government was responding to an increasingly xenophobic public sentiment (Levy, 2010).

The same year as Denmark concluded an agreement with Tanzania, Italy suggested the erection of transit processing centers in Libyan territory[47] and the two states started engaging in formal cooperation on migration management through EU funding, despite the fact that Libya has not signed the 1951 Refugee Convention (Levy, 2010; Betts & Milner, 2006). Through this funding twenty secret detention camps were build in Libya in order to contain migrants on their way to Europe (ibid). The detention centers in Libya have been assessed by Human Rights Watch as being "*ranging from 'negligent to brutal' and according to an anonymous diplomatic source the duration of migrants' arbitrary detention in Libya varies 'from a few weeks to 20 years'*" (Lemberg-Pedersen, 2012: 39-40). During the Italian-Libyan era, Libya sent back many refugees to their countries of origin without processing their asylum applications (Schuster, 2005). Not only Italy, but also Germany concluded bilateral agreements with Libya (Dietrich, 2004). Besides cooperation on camps, the bilateral agreements also concerned cooperation on border surveillance (ibid). Despite the fact that Libya's protection system is of very low standard and the treatment of

[46] Tanzania is categorized as a country of origin
[47] Libya is categorized as a country of transit

migrants, refugees and asylum-seekers has been heavily criticized, also by the European Commission, Libya is still a European partner in migration management (Lemberg-Pedersen, 2012). The EU is continuously engaging in RPPs and a Regional Development and Protection Program has just been introduced in Lebanon, Jordan and Iraq in order to create better protection conditions for the many Syrian refugees in the region (European Commission, 2013c). European Commissioner for Development, Andris Piebalgs says "*using development assistance to support refugees in their host countries has the potential to mitigate the negative consequences that their presence may have on local communities and, at the same time, enhance the quality of refugee protection by helping them to become self-sufficient"* (ibid). Stefan Füle, Commissioner for Enlargement and ENP says "*countries such as Lebanon, Jordan and Iraq, who have provided vital support to Syrian people when they most need it, with their open-arms policy, unfortunately now face challenges in the ability of their system to cope with the extra numbers"* (ibid). The ambitions of the program reiterates the ambitions of former RPPs (ibid).

5.2.2 Migration Managing Development Aid?

Following the Lampedusa tragedy in October 2013, where more than 300 people drowned just off the coasts of the Italian island Lampedusa, political discussions fell on the RPP. French President, Francois Hollande, called for *"better cooperation with countries of origin"*, Italian Prime Minister, Enrico Letta, would reinforce its cooperation with Somalia and Ethiopia, UK Prime Minister, David Cameron, highlighted *"the need to "invest" in countries "before they get broken" instead of dealing with immigration problems later or seeing new threats to national security"*(EU wary of using development aid to contain migration, 2013).

Despite, the expressed aim of integrating migration, development cooperation and humanitarian assistance in the RPP, the EU Commission insisted, *"that the aim of EU's development aid is not to contain migration"* (ibid). This contradicts with the very title of the newly launched Regional Development *and* Protection Program for Syria, which aims at making the neighboring country capable of protection the refugees, through development. According to Concord *"refugee costs represent more than half the bilateral aid flows reported by Cyprus (93%), Bulgaria (84%) and Malta (81%), and a large proportion of other countries' bilateral aid: Greece (23%), Hungary (16%), Sweden (14%), Latvia (14%), Slovakia (12%), Belgium (8%), the Netherlands (8%), Austria*

(7%) and Denmark (7%). As far as Concord can confirm, the only EU country that counts no refugee costs as ODA is Luxembourg" (ibid).[48]

According to the Spokesperson for the EU Development Aid Commissioner, Alexandre Polack, *"one aspect of the EU's development assistance is to support developing countries in meeting their obligations to respect the human rights of migrants and managing migration in line with their development objectives",* Polack added that EU *"committed almost €1 billion to more than 400 projects focused on migration between 2004 and 2012 worldwide. The majority of these projects deals with improving migration management in EU's partner countries, which [...] will remain a priority in the future."* (ibid).

It seems that the EU leaders and institutions agree on the fact that migration can and should be managed through development aid. However, they disagree on which political message they should send when selling the idea to the public.

RPPs have been criticized by the Migrant Rights Network for not improving the conditions and protection standards for asylum-seekers and refugees in the region of origin (Martin, 2012). While others have expressed concern that the RPPs are solely aiming at creating 'good enough' conditions for refugees and asylum-seekers for the EU to let them stay in the region of origin (Martin, 2012). The European Council for Refugees in Exile argues, "*The possibility to seek asylum in the region does not replace Member States' obligations to process applications and to grant refugee protection.*" (Martin, 2012: 4).

5.3 The Global Approach to Migration and Mobility

The Global Approach to Migration and Mobility (GAMM) unites the RPP and ENP in one policy, removes their geographical limitations by including cooperation with states in Central Asia and the Caribbean, and ultimately lifts both policies out of the development discourse and into the security discourse.

The GAMM makes part of the EU's external policy and was endorsed by the European Council in 2005 as a framework for dialogue and cooperation with non-EU member-states in the area of migration (Council of the European Union, 2005b). The Council notes "*the increasing importance of migration issues for the EU and its Member States and the fact that recent developments have led to mounting public concern in some Member States. It underlines the need for a balanced, global and coherent approach, covering policies to combat illegal immigration and, in cooperation with third countries, harnessing the benefits of legal migration*" (Council of the European Union, 2005b:

[48] Concord is a European NGO Confederation for Relief and Development

3). The Stockholm Program called for further development and evaluation of GAMM and in 2011 the Commission presented a renewed GAMM, which is defined "*in the widest possible context as the overarching framework of EU external migration policy*" (European Commission, 2011b: 4).

The GAMM is focusing on four main priorities: "*improving the organization of legal migration and facilitated mobility; preventing and reducing irregular migration in an efficient, yet humane way; strengthening the synergies between migration and development; strengthening international protection systems and the external dimension of asylum"* (European Commission, Home Affairs, 2014i).

The GAMM is being applied in cooperation with relevant third countries as part of the EU foreign, migration and asylum policies and geographically covers "*Eastern Partnership countries, Strategic Partners, countries in Latin America and the Caribbean as well as Central Asia and other parts of Asia*" (ibid). The cooperation is realized through Mobility Partnerships (MP) or Common Agendas for Migration and Mobility (CAMM) (ibid). The GAMM thus expands the scope of the ENP and RPP geographically and politically, by incorporating cooperation on migration management in all external relations.

The MP is negotiated with a third country when a "*certain level of progress has been achieved in the migration and mobility dialogues, also taking into consideration the broader economic, political and security context*", which is what the ENP aims at enhancing (European Commission, 2011b: 10). Furthermore, the MP builds on the same principle of more-for-more as the ENP (European Commission, 2011b). The MP offers visa facilitation, but also demands readmission agreements and where relevant it may also be linked to broader security concerns; "*linking readmission agreements to visa facilitation agreements as part of the EU's external migration policy can be of benefit to non-EU countries by providing opportunities for mobility while safeguarding security and reducing risks of irregular migration*" (European Commission, 2011b: 16). The CAMM is aimed at preparing partnering countries for engaging in MP (ibid). None of the two partnerships are legally binding (Martin, 2012).

In the second pillar of the GAMM it is stated that "*migration and mobility are embedded in the broader political, economic, social and security context*", and that "*the EU should continue to give priority to transfers of skills, capacity and resources to its partners, in order to prevent and reduce trafficking, smuggling and irregular migration, and to strengthening integrated border management*" (European Commission, 2011b: 15). In the third pillar it is stated that "*the EU should increase cooperation with relevant non-EU countries in order to strengthen their asylum systems*

and national asylum legislation and to ensure compliance with international standards", and that "*existing RPPs should be strengthened and additional RPPs should be proposed, where relevant, including as part of EU migration dialogues with the regions and countries concerned. The RPPs should continue to focus on building up protection capacity and asylum systems in partner countries and regions*" (European Commission, 2011b: 17, 18).

The GAMM focuses on integrating migration and mobility policies in all EU external relations policies, in political areas ranging from climate change to labor mobility and the Approach stipulates that no geographical limitations are in place; thereby covering areas from India, over China, to Australia and the US (European Commission, 2011b).

5.3.1 'Old Wine in New Bottles'

According to the Geneva-placed interdisciplinary research center 'The Global Detention Project', Morocco, Moldova, Cap Verde, Georgia and Armenia have signed MP with the EU and agreements should be underway with Azerbaijan, Tunisia and Jordan. However a *"UN human rights expert argues that these agreements lack enforcement mechanisms and independent evaluation and do not provide a clear framework within which human rights can automatically be incorporated into the mobility partnerships, especially due to the opaque nature of the negotiations (Crépeau 2013)"* (Global Migration Centre, 2014). The European Council for Refugees in Exile has criticized the GAMM for focusing solely on the agenda and benefits of the EU, ignoring the priorities of the partnering countries (Martin, 2012). The Migrants Rights Network also criticized the Approach for focusing on control, not offering much benefit for the migrants (ibid). In 2012 the first secretary at the Permanent Representation of the Netherlands in the EU, Sander Luijsterburg said: "*We believe readmission and returns policy are key parts of migration policy. They help to win public support for other parts of migration policy*." (Martin, 2012:2).

The GAMM has been covered very little by the media, which is probably best explained by the fact that the Approach is lacking in its value as 'news'. The GAMM serves as an example of how the EU attempts to construct a common EU approach to migration based on embedded liberalism. The GAMM is opening up the scope of the former policies, both politically and geographically. It seeks to overcome the dilemma of incorporating migration management in policies of development and protection by explicitly creating a global migration policy. The 'new global approach' appears to be 'old wine in new bottles', as it reiterates a neo-functional attempt to deconstruct a control-oriented inter-governmental reality and construct a united liberal European Union.

6 Intra-territorial Migration Management

6.1 The Common European Asylum System

The securitization of migration and refugees has not just brought along the introduction of extra-territorial migration management it has also affected the development of the Common European Asylum System, which today predominantly is functioning as intra-territorial migration management.

In 1999 with the signing of the Treaty of Amsterdam the EU member-states [49] committed themselves to establishing a Common European Asylum System (CEAS), based on the idea that within "*an area of open borders and freedom of movement, countries share the same fundamental values and States need to have a joint approach to guarantee high standards of protection for refugees. Procedures must at the same time be fair and effective throughout the EU and impervious to abuse*" (European Commission, Home Affairs, 2014j).

The establishment of CEAS was initiated in 1999 with the first phase running from 1999-2005. The phase focused on harmonizing the legal frameworks of the member-states on the basis of common minimum standards (European Commission, 2008a). The realization of the first phase exposed some difficulties in the development of a common asylum system and a "*period of reflection was necessary*" (European Commission, Home Affairs, 2014j).

The focus and aims of the second phase were three years later presented in the 2008 policy plan, which emphasizes that the development of CEAS is based on "*bringing more harmonization to standards of protection by further aligning the EU States' asylum legislation; effective and well-supported practical cooperation; increased solidarity and sense of responsibility among EU States, and between the EU and non-EU countries*" (European Commission, Home Affairs, 2014j).

The Stockholm program reconfirmed this commitment in 2009 in calling for the development of a Union with "*responsibility, solidarity and partnership in migration and asylum matters*", and "*while CEAS should be based on high protection standards, due regard should also be given to fair and effective procedures capable of preventing abuse. It is crucial that individuals, regardless of the Member State in which their application for asylum is lodged, are offered an equivalent level of treatment as regards reception conditions, and the same level as regards procedural arrangements and status determination. The objective should be that similar cases should be treated alike and result in the same outcome*" (Council of the European Union, 2010a: 6.2).

[49] with exception of the UK, Ireland and Denmark

Initially the second phase was to be fulfilled in 2010, however, the deadline has been postponed on several occasions and some observers are asking whether a CEAS even still is a goal of the EU member-states (Peers, 2013; Levy, 2010). As of March 2014 a set of "*new EU rules*" have been agreed upon "*setting out high common standards and stronger cooperation to ensure that asylum-seekers are treated equally in an open and fair system*" and currently no further measures are planned for (European Commission, 2014a: 3; Peers, 2013).

6.1.1 After Crossing the External EU Border – Control of Movement

The five main measures of the first phase, which are updated in the second phase, are; *the Qualification Directive, the Reception Conditions Directive, the Dublin Regulation, the Eurodac Regulation and the Asylum Procedures Directive* (Peers, 2013).[50] The common standards relating to control have been more easily adopted than those relating to protection have.

The '*Directive on minimum standards for the reception of asylum-seekers'* sets out the minimum reception obligations, such as access to health care, legal advice and education, but it also intends to "*help to limit the secondary movements of asylum-seekers influenced by the variety of conditions for their reception*" (Council of the European Union, 2003a; Garlick, 2006). According to article 16 member-states may withdraw and reduce the reception condition if the asylum-seeker leaves her/his designated place of residence, does not comply with reporting duties or meet up for interviews, and according to article 7.3 "*member-states may confine an applicant to a particular place in accordance with their national law*" (Council of the European Union, 2003a; Garlick, 2006). Both articles provide the state with mechanisms for managing the (im)mobility of the asylum-seeker and add to the perception of asylum-seekers as "potential threats" that must be controlled and contained.

The '*Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*' provides EU member-states with the possibility of sending back asylum-seekers to the state s/he fled if an international organization can provide protection (Council of the European Union, 2004d; Garlick, 2006). The Directive makes it possible to return a refugee to his country of origin if s/he has voluntarily been back in that country, has re/gained a new/old nationality, has committed crime against peace, a war crime, a crime against humanity or a serious non-political crime outside the country of refuge prior to his/her admission as a refugee, or finally if the fear of persecution has ceased to exist (Council of the European Union, 2004d; Garlick, 2006).

[50] All five of them have been updated and regulated, but still lack to be fully adopted and implemented (Peers, 2013). The new versions will apply to all member-states, except from the Directives on qualification, reception and asylum procedures which will not apply to the UK, Ireland and Denmark (ibid).

The Directive assures that asylum is the last resort, after all other protection possibilities have been sought and that asylum can be withdrawn if the asylum-seeker, after receiving status as a refugee turns out to be a criminal. The back-door possibility to withdraw asylum if the refugee has committed or commits criminal acts further fuels the pooling of asylum-seekers with criminals.

CEAS activates, - in principle, - when someone says the word 'asylum' at the border of an EU member-state or inside the borders of a member-state when meeting the authorities (Gammeltoft-Hansen, 2007). One of the main responsibilities of the receiving state is that of the state not to *refouler* the applicant to a state where s/he risks persecution (ibid).[51] The state is consequently obliged to process the application for asylum in order to determine whether the asylum-seeker is exposed to such risk or not (ibid). One of the corner-stones of the CEAS the *Dublin Regulation* is created in order to redistribute the responsibility for asylum applications among European member-states, based on the principle that only one member-state can be responsible for examining an asylum application (Council of the European Union, 2003b). [52]

The criteria for redistributing asylum-seekers are based on; family unity, issuance of residence permits or visas, illegal entry or stay in a member-state, legal entry in a member-state and application in an international transit area of an airport (Council of the European Union, 2003b). If none of the criteria can be designated, the member-state receiving the first application for asylum is responsible (Council of the European Union, 2003b). When a member-state deems that another member-state is responsible and that particular member-state agrees, the asylum-seeker will be transferred to that state (Council of the European Union, 2003b).

The Dublin Regulation via the finger-print data-base, *Eurodac,* assures internal burden-shift between EU member-states, by transferring asylum-seekers according to territorial approximation and the country of first asylum application.

Eurodac facilitates the application of the Dublin Regulation as it makes it possible to compare "*fingerprints of asylum seekers and some categories of illegal immigrants*", and thereby make it possible "*to help identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union. By comparing fingerprints, EU countries can determine whether an asylum applicant or a foreign national found illegally present*

[51] 'Receiving state' refers to the state, which receives the asylum application

[52] The Convention has been recast and is to be applied in its new form from 1st of January 2014. It aims at increasing the protection standards and efficiency of the system. It still remains to see which consequences this will have in practice (European Council on Refugees and Exiles, 2014)

within an EU country has previously claimed asylum in another EU country or whether an asylum applicant entered the Union territory unlawfully" (Council of the European Union, 2000).

The Eurodac Database pools the fingerprints of asylum-seekers with those of illegal immigrants as the Database contains the fingerprints of all those who passed the borders without valid identification. With the update of CEAS, it has been made possible for law enforcement agencies and Europol to access the Database (Peers, 2013). This change has been heavily criticized and adds to the pooling of asylum-seekers with illegal immigrants, which further fuels the securitization of asylum-seekers and refugees (ibid).

UNHCR has "*expressed concern that the criterion of illegal border crossing could result in serious imbalances in the distribution of asylum applications among member-states, which would particularly affect states at the EU's external borders*" (Garlick, 2006: 52).

6.1.2 An Anti-Asylum Discourse

The process towards a CEAS has been dominated by delays and inconsistencies and is today, 15 years after its introduction, still not fully functioning. This means that the protection standards and asylum systems vary greatly from member-state to member-state (Levy, 2010).

The different degrees of implementation is affected by the member-states' political, historical and geographical position, but in all countries the distribution of asylum is heavily interlinked with the anti-immigration discourse.

In 2013, Sweden granted asylum to 53 % of all asylum-seekers, against an EU average on 35 %. Germany received 29% of all asylum applications in the EU, France 15 %, Sweden 13 % and UK 7% (Sweden leads EU in asylum-seeker approvals, 2014). According to Eurostat *"in total, 434,160 people sought refuge in the EU's 28 member states in 2013 […]Some 50,000 applicants from Syria accounted for the largest number, nearly 12 percent of the total. Eurostat said Germany, France, Sweden, Britain and Italy received 70 percent of the applications"* (Scrutton and Ahlander, 2014).

Sweden was, in 2013, the first member-state to grant blanket asylum to all Syrian refugees. Tobias Billestrom, Swedish minister for migration in an interview states that Sweden *"would like to see more countries in the EU do the same thing,"*, and *"it is not our decision which is the problem […] I would say the problem is the differences within the European Union"* (Morris, 2013). In March 2014, he called for more burden-sharing in stating that *"we don't think it is right and proper that so few of the 28 member states are making such a huge effort when a lot of you are just sitting by the ring side. That is not sustainable"* (Scrutton & Ahlander, 2014). The Swedish minister underscored that *"it is all a question if you have the political will in individual member state governments"*

(ibid). However, the political party of the Sweden Democrats with 20 members in the Parliament is critical. The party spokes-man says, *"We think it's absolutely ridiculous,"*, since *"No conflict is permanent but still we give them permanent residence."*(ibid). The spokesman perceives extra-territorial migration management as the best solution *"For one immigrant that comes here we could help hundreds, maybe thousands of people, [in and around Syria] with food, with medicine, with everything,[…] so it's actually an inhumane policy to bring them here to Sweden."* (Morris, 2013). In comparison, Greece granted asylum to only two Syrian nationals in 2013 (Schlamp et al., 2013).

The media fuels the dispute about the unequal distribution of asylum-seekers and adds to the perception of very differentiated asylum systems. The Maltese Prime Minister Joseph Muscat finds that Sweden should help relieve the Maltese asylum burden "*If she* [Home Affairs Commissioner, Cecilia Malmström] *thinks the figures are not alarming, she can propose the Swedish government to take migrants"* (Sweden can have our migrants, Muscat suggests, 2013). Muscat further states that *"Libya needs to be assisted more to combat migration from the south and from Syria… If push backs are necessary, they will be used",* and he *"will "definitely consider" using the veto to push the European Union into helping Malta deal with its irregular migration problem"* (ibid). Adding to a perception of a split EU and of extra-territorial migration management as the only possible solution to the problem.

In the Australian news channel SBS, Dr. Jonathan Bogais says about the differing EU asylum-recognition rates "*Germany, which has the highest intake of refugees in the EU, is into election mode and asylum seekers are an issue most politicians prefer to avoid.[…].France is experiencing growing nationalism and xenophobia enflamed by ultra-right movements such as the Front National. The French government is only too aware of the sensitivity around issues of bringing more refugees, let alone asylum seekers. Sweden, however, has set a precedent. Its impact could be significant among many Europeans and a prelude for change, and I believe many people will see it that way."* (Sweden grants blanket asylum to Syrian refugees, 2013).[53]

Finland, receiving only 3.238 asylum-application in 2013, - 149 from Syrian nationals is not very keen on burden-sharing (Toivonen & Woolley, 2014). According to Frank Johansson, head of Amnesty International's Finnish branch *"on the whole, it's difficult for the Syrians to enter countries where they could seek asylum. They get turned away at the borders to Greece and Bulgaria and despite all the promises, acquiring visas to Schengen countries is like drawing blood*

[53] Dr. Jonathan Bogais is adjunct associate professor at University of Sydney

from of a stone", and he adds that *"no one with authority is giving out signals that we are prepared to take more refugees"* (ibid).

The Dublin Regulation has further fueled the anti-asylum discourse and been instrumental in linking refugees with illegal immigrants. The Regulation has fueled the securitization of asylum-seekers, aided by media coverage of South-European asylum-systems pushed to the limit, accompanied by footage of over-crowded poorly equipped asylum camps (Betts, 2006). The accumulation of asylum-seekers in Southern European member-states has in several cases led to a temporary halt in transferring asylum-seekers to these states from other member-states (ibid).

News correspondents in a German newspaper report on the asylum conditions and the public opinion towards asylum-seekers in seven different EU member-states, among them three on the edge of the EU. The article fuels the public perception of an urgent asylum problem that the member-states seem incapable of solving.

In Italy, "*those who come by sea end up in "reception centers," camps that are at best bleak, if not downright terrible. There are many among them who want to apply for political asylum -- but are not able or allowed to properly articulate their situation. Others who have fled from war or political persecution accept the backhanded offer of temporary papers and sometimes even a €500 donation to help them head north -- to Switzerland, Germany or Scandinavia*" (Schlamp et al., 2013).

In Greece, *"asylum seekers are detained in overcrowded, squalid camps. Human rights groups and international media have repeatedly criticized this drama. […] The European Court of Human Rights has ruled that Greece's asylum system is inadequate and degrading. As a result, most EU states have ceased to deport refugees to Greece"* (ibid). Furthermore, *"for most Greeks the disastrous refugee situation is hardly an issue. Many are nevertheless of the opinion that the country cannot accept any more foreigners. The beneficiaries of this public mood are far-right groups such as the Golden Dawn party, which is the third-strongest in the Greek parliament"* (ibid).

Another Sothern European member-state, Spain, sees a decline in asylum applications *"In recent years, Spain has massively upgraded its efforts to keep asylum seekers at bay. Six-meter-high wire fences have been erected around the enclaves and infrared cameras monitor the area. There are also stricter controls in the Mediterranean, and the coasts are protected. […] Last year also showed a general downward trend: A total of just 2,580 applications for asylum were made in*

Spain, the lowest figure in 25 years. The applicants come from Syria, Algeria and West African countries like Nigeria and Cameroon" (ibid).

Bulgaria is the most recent example of an EU member-state where anti-immigration is linked to asylum. The number of asylum-seekers has increased rapidly in Bulgaria within the last few years (African migrants decry police raids on Bulgarian refugee center, 2014). The State Agency for Refugees report that *"the registration process can take months, so there are also an untold number of migrants living in Bulgaria who are not accounted for in these numbers"* (ibid). [54] Simultaneously, *"local media have reported several xenophobic attacks in the last few months, including a case in which a Malian teenager was beaten up and another that left a Bulgarian man of Turkish origin in a coma. Far-right groups, which are on the rise in Bulgaria, have organized several anti-immigrant protests over the past year"* (ibid).

UNHCR and the Council of Europe has called for a halt of sending back asylum-seekers to Bulgaria due to "*systemic deficiencies*" and according to Amnesty International *"the position taken by the UNHCR highlights the shameful treatment of asylum seekers in Bulgaria",* where asylum-seekers *"including many fleeing from war-torn Syria, are being held in appalling conditions, sometimes for months on end. They lack access to food, sanitation or basic medical care. They are also at risk of arbitrary detention and face lengthy delays in registration and are routinely deprived of access to fair and effective asylum procedures"* (Bulgaria shamed over asylum-seekers, 2014).

A delegation of Members of the EU Parliament (MEP) echoes this concern and *"urge EU countries not to send asylum seekers to Bulgaria under the Dublin Regulation",* and the delegation is *"deeply concerned about the reception conditions for asylum seekers and refugees"* (MEP delegation calls for suspension on returns of asylum-seekers to Bulgaria under Dublin Regulation, 2014).[55] The delegation, however concerned, seems to be in favor of the assumption that more control is the better solution to the EU refugee policy, as their report states that, "*the number of people crossing the border with Turkey has drastically decreased in the last months […] this decrease is due to the deployment of 1,500 Bulgarian policemen along the Bulgarian-Turkish border […] the Bulgarian authorities are planning to build a 30 km long wire fence at the border"* (ibid).

The most recent events, which have added to the securitization of asylum-seekers have taken place in the Mediterranean.

[54] Diana Daskalova is the founder of the Centre for Legal Aid, a nonprofit that helps migrants with legal issues in Bulgaria

[55] The delegation report was presented by MEPs Frank Engel, EPP-LU and Sylvie Guillaume, S&D-FR

On October 3 2013, what was described by politicians and the media as an unprecedented tragedy took place in the Mediterranaen: "*a fishing boat overcrowded with some five hundred African migrants from Eritrea approached the Italian shoreline of the island of Lampedusa. Within eyesight of their destination, the engine stalled. In order to signal for help, the captain decided to burn a blanket on the overcrowded vessel. The resulting incident became one of the deadliest migrant boat tragedies in recent European history. With over 360 people killed*" (Paramaguru, 2013). A newspaper writes *"500 people, many of whom couldn't even swim, were forced from a burning ship into the sea […] more than 100 refugees were killed, including children. Hundreds are still missing. It's the second such disaster to happen within just a few days. On Monday, 13 refugees drowned off the coast of Sicily as they attempted to swim to shore"* (Schlamp, 2013). The tragedy, however, did not stand alone, according to Amnesty International in 2011 more than 1.500 people drowned in the Mediterranean in their attempt to reach the EU (Amnesty International, 2014). However, the incident was intensely covered in the media and politicians across the EU called for action.

Some of the immediate reactions were, not surprisingly, very action-oriented "*Malta and Italy are calling for changes to EU refugee policy after the Lampedusa tragedy, with Rome announcing it will send more troops to its southern border. Libya has also said it will take a tougher stance on migrant"*, and Italian Prime Minister Enrico Letta launched a "*humanitarian military operation*" to "*prevent unseaworthy ships from ever embarking*" (Refugee crisis: Italy to increase navy presence in the Mediterranean, 2013).

EU Commissioner of Home Affairs, Cecilia Malmström called for the same solutions, however, formulated differently as she in a newspaper article said that, *"authorities must improve procedures for identifying refugee boats in trouble",* and that*, "dialogue must be intensified with the countries the refugees come from as well as the transit nations they travel through as they attempt to reach Europe",* and she appealed the *"EU member states to do more to help people who are seeking asylum"* (Schlamp, 2013).

At a meeting between the 28 member-state leaders, following the tragedy, it was agreed that the member-states would show more solidarity in order to avoid future drowning-accidents and according to the Danish Prime Minister, Helle Thorning-Schmidt, this would be achieved by increasing surveillance at the border-crossings, improve registration and intensify the effort in the regions of origin (Lampedusa-problematik: EU-ledere vil se handling nu, 2013). The President of the Commission, José Manuel Barroso, said that it is highly unacceptable that people die in their attempt to reach the EU and now the Union will act, and the Italian Prime Minister underscored the

importance of the EU-principle of solidarity (ibid).[56] However, the President of the EU Parliament, Martin Schulz, said at the meeting that "*Europe can neither save nor welcome the whole world*" (Paramaguru, 2013).

On the 4th of December 2013, the EU Commission "*published proposals made by the Task Force Mediterranean, a body set up by the Commission in October to prevent the ongoing spate of tragedies like the one off Lampedusa*" (Paramaguru, 2013). The main proposal was to boost up border surveillance and control at sea through Eurosur and more information sharing across borders (ibid).[57]

Despite the immediate reactions, 100 NGOs in March 2014 send an open letter to leaders of EU institutions in which they criticize the EU in stating that, "*access to protection is further undermined by deliberate deterrents at the EU's external borders such as push-back operations, fences and European states' incapacity to ensure effective rescue at sea for migrants' boats in distress. The persistent allegations of push backs in particular at the Greek-Turkish border and the growing number of refugees and migrants, including those fleeing the conflict in Syria, dying at the EU's Southern and South-Eastern land and sea borders is simply unacceptable*" (Human Rights Watch, 2014).

It seems that the EU member-states and institutions agree on the fact that asylum-seekers pose a burden to their societies and that something must be done in order to diminish that burden, preferably, before they reach EU territory. However, the means to get there differ greatly from state to state.

[56] A 'Solidarity Clause' is included in the Lisbon Treaty
[57] 'Eurosur' refers to the European Border Surveillance System

7 When Internal Security Concerns are Decisive

The extraterritorial migration management (ENP and RPP) are referred to as the 'external policies' of the CEAS. This indicates the blurry distinction between the external dimension of EU migration management and the internal dimension, as the external policies make it possible to activate some of the directives of the internal migration management and the functioning of the internal system is depended on the efficiency of the external migration management.

Two of the cornerstones of the three policies are the possibility to control unwanted and unregistered immigration into the EU and the possibility to control and prevent further mobility of asylum-seekers after they have crossed the external borders (Levy, 2010).

Through cooperation agreements based on a more-for-more principle, migration management is proliferated into third countries while fulfilling an internal security agenda (Smith, 2006). Under the cover of improving asylum-systems and legal institutions in neighboring countries, the EU increases the possibility of catching migrants before they reach the EU territory (ibid). The policies have therefore been criticized for being instrumental in enhancing the EU's control in its 'backyard' (Gänzle, 2009).

7.1 Reaching the EU

The export of migration management and the harsh visa requirements introduced on African states have made it difficult for asylum seekers to reach the EU through legal channels, pushing them out into alternative routes (Betts, 2006). Human smuggling, consequently, becomes a lucrative business.

Stronger border control, - aiming at diminishing illegal immigration, - thus in fact creates more irregular migration when migrants seek to circumvent the borders by consulting illegal networks in their attempt to reach Europe (Smith, 2006; Betts, 2006). When refugees and labor migrants are pushed into the criminal networks they become linked with criminality, consulting the illegal networks controlled by smugglers and criminals. The measures taken to decrease the number of immigrants and asylum-seekers reaching Europe have therefore added to the securitization of them, as they on their journey are pooled with other irregular migrants (Boswell, 2003; Betts, 2006).

The illegal channels become characterized by facilitating a very mixed flow of different types of migrants. As refugees in need of protection increasingly are pushed into criminal transit routes, it becomes continuously difficult to distinguish "real" asylum-seekers from other irregular immigrants (Betts, 2006). The mixed flow potentially creates a secondary pooling of asylum-seekers and illegal

immigrants in the destination countries. This happens when rejected asylum-seekers stay in the destination country after a rejected asylum application and thereby categorize as illegal immigrants, and when illegal immigrants apply for asylum when confronted with law enforcement authorities in the destination country (Betts, 2006). This distinction consequently becomes one of the cornerstones of CEAS, encouraging policies of restriction.

A consequence of the enhanced migration management and securitized border control is that the external EU border is moved from the Mediterranean sea-line to the Saharan desert-line. This makes the journey to Europe even longer and more expensive, further strengthening the human smuggling business, turning Sahara into a market-place for human smugglers with thousands and thousands of circulating migrants heading towards Europe (Levy, 2010).

7.2 Secondary Forced Migration

The responsibility to process asylum applications, host asylum-seekers and offer protection to refugees are perceived as both a political and financial burden and the EU member-states have been more eager to transfer the burden to third countries, than to share the burden among themselves. This burden-shift is effectuated via readmission agreements and the adoption of the notion of a 'safe third country'.

The three EU policies (ENP, RPP, CEAS) make it possible to create safe third countries and to sign readmission agreements. The notion of a 'safe third country' is based on "*the principle that a State may deny access to substantial refugee status determination on the grounds that he or she has already found protection, or could reasonable have been expected to find protection, in another country*" (Gammeltoft-Hansen, 2007: 10).[58]

The notion of a safe third country was originally adopted by Denmark, into Danish National Law (Noll, 2003). Other member-states followed the Danish example and today the safe third country is adopted into CEAS, making it possible for EU member-states to send back refugees, having already passed the geographical border and entered EU territory (Noll, 2003; Gammeltoft-Hansen, 2007; Smith, 2006). [59] The '*Directive on minimum standards on procedures in member-states for granting and withdrawing refugee status*' defines the criteria for sending back an asylum-seeker to a safe third country (Council of the European Union, 2005c). The Directive, besides defining safe third countries, also defines when a member-state can send back an asylum-seeker during an appeal case

[58] The definition of when a country is considered 'safe' is predominantly based on negative obligations, as the absence of risk for *refoulement*, rather than on positive aspects, as protection standards. The widespread use of safe third countries has been criticized by UNHCR, stating that 'the safe third country' is a *notion*, not a legal concept (Gammeltoft-Hansen, 2007)

[59] One of the key arguments for this adoption is that it hinders asylum-shopping (Gammeltoft-Hansen, 2007)

and further defines the circumstances for accelerating the asylum procedure, creating more possibilities for circumventing the principle of *non-refoulement* (Garlick, 2006).[60]

This make the three policies part of what has been referred to as 'neo-refoulement'. Neo-refoulement is defined as "*the package of non-entrée policies (safe third countries, pre-screening, the farming out of border controls to the private sector, extra-territorialization etc.) that prevents spontaneous and mass flows from reaching borders of countries to claim asylum*" (Levy, 2010).

Neo-refoulement displaces already displaced people, turning them into secondary forced migrants. Migrants, displaced by natural disasters, civil war or foreign occupation, risk being forcefully displaced again through interception, detention or deportation (Lemberg-Pedersen, 2012). This can result in what has been defined as "*quasi-permanent displacement*", which is characterized by a constant state of involuntary movement (Lemberg-Pedersen, 2012: 47). This overrules the image of Europe as a fortress and creates an image of Europe as an "*engine of serialized displacement*" (Lemberg-Pedersen, 2012: 49).

7.3 'A Race to the Bottom'

When the EU exports migration management it leaves the task of asylum processing to less developed asylum systems, which may imply that the people in need for protection do not necessarily receive adequate protection (Betts, 2006).

The non-entrée policies are by some scholars referred to as 'protection lite'. Protection lite is in fact created by the EU and its member-states when they seek to rid themselves of the economic and political protection burden, by making sure that refugees either do not reach EU territory at all or can be transferred to less developed countries if they do (Gammeltoft-Hansen, 2007).

Officials, interest groups and academics have criticized the conditionality, which, - as a consequence of non-entrée policies, - is controlling development aid. When development aid promotes other agendas than development, the countries targeted are not necessarily *those in most need*, but rather *those most needed* to control for the EU (Boswell, 2004; Pearl, 2005). This is based on the fact, that the number of emigrants from middle-income countries often is higher than from low-income countries, due to geographical proximity, historical ties and better economic and social possibilities (Boswell, 2003). This could explain why the partnering transit countries, as Libya, Morocco and Ukraine are engaged in more bilateral agreements, than the countries of origin.

[60] The principle of *non-refoulement* obliges states not to send a refugee back to a state in which he/she fears persecution (Gammeltoft-Hansen, 2007)

When the partnering countries become exposed to a greater burden, due to increased immigration and decreased emigration, they consequently tighten their own asylum systems in an attempt to send the burden further down the chain (Gammeltoft-Hansen, 2007). Despite the fact that protection offered in the region of transit or origin might be sufficient according to the 1951 Refugee Convention, it does jeopardize the protection standard, when states with poor human right records and poorly developed asylum systems become the last link in the chain (Gammeltoft-Hansen, 2007; Levy, 2010).

The burden of not just asylum-seekers and political refugees, but also other irregular migrants, economic migrants, environmental refugees and conflict-induced refugees has created an incentive for EU partnering countries to adopt non-entrée policies themselves (Gammeltoft-Hansen, 2007). This categorizes as a 'race to the bottom' as to what concerns protection and consequently results in a silent international acceptance of inferior protection standards (Gammeltoft-Hansen, 2007). The burden-shift consequently has the potential of creating increased instability in already weak states, resulting in conflict, fight over scarce resources, new ethnical majorities etc., which – most often – creates more refugees and migrants.

8 Conclusion

The Schengen Agreement, the ENP, RPP and CEAS illustrate how the perceived threat of migration has added to the development of a securitized perception of what constitutes migration management. The methodology of Social Constructivism and the theory of Securitization have made it possible to expose how migration management in an EU context is not just limited to the traditional border, but has expanded beyond the border, both internally and externally. Consequently, migration management is taking place territorially, extra-territorially and intra-territorially.

The Schengen Agreement created an area of free movement of capital and labor and as a result, the external EU border and a range of policy papers gradually became securitized and connected to migration management. The perceived threat of migration was sought controlled by the establishment of Frontex and by initiating migration cooperation through carrier sanctions, liaison officers and readmission agreements with non-EU member-states. As the integrated border management was perceived as insufficient in regards of controlling migration, the Schengen Agreement was reformed, - based on an intergovernmental proposal, - in order for the member-states to reestablish internal border controls in extra-ordinary circumstances.

By the beginning of the 2000s, different EU member-states drafted proposals for mechanisms of migration management outside the EU borders. Despite the fact that the proposals were rejected, aspects of them gradually became uploaded to the regional level and incorporated in EU policy papers and the solution to an internal problem was found externally.

The ENP and RPP under different headings create a possibility to manage migration extra-territorially, outside the EU's external borders. The ENP primarily focuses on the region of transit and on creating a ring of friends that either stop migrants on their way to the EU or have 'good enough' legal systems for the EU to send back immigrants. The RPP primarily focuses on the region of origin and aims at diminishing root-causes of emigration and thereby hinder emigration in the first place or at least create 'good enough' circumstances for migrants or refugees not to migrate further than the neighboring countries. The two policies quite quickly, - as the CEAS, - came to be dominated by a 'pick-and-choose' implementation, where the individual member-states engage in ENP and RPP in areas from which they perceive the largest threat of immigrants to originate from.

The non-entrée policies of CEAS are based on the success of building sufficient asylum systems and effective border institutions through the RPP and the ENP. If the prosperities of ENP and RPP do not conceal migrants in the region of origin, in the region of transit or at the geographical border,

the CEAS functions as a last possibility of catching or sending back irregular migrants and asylum-seekers. The CEAS is, however, still not fully operating. The member-states have implemented the regulations in differing degrees and the majority of states have proven more eager to implement the regulations regulating and controlling unwanted secondary migration, than those offering protection.

All four policies are in official documents and speeches promoting embedded liberalism and human rights, but in reality end up exporting the EU internal security agenda to its partnering countries. At a policy level the policies adhere to the embedded normative framework of the EU, however, each member-state implements and reconstructs the framework of the policies with an outset in their own domestic political agenda.

The member-state level is in most of the EU influenced by domestic right-wing public discourses, constructing immigration as a threat through the speech act. In order to stay legitimate rulers it has consequently become crucial for the national governments to protect the electorates against the threat. In order to conceal and control migration the member-states have pursued control of migration nationally, regionally and internationally. The territorial migration management has been perceived as inadequate, which has lifted it up to the regional level and migration management has consequently been exported to third countries.

The strong external borders and the extra-territorial and intra-territorial migration management have had quite a few consequences for asylum-seekers and refugees, as they are pushed out into criminal networks and illegal migration channels. As the responsibility for asylum processing and protection is transferred to less developed countries, the protection standard consequently decreases. Current development shows that the restrictive migration management of the EU is duplicated by Southern states, leaving even less developed states with the responsibility of protection.

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