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Global Refugee studies

Master's thesis

THE BALTIC STATES AS COUNTRIES OF ASYLUM

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ABSTRACT

The Baltic States have been Member States of the European Union for 10 years now, meaning that their asylum systems are harmonized and in accordance with the regional and international requirements. However, even being the frontier states the countries does not experience refugee flows as other, especially Southern European Union countries. Thus, the purpose of this thesis is to reveal the factors, contributing to this phenomenon.

This has been done through an examination of the historical aspects common for the Baltic States as well as through the examination of several factors such as strict border control, high level of corruption, low immigration prospects and rates of recognition – all contributing to the states' unattractiveness for asylum seekers. It has been analysed through the lens of four theories, namely the theory of analytical liberalism, regional theory of intergovernmentalism, the concept of security and the concept of social navigation and based on empirical data such as books and articles.

The results have shown that there are many factors influencing the low number of asylum applications in the Baltic States. It is mainly associated with the unattractiveness of the Baltic States, consisting of complex issues, such as the strict border control, low recognition rates, differences between the policy level and the practice in many areas related with asylum as well as the degrading reception conditions in the reception centres and finally, the lack of integration policies. It is stated, that the immigrants have been securitized in the countries due to the Soviet occupation, in this way contributing to the emergence and development of strict immigration policies and a securitized attitude of the society towards the immigrants. The mentioned factors make the countries unattractive for asylum seekers, thus less desirable as asylum destination countries in this way putting them in an exceptional situation among the EU Member States.

Key words: The Baltic States, asylum, immigration, European Union, Member States.

ABBREVIATIONS

Belarus – the Republic of Belarus;

CEAS – Common European Asylum System

Estonia – The Republic of Estonia;

EU – The European Union;

EUROSTAT - The Statistical Office of the European Communities;

FRONTEX – European Agency for the Management of External Borders;

IOM – International Organization for Migration;

Latvia – The Republic of Latvia;

Lithuania – The Republic of Lithuania;

NATO – The North Atlantic Treaty Organization;

New York Protocol - The Protocol relating to the Status of Refugees (1967);

Russia – The Russian Federation;

State Border Guard Service of Lithuania – State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania;

Sweden – The Kingdom of Sweden;

The Dublin Convention - The European Union Council Regulation No. 343/2003 of 18 February 2003;

The Geneva Convention - The Convention Relating to the Status of Refugees (1951);

The Reception directive - The Directive of the European Parliament and of the Council, laying down standards for the reception of applicants for international protection;

The Soviet Union – The Union of Soviet Socialist Republics (USSR);

UNHCR - The United Nations High Commissioner for Refugees;

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1. INTRODUCTION

434 160 asylum applications were registered in the European Union in 2013. The top 5 countries with the highest number of applicants registered are Western European countries, namely Germany, France, Sweden, the United Kingdom and Italy (Bitoulas 2014).

Numbers presented illustrate the most desired countries in the Europe, since they are not the EU frontier states (except Italy), where those seeking for protection enter first, but the ones they wish to end their journey in.

There are many routes used to reach the "fortress Europe[1]", nevertheless in the past few years the most popular ones were the most dangerous ones - by crossing the Mediterranean Sea from North Africa to the mainland, for example. According to the United Nations High Commissioner for Refugees, there were 15 000 migrants and asylum seekers who reached Italy and Malta by sea in 2012 (UNHCR 2013). It is common that after lodging an application for asylum in one of the frontier EU countries many migrate further to other European countries.

Having in mind that asylum regimes in all the EU countries are harmonized and are part of Common European Asylum System, it is interesting why some countries are more favourable than others, thus more desired among asylum seekers.

1.1. Problem area

The interest about asylum in Europe was developed at my previous job at the State Border Guard Service of Lithuania, where one of my duties was to accept asylum claims as well as to interview the applicants. I have talked to many asylum seekers in the 2 years I worked there. Most of them acknowledged that they have lodged an application only because they were arrested while illegally crossing the state border and that after the initial asylum procedure they will continue the journey to their desired Western European country. Those aspirations to move forward to Europe and aforementioned statistics were the ground ideas for this thesis.

The Statistical Office of the European Communities reveals, that the 'asylum burden'[2] among frontier EU states varies significantly. While in three Baltic States 690 asylum applicants were registered in 2013, three Mediterranean countries, namely Greece, Italy and Malta in total had the amount of 38 400, which is almost 56 times as many applicants (Bitoulas 2014). The three Baltic States are often treated as a single unit when one talks about their recent history, geo-

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[1] This term is used in migration area in order to describe EU's policy to defend itself from outside influences,
[2] 'Asylum burden' in this context is understood as responsibility to examine asylum applications according to internationally established requirements.

political situation or simply their small size. All three countries have regained independence and built their nation states from scratch in the end of the 20th century and all have joined numerous international institutions, including the EU (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). Moreover, all three have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 New York Protocol therefore, assures refugee protection. Nowadays, the Baltic States are complete members of the European Community, formally capable of giving international protection to many in need, however even though located at the external EU border, are the less desired countries.

Thus, my aim is to illuminate the inequality of refugee burden[3] in Europe and to find reasons why some countries in Europe are more desirable than others with the focus on the Baltic States. Hereby, I want to grasp what factors force those in need of protection to choose certain destination countries and why the Baltic States are less desirable? Therefore, the research question of this thesis is as follows:

Why are the Baltic States exceptional among the European Union Member States, when looking at the number of asylum applications lodged?

What this thesis seeks to examine is why the immigration situation in the Baltic States is relatively unproblematic compared to other, especially southern European Union frontier states and what determines states' attractiveness for irregular migrants and refugees.

There are multiple reasons for explaining this divergence. One approach to understanding why the Baltic States have this low number of applicants is the fact that they are not as attractive for the asylum seekers due to the restrictive immigration policies, that are the reaction to the Soviet legacy (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). Another approach may contribute to explain why the Baltic States are mostly seen as transit countries instead of being the ones to settle in. One final explanation may be related to the fact, that for variety of reasons, the number of illegal immigrants in the Baltic States is much larger than asylum applicants, which means they simply do not lodge asylum applications.

By streamlining the similarities and differences between these three countries and comparing them with other European States as explanatory concepts, the purpose is to reveal the factors based on historical, political, societal and economic dimensions (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). To look deeper into this, theories of analytical liberalism,

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[3] 'Refugee burden' in this context should be understood as the number of those seeking for protection in different countries and their unequal distribution.

intergovernmentalism and concepts of social navigation and securitisation will be applied to understand and explain the situation in the Baltic countries.

2. METHODOLOGY

This thesis is based on an examination of the migration management in the Baltic States. The main interest in the beginning was to understand, why the Baltic States, being the Member States of the European Union and participating in the CEAS, are not experiencing big refugee flows as others, especially Southern European frontier states. While working at the State Border Guard Service of Lithuania, I noticed the existing differences between the policy level and the practice in the area. After a broad research I have realised, that the phenomenon does not essentially exist in Lithuania, however in other Baltic States as well and is presumably influenced by similar or the same causes. This led to the decision of choosing migration management in all three Baltic States namely Estonia, Latvia and Lithuania as a research object.

The initial assumption was that the underlying tendencies, causing the discrepancies between the policy level and the practice, contribute to the Baltic States' unattractiveness for immigrants, including the asylum seekers.

Due to the time limit and the fact that the issue I am interested in, is of a political nature I have decided to base the thesis on secondary data. I have realised that in order to collect my own data I would need to get in contact with many asylum seekers in the Baltic States and expect them to trust me, not to be afraid of me and of the possible consequences for revealing the truth and to be honest with me. Moreover, I would need to enter the reception centres, what is impossible for an outsider in the practice, as even the NGO's representing the asylum seekers, have difficulties in doing so. Finally, to possibly find out some violations and discrepancies would take more than 4 months, which was the limit for this thesis.

Therefore, I have come up with the decision to base the thesis on accessible secondary data, such as legal documents, studies by authors writing about the migration management, as well as written by local NGOs and focusing on the specific issues in all the Baltic States and each of them separately. Since it is difficult to reveal the on-going practice in the area due to the lack of documentation, I also used articles from the local newspapers, as the media is often being used as a tool of fighting against the clandestine/illegal actions. I had difficulties in finding public statistical information, relating, for instance, the number of people that are denied entry into the Baltic States and other relative information. Therefore, as a former officer of the State Border Guard service I have kindly asked my former colleagues to share some statistical information with me, so I could analyse it thoroughly and make certain conclusions. In this way I was secretly provided with the annual report of 2013, of the State Border Guard Service, including the analysis of the statistics and on-going issues in all the related departments of the service,

which is normally for internal use only. Thus, the complex of different sources was used in this thesis in order to reveal as many discrepancies met in the area as possible.

The thesis was structured in this way: firstly, the common routes of migration to Europe, numbers of lodged asylum applications and information about the common problems experienced by other frontier European Union Member States was presented. I argue that it is a necessary foundation in order to illuminate the similarities and differences among the frontier European Union states, before narrowing down to the Baltic States perspective.

Secondly, the background information and historical perspective of the Baltic States was given and the evolution of their migration systems was presented in order to reveal the similarities between the countries in the Baltic Sea region and to grasp what has influenced the creation of those systems.

Thirdly, the relevant information based on empirical data, was presented and analysed. To assure that the analysis was done from the different points of view in order to make it more thorough, four theories were considered useful and were applied in the analysis part of this thesis. It is namely the theory of analytical liberalism, the security concept, the integration theory of intergovernmentalism and the concept of social navigation. The theories play their own role in the analysis, as they were able to explain some phenomenon from different angles and perspectives. The concept of securitization and analytical liberalism explained the domestic attitudes towards immigrants and their influence on certain decisions adopted in the immigration area. The integration theory of intergovernmentalism was employed to measure the influence on migration management from the regional level and the concept of social navigation explained explicitly the push and pull factors related to the migration.

Because the purpose of this thesis was to reveal the factors that make the Baltic States unattractive for asylum seekers, and to explain what might have caused that, the four theories supported the comprehensive explanation. The structure presented sought to answer the research question in the conclusion.

2.1 Limitations

The research question of this thesis implied, that there could be many intertwined explanatory reasons for answering it. However, only the most related ones were chosen in order to fit into the framework of this thesis, and be more or less on the way to answering the research question.

Firstly, the focus was mainly on the Baltic States, namely Estonia, Latvia and Lithuania as destination countries for asylum seekers and migrants in general. However, in order to give a broader picture of the issue, other EU countries might have been taken into account. In this way, another European country, namely Sweden was being used quite a lot as an exemplary country in the EU migration area. This was done in order to illuminate related issues in the Baltic States' migration systems and to compare them with the Swedish practice in the area, which is considered exemplary in this area among the EU Member States.

Secondly, the focus group of this thesis was the asylum system and asylum seekers. However, in order to be able to explain the contemporary situation in the asylum field, there was a need to describe and include other categories of migrants and other types of migration. This is because asylum is only a part of the whole migration picture and thus asylum issues must be seen in a broader context, as the problems are similar with those, experienced by other types of immigrants in the countries. Moreover, even though I was analysing the asylum systems, it is inevitable to analyse it without further going into the analysis of other influential areas, such as immigration legislation, public attitudes towards migration, the Soviet legacy in the Baltic States and others, which all together being intertwined formed the asylum practices. However, these areas were only briefly touched upon to reveal the underlying tendencies with regards to asylum or migration, meaning that they were not analysed in a broader context.

Thirdly, this thesis sought to reveal the discrepancy between the *de jure* and *de facto* spheres in the societies of the Baltic States, as much as it was possible due to the accessible data. It was important to reveal this discrepancy in order to answer the research question, claiming that it contributes to the states' unattractiveness and is met in many areas of the states' governing. The separation of the two spheres served as a starting point for analysing the consequences, which proved the existence of the discrepancies. As an example about the importance of distinguishing these two areas, Poulain & Perrin (2003) argued, that in order to calculate migration flows in the country, the differentiation between countries *de jure* and *de facto* populations is required. This may also be applicable in many other areas related with migration management, such as asylum claims, reception conditions and other that were used in this thesis. The discrepancies that could be found in other EU Member States in different areas related to asylum seekers, were not

discussed further, as I argue, they could be met in all the countries, however could have different outcomes, depending on the overall situation.

Certain limitations were inevitable in order to write a structured analysis, which answers the research question comprehensively however accurately.

## 3. BACKGROUND INFORMATION: COMMON ISSUES OF ASYLUM AND MIGRATION IN THE EUROPEAN UNION FRONTIER STATES

To begin with, the background information about the asylum situation in European Union will be presented, with the focus on the frontier EU Member States. It is necessary to have a basic understanding about the explicit problems experienced by the frontier EU Member States in order to illuminate their different situation in the asylum area.

In the past several years the number of asylum applications in Europe has significantly increased. In 2011 there were 302 000 registered asylum applications in EU27[4], while in 2012 the number of applicants rose to 332 000 (EUROSTAT 2013). In 2013 the number of asylum applications reached 434 160 in EU28 which is an increase of approximately 30% compared to 2012 (Bitoulas 2014). The numbers presented imply that the annual growth of asylum applications in Europe requires all EU28 to be prepared to cope with refugee flows, especially the frontier states. However, not all the countries are equally prepared, neither do they experience equal flows of irregular migrants. Some European countries are more attractive than others and others are closer or/and easier to enter, for instance frontier EU Member States.

While the number of applicants granted refugee status or subsidiary protection in frontier EU Member States varies and are not necessarily the highest among refugee hosting countries, as mentioned before, these states, mostly due to their geographic proximity, encounter flows that they are unprepared to handle. There are many routes to enter Europe, however the most commonly used lie through one or another of the Mediterranean countries. The picture bellow illustrates some commonly used routes:

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[4] European Union's abbreviation, including the number of Member States
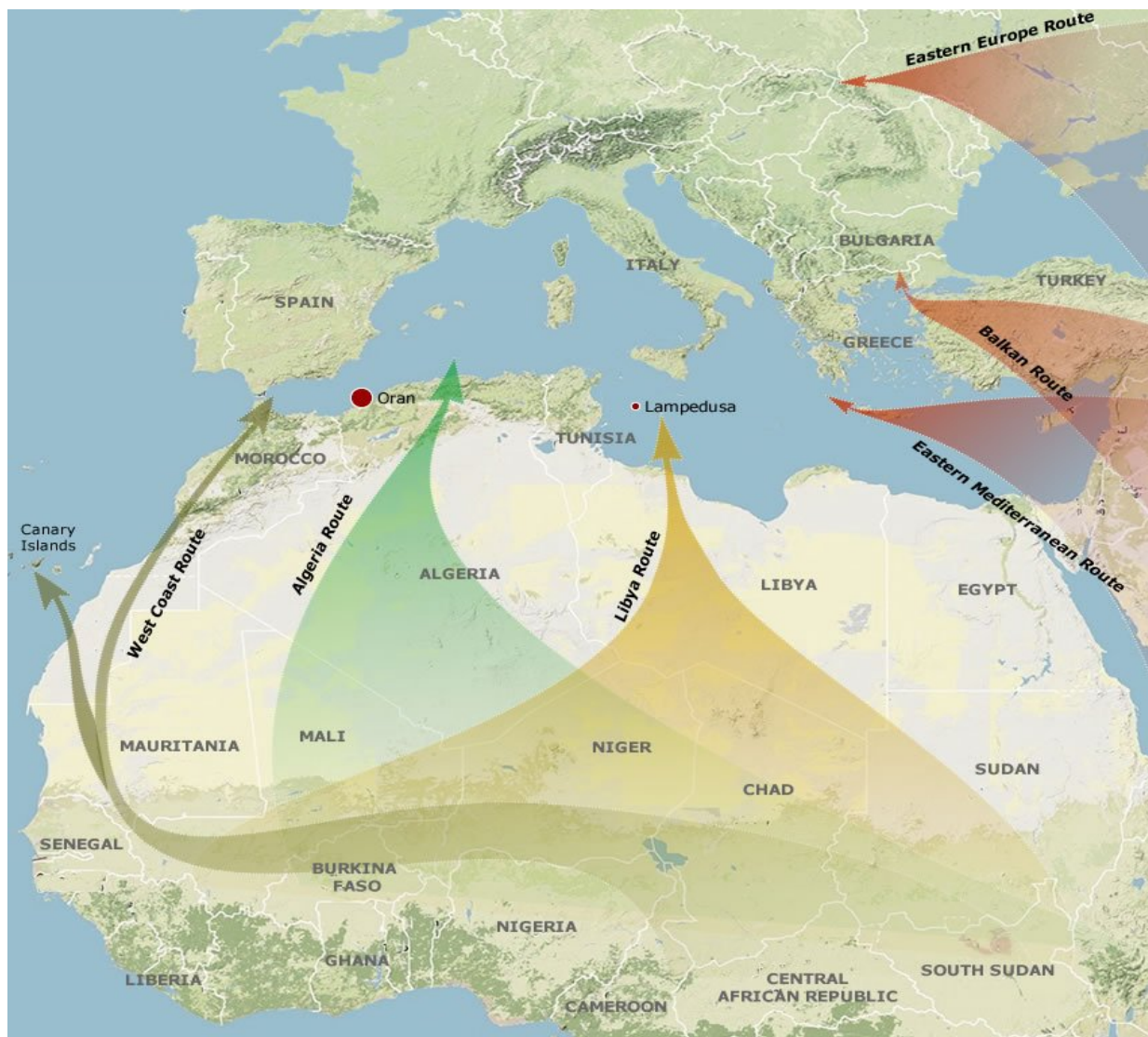
<div align="right">Source: Spiegel Online International 2013</div>

As we can see in the above picture – 5 of the 7 commonly used routes pictured are leading to the Mediterranean Sea. The number of irregular migrants in Southern European Union frontier countries has significantly increased since 2011 when political developments in Southern Mediterranean countries and in the Middle East have brought instability and, in some situations, led to humanitarian crisis. The maritime borders of Greece, Malta, Italy and Spain were put under pressure by a significant[5] number of irregular migrants reaching their shores as well as some land borders in Balkans (External Borders Fund 2013).

Some common issues that EU frontier states experience due to refugee flows may be highlighted. Firstly, the failure of institutional infrastructures to respond to the immigration surges, as it is noticeable especially in the southern EU states. For instance, Italy is only capable of holding less than a third of all asylum applicants it gets (Spiegel Online International 2013).

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[5] The number of asylum applications in Italy in 2011 increased with 239% from 2010, and for Malta it was a 980% increase from 2010. The number of applications from Tunisia increased 12-fold in 2011 with the vast majority lodged in Italy (European Commission 2012).

Bulgaria received more than 7145 asylum applications in 2013, which is 5 times more than in 2012 (Bitoulas 2014) and since the country is not well equipped for hosting as many asylum applicants as it encounters – the applicants are being accommodated in dire conditions (Gizdavkov 2013). The Greek asylum system is also a relevant example, since it is, unfortunately, constantly criticized for its chronic deficiencies in terms of limited access to asylum system, poor procedural quality, low recognition rates etc. (UNHCR Greece 2013). The European Court of Human Rights has even ruled that the asylum system in Greece is degrading and inadequate, thus most of the EU states cease to comply the Dublin Convention and return asylum seekers to Greece if they first lodged an application there (Spiegel Online International 2013). Finally the flood of refugees overburdens the authorities of the small Mediterranean island of Malta leading to insufficient protection and violations of human rights. No EU member state is prepared for the masses of immigrants that flow in, but it is more difficult for a small island like Malta to cope with it than it is for other EU frontier states (Pabst 2013), especially because Malta had the highest rate among the EU Member States in 2012 with 4980 applications per 1 million inhabitants (EUROSTAT 2013).

Secondly, several secondary issues arise due to the aforementioned incapability. As in the context of the Italian asylum system, there is a convincing anecdotal evidence of an even higher number of persons arriving in Italy by boat, beyond the official numbers of registered immigrants (Chope 2013). Italian authorities are facilitating, whether intended or not, the secondary movement to Western countries in this way threatening to undermine confidence in European legal order as well as the Dublin Convention[6]. Reports on Italy states its ill preparation for migration surges and the government's unwillingness to learn lessons from the experience. Unfortunately, due to all the factors mentioned above, Italy needs to face the reality that these mixed migratory flows are not a 'one-off' but rather continuing (Chope 2013). In the case of Bulgaria, state's authorities have failed in crisis planning, since they lack experience in the area and the refugee flow is not considered as a priority in state's politics. Unfortunately, these issues make Bulgaria one of the most vulnerable EU frontier states in terms of coping with humanitarian crisis relief (Gizdavkov 2013). Talking about Greece - the humanitarian crisis in relation to the refugee situation is aggravated by the economic crisis, which curtails the government's scope for action (Schaub 2013).

Thirdly, EU neighbouring countries such as Turkey, Belarus, Russia and the North African Mediterranean neighbours separated by the sea, sometimes may be an issue. If the visa

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[6] The Dublin Convention is a European Union law determining state's responsibility to examine an application of asylum seeker, under the Geneva Convention, within EU.

requirements are relatively loose and those transiting the country are not the top priority for the government, the country may serve perfectly as a transit country as it is in the case of Turkey (Schaub 2013). It's geographical position and the government's attitude allows migrants to continue the journey undetected to northern countries by using several different ways (Chope 2013).

Finally, insufficient border control may be an issue. The lack of appropriate control may rapidly make certain places of the EU external border as the main 'gates' to enter Europe. This had happened with the Turkish - Greek land border, where the situation until the second half of 2012 was highly critical (External Borders Fund 2013) reaching the number of 55 000 irregular entries. This border has long been one of the main 'entry gates' to EU, however became more popular after other 'popular' maritime routes were more intensively controlled (Schaub 2013). The figures dropped in 2013 due to strengthened surveillance and the construction of the fence in the northern part of the border (Pollet, Soupios-David & Teffera 2013).

Eastern and Northern EU frontier states are in a better situation in terms of irregular immigration comparing with Mediterranean states. Located in the North of Europe Finland and the Baltic States as well as Eastern European states, mostly due to their geographical position and land borders, do not experience countless and continuous migratory flows. In the past few years irregular migration was mostly influenced by the Arab Spring in 2011 and the civil war in Syria. Therefore, those seeking protection more often attempted to enter Europe through Mediterranean routes thus overburdening southern EU frontier states (Chope 2013).

In 2011 The Parliamentary Assembly of the Council of Europe called for greater solidarity within Member States of the Council of Europe for European frontier states that are facing arrivals from the Southern Mediterranean and in return - required from the frontier states to take all the necessary measures for preventing secondary onward movements to other EU Member States. However, as it was mentioned before in the Italian context, due to refugee surges in the Mediterranean States, the unofficial incentives for the secondary movement exist and states' are unwilling to face the reality that these mixed migratory flows are not a 'one-off' but rather a continuing issue (Chope 2013).

This brief overview gives an understanding about the common issues found in the frontier EU Member States, especially the Southern ones. The distribution of asylum applications is unequal and thus, reveals some common issues among them. As it was mentioned, neither of EU frontier Member States is prepared to respond to irregular migration flows, thus the way Southern countries responds to it, is being criticized. The main issue in terms of asylum systems in the EU

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frontier Member States is the absence of an integrated migration policy to deal with an increased number of arrivals or a strategy on how to deal with large-scale emergency situations (Chope 2013). The unwillingness to establish certain policies is also noticeable. Moreover, neighbouring EU countries is another problem, stimulating irregular migration to Europe through certain routes, since liberal visa policies, negligent border security and indifferent attitude towards those transiting the country, attract the attention of traffickers and thus, create channels into Europe.

3.1 The Baltic States

In this part the context of the Baltic States asylum systems will be presented since it serves as a point of departure in answering the research question. Similarities and differences will be presented in terms of history, culture, language and post-independence development with focus on the creation of asylum regimes to give a holistic understanding of the asylum situation in the Baltics.

The Baltic States are three Northern countries situated on the east shore of the Baltic Sea. For most of their history the three countries have gone different ways, however in the 20th century they shared a common trajectory, namely the escape from the Russian Empire, independence during the inter-war period, wartime occupation followed by re-absorption by the Soviet Union and at last the renewed struggle for independence in the end of the century (Alston 2011).

The countries shared a common fate however had different histories. The three are also different in terms of language, culture and religion. Nonetheless, the rediscovery of their languages and folklores was partly the factor that led to the emergence of nationalist movements (Alston 2011). Another influential factor leading to revival was the drastic demographic shift especially in Latvia and Estonia, due to Soviet-imposed massive influx of immigrants. Thus, the percentage of ethnic Estonians and Latvians declined significantly to respectively 62% and 52%, putting into doubt their continued status as majorities in their own homelands (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). Aspirations to halt this negative trend contributed to the development of nationalist movements with overtly expressed proposals concerning autonomy and finally to independence in the end of the 20th century. The significant event that united all the three Baltic States took place on the 23 August 1989, when over a million demonstrators from all the three countries formed a human chain linking hands that stretched 595 kilometres across the Baltic Republics and was named 'The Baltic Way' (Alston 2011). The countries attempted to build regional alliances short after the independence in order to assure their own collective security and have been treated as a block in the politics of the larger power since then. In 1991 the Baltic Assembly was established. It promotes co-operation between the parliaments

of the Baltic States and discusses issues of common interest. All the aforementioned served as a foundation for the establishment of an independent regional identity (Alston 2011).

3.1.1 Immigration, refugees, asylum – creation of regimes

The history of the three Baltic States presented above serves as the point of departure in understanding their contemporary co-operation, unity and the sense of nationalism. In this part the reader will be introduced to the creation of asylum regimes in the countries as well as the present situation related to immigration in all the Baltic States.

In 1991, right after restoring independence the Baltic States became parliamentary democracies with a common strategy to quickly integrate with Western Europe by joining as many Western organizations as possible. This was done in order to guarantee the survival of their independence (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). The first issues related to immigration in newly independent states were related to the Russian minorities. In Latvia and Estonia citizenship was not granted automatically to all residents after the independence, thus those who settled in the Soviet period had to apply for naturalization, where basic competence in national language was the main criterion. As a consequence many residents in Estonia and Latvia opted Russian citizenship or remained stateless. Lithuania though granted all residents with citizenship since the Russian minority was not substantial and ethnic Lithuanians comprised 80% of the population (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013).

The states had to provide legal and policy responses to the growing transit migration of asylum seekers from the East aiming to reach Western Europe (Byrne, Noll & Vedsted-Hansen 2004). Furthermore, Soviet-era legislation had to be modernized and EU *acquis*[7] had to be implemented due to the quest for membership in the EU (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013). A refugee policy emerged as an increasingly significant area for cooperation since it is related to broader issues of security and external border control. In 1997 explicit requirements for the applicant states including the Baltic States were set. It consisted of adoption of the Geneva Convention[8] and its necessary implementing machinery and the Dublin Convention as well as adoption of related measures in the EU *acquis* to approximate asylum measures (Byrne, Noll & Vedsted-Hansen 2004).

The first Baltic State to join the international refugee regime was the Republic of Lithuania. On the 21st January 1997 it ratified the Geneva Convention and its New York Protocol. This was

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[7] *'Acquis communautaire'* is a French term used to refer to the EU's total body of legislation, including everything from treaties to directives, declarations, internationals agreements, the case - law of the Court of Justice, etc.
[8] The Geneva Convention comprise of 4 treaties and 3 additional protocols establishing the standards of international law that regulates the conduct of armed conflict.

followed by the adoption of the Lithuanian Refugee Law. Thus, on 27th July 1997 the Convention and the Refugee Law entered into force (European Parliament 1999). In 2004 *the Law on the Legal Status of Aliens of the Republic of Lithuania* was adopted to bring the law in accordance with EU standards (IOM Vilnius 2011). Lithuanian experts had stated, that the restrictions adopted in the new Law on Aliens were mainly derived from those also adopted in Western Europe such as 'safe third country', 'safe country of origin' and 'manifestly unfounded claims' (Lavenex 2002). However, there was a societal difference between Western countries and newly independent Baltic States, thus the same restrictions implemented may have different outcomes. Therefore, the differences between the policy level – *de jure*[9] and the actual implementation - *de facto*[10] will be analysed further in the analysis part.

Estonia was the second one ratifying the Geneva Convention and the New York Protocol on the 19th of February 1997 (UNHCR 1997). The asylum area is regulated by the *Act on Granting International Protection to Aliens* that was adopted in 2006 and contains principles proceeding both from the Geneva Convention and EU directives (Politsei – ja Piirivalveamet 2014). Some amendments were adopted after the European Commissions comments about limited progress in the field of asylum, however Estonia was still called to strengthen the administrative capacities for dealing with asylum seekers and to specify the role of the border police (Lavenex 2002).

The last one of the three to accede the Geneva Convention and the New York Protocol on the 19th June 1997 was Latvia. Its way towards accession is marked with initial opposition. Latvia's authorities explained the unwillingness to join the regime by two arguments, namely Latvia's unattractiveness for asylum seekers and the aspiration to avoid the risk of becoming a *'buffer' zone*[11] for those heading west (Lavenex 2002). However, short after ratifying the Geneva Convention, *the Law on Asylum Seekers and Refugees in the Republic of Latvia* was adopted, which regulates all the matters regarding asylum seekers and refugees in Latvia (European Parliament 1999).

Despite the initial imperfection of newly created asylum regimes, the accession to EU process has encouraged significant advances in refugee protection. The process of transferring EU asylum *acquis* introduced asylum determination systems and fundamental safeguards in the

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[9] *De jure* – means a state of affairs, that is officially sanctioned, thus in accordance with law (Washington University School of Law 2014)

[10] *De facto* – means a state of affairs, that is true in fact, however is not officially sanctioned (Washington University School of Law 2014).

[11] 'Buffer zone' –is an area lying between two states and providing each with protection from the other (Dictionary.com n.d.).

Baltic States' jurisdiction based on Western European practices (Byrne, Noll & Vedsted-Hansen 2004).

Finally on the 1st of May 2004, all the three Baltic States became the Member States of EU (Grigas, Kasekamp, Maslauskaite & Zorgenfreija 2013), moreover their asylum systems are now part of the CEAS, meaning that they are harmonised with EU *acquis* and being constantly improved (IOM Vilnius 2011), at least formally.

3.1.2 Current asylum regime and the migration situation in the Baltics
In this section of the thesis the current asylum situation in the Baltics will be presented without deep analysis about the root causes, which will be analysed in the analysis part of this thesis.

The Baltic countries stand out as countries with the lowest number of asylum claims and a low number of refugees in EU. According to the UNHCR, this is a result of the Governments' strict migration policy and a lack of alternative strategies in the admission of refugees. It has stated, that lodged asylum claims are being examined in a fairly competent, though restrictive way (Human Rights Liaison Unit 2010).

From all the Baltic States Estonia stands out as the one having the lowest number of asylum claims in the EU and a low number of refugees. In 2012 there were 75 asylum applications lodged in Estonia, which is the rate of 55 applications per 1 million inhabitants of the country. It was the second lowest rate in EU after Portugal, which had a rate of 30. Interestingly, only 10 applicants were granted refugee status (Bitoulas 2014). The number of asylum applications grew in 2013 reaching 95, however only 7 applicants were granted asylum (The Baltic Course 2014).

Comparing Estonia to Latvia, the latter one got more than twice the applications - 195 applications in 2013, comprising the rate of 97 applications per 1 million inhabitants (Bitoulas 2014). Lithuania has the highest number of asylum applications lodged among the Baltic States with 628 applications in 2012 and 400 applications in 2013 (Migracijos Departamentas 2014).

Interesting to note, that all three states have different numbers of applications lodged, Estonia being the one with the lowest number however, comparing the recognition rates among them in 2012, Estonia was the one with the highest recognition rate comprising 32,8 %, followed by Latvia with 17,8% and Lithuania with the rate of only 13,9% (EUROSTAT 2013).

The numbers and rates presented may illustrate the fact that to this date Lithuania is still mostly considered as a transit country for illegal migrants and is not popular among refugees as a country of asylum. This will be further discussed and analysed in the analysis part. To illustrate

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aforementioned, it is important to note that from 400 applications in 2013 almost a third of them – 124 were withdrawn, dragging the Lithuanian recognition rate down. The asylum application most often is withdrawn when it is impossible to get in touch with the asylum seeker, which means that he/she has left the country (Migracijos Departamentas 2014). On the other hand Estonia, with the lowest number of asylum applications in EU, presumably either gets more well-founded applications than those accidental and based on the secondary movement or many illegal migrants do not apply for asylum and go underground. It is noteworthy, that according to the report of the Eurobarometer, Latvia and Estonia were the leaders of the EU in undeclared work in 2013, with 11% of the residents working illegally. Lithuania took the fifth place with 8% of residents (European Commission 2013). The high rate of the undeclared work implies that there are more possibilities to find a job even being an illegal migrant.

Coming back to asylum matters - all the Baltic States grant two forms of international protection: refugee status and subsidiary protection (IOM Tallinn Office 2012). In the case of mass influx they may also grant temporary protection for a group of refugees, however it has never been granted so far in any of the Baltic States (European Migration Network 2012).

There are only 3 asylum centres in the Baltic States, one in each state. Interestingly, states' institutions operate accommodation centres, both in Latvia and Lithuania. In Latvia the centre belongs to the Office Citizenship and Migration Affairs and the maximum capacity of the centre is up to 200 persons. However, due to the lack of means not all needs of asylum seekers are being solved, including the health care services (Ministry of the Interior, The Republic of Latvia 2012). In Lithuania, the Foreigner's registration centre is part of the State Border Guard Service at the Ministry of the Interior of the Republic of Lithuania where both illegal migrants and asylum seekers are being accommodated. Officially stated that it has a capacity of 500 persons (State Border Guard Service of Lithuania 2014), however in reality there may live up to 88 asylum seekers and 76 illegal migrants, ensuring the hygienic conditions (Foreigners Registration Centre 2014). Moreover, it is not a social institution, on the contrary – authority equal to the police, thus only a minimum level of social assistance is ensured (Human Rights Liaison Unit 2011) and the territory is under surveillance by armed and uniformed officers. In Estonia on the other hand, until the end of 2013 the Ministry of Social Affairs had administered the centre and starting from 2014 the specialised state-owned enterprise, mainly providing social welfare services to adults with special mental needs, administers the centre (European Migration Network 2013). It may seem unreasonable to classify asylum into the same category with the people, having special mental needs, however it is likely a better solution to be administered by social workers than be guarded by armed border guards.

3.1.3 Migration patterns in the Baltics

So far the Baltic States have been described as countries of asylum, however it is important to note, that in the context of migration, asylum is only a small part. In order to understand asylum situation in the Baltics it is important to understand the whole migration context in the Baltics.

Short after the independence, the citizens of the Baltic States gained an opportunity to migrate to the Western countries. However, the emigration became a national problem after 2004, when the three joined the EU. Emigration from the Baltics rapidly increased then, due to free movement and less requirements to work resulting in considerable depopulation.

Since the beginning of the 21st century - Latvia lost 9,1% of its population (Engbersen & Jansen 2013, p. 14) and Estonia's population declined with 5,5% (Kaska 2013, p. 30). The country most affected by the emigration surges was Lithuania, which lost 12,9% in the period and in total from 1990 have lost approximately 20% of the Lithuanian population of 1990s (Sipavičienė & Stankūnienė, p. 46). Emigration in the Baltic States is tightly related to economic decline and rising unemployment, as the majority of emigrants are young graduates and middle-age working class people. As a consequence, the populations are ageing and decreasing (Engbersen & Jansen 2013, p. 16). Dropping fertility rates, emigration and growing number of retirees will pose serious political and economical challenges in the near future. The states will face the need to attract foreign workers themselves while at the same time trying to preserve their indigenous cultural identities, that is an issue of importance in the Baltic States (The Lithuania Tribune 2013).

In the context of migration patterns presented above, numbers of asylum applications in the Baltic States does not seem unreasonably low, since the countries are migrant sending countries themselves. Emigration relates to many issues in the country that influence asylum trends as well. This will be further analysed in the analysis part of this thesis.

4. THEORETHICAL FRAMEWORK

In this section 4 different theories will be presented, namely the analytical liberalism, the security concept, intergovernmentalism and the concept of social navigation that will be applied in this thesis in order to answer the research question. The theories each play their different roles in answering the research question comprehensively, from different points of view and will be applied in the analysis part of this thesis, with no certain sequence.

4.1 The security issue and the "securitization"

To begin with, the security concept will be presented in order to conceptualize its role in the states policy decision-making. The concept of security does not hold one definition and due to diverse range of ways it can be interpreted and defined, it is thus a contested concept. Following Alexander Betts definition it can be defined as *"an object's degree of vulnerability to a threat"*, that consists of two main elements – a threat and a referent object, that is vulnerable to that threat (Betts 2009, p. 60).

The traditional realists understand a nation-state as the most important actor that maximizes the welfare of citizens through upholding "national security" and their main goals are survival and the national security. However, in the post-Cold War era the understanding of threats changed. The domination of intra-state conflicts and humanitarian emergencies in the 1990s undoubtedly attracted the attention of international policy–makers. Thereby, the 'human security' approach emerged, arguing that there can also be other objects than only the states – such as individuals, identities or groups (people), as well as the threats may be of wider range – such as economical or environmental (Betts 2009).

The 'human security' concept focuses on the individual as a referent object of security, since the state's security is not always synonymous with the security of the people. It also broadens the scope of threats that includes a range of non-military threats such as political, health, food, economic, personal, community and etc. (Betts 2009). The individual constitutes the starting point of the concept and focuses on their needs as well as the *"freedom from pervasive threats to people's rights, safety, and lives"* (Paris 2001, p. 90). Thus, it can be defined as a situation, where individuals are protected from dangers that pose threat to their lives, freedom and dignity (Jonsson 2009). Challenges to 'human security' are factors undermining society and the quality of life, including for instance violations of human rights, demographic decline and crimes. These societal and political forces reduce the security of the state (Shelley 2009).

On one hand, the relationship between the state and the individual is central to forced migration, since sometimes there is a need to protect individuals outside the state framework. In this way the concept may be used to attract more resources for refugees, to mobilize state support for durable solutions (Betts 2009). On the other hand, it can also be used conversely in terms of "securitization", as it will be explained further on.

The term "securitization" was developed by the Copenhagen School[12], which is mainly based on the work of Ole Waever. It can be described as a "speech act" with real political effects when an issue comes to be perceived as related to security, thus giving it a special status and legitimizing actions that would otherwise not be legitimate, since security is seen as urgent and fundamental. Bringing securitization closer to migration issues, the concept of societal security explains that external threats are often to societal values, such as cultural identity consisting of language, religion, ethnicity etc. (Betts 2009). Thus, if an issue is being linked to security - extraordinary measures are being justified in the name of security. As a consequence, due to terrorism issues, asylum and immigration in general have been linked to security both in the United States and in the EU, resulting in the legitimation of practices such as suspension of civil liberties, extra-judicial detention, reinforced border control, *refoulemement*[13] and forcible deportation (Betts 2009).

This section has briefly introduced the security issue and the concept of human security. In the context of the Baltic States I argue, securitization took place in the post-Soviet period, in this way contributing to the low number of asylum applications nowadays. The state-security concept is too narrow thoroughly explain the causes for the contemporary restrictive immigration and asylum policies in the Baltic States. Therefore, the human security concept will be used in the analysis part of this thesis that will shift the analysis level from the state level to the societal and to individuals composing it (Jonsson 2009).

The concept of human security will be applied in order to explain the Baltic States' unattractiveness in terms of asylum. I argue, that asylum and immigration in general were perceived as threats to the survival and existence of ethno-cultural societies in the nation-building process resulting in restrictive migration policies in the Baltic States.

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[12] *The Copenhagen School* represents the Critical Security studies. It draws upon constructivism and examines how certain issues come to be seen through the security lens and thus, how some certain values in the societies come to be seen as needing to be protected from the external threats (Betts 2009, p. 70).

[13] '*Refoulement'* is a term meaning the forced return of a person to a country where he or she faces persecution.

4.2 Analytical liberalism

In this section the theory of analytical liberalism will be presented, which also contributes in answering the research question, from a slightly different perspective, since it will help explaining the influence of domestic powers to the formation of the national politics in the immigration area and as Byrne, Noll and Vedsted-Hansen (2004, p. 377), argues, *"To understand the development of European asylum law in context one needs to acknowledge that refugee law forms at the domestic level"*.

Andrew Moravcsik has developed the theory of analytical liberalism on the legacy of classical liberalism in 1997. Since classical liberalism was more ideology than theory, he abandoned many of the normative and ideological claims and argued that domestic politics matters for a state's foreign policy (Betts 2009). He claims, that *"the national interest in the state emerges from the aggregation of domestic preferences"*, thus foreign policies emerges from interest-group formation and lobbying within the state (Betts 2009, p. 28). Moreover, he argues, that *"the domestic character of the state and domestic politics, irrespective of whether the state is liberal, authoritarian, capitalist, or socialist"* – matters the most, while denying the importance of "liberal" character of the state, that matters in the classical liberalism (Betts 2009, p. 28).

From the analytical liberals' point of view, the state is a passive receptacle of domestic interests, thus the interests are drawn directly onto political parties and in this way they are being plugged into political institutions. Even though institutions shape the final outcome in the states, they are treated as exogenous to the domestic actors themselves (Brawley 2009). Domestic preferences are emphasized as the driving force behind the policy and institutions merely filter them. The state may also ignore some domestic interests and therefore domestic political machinations will have little effect. The preferences are considered stable over time, difficult to adjust and relatively impervious to politics when they are tied to actors' identities (Brawley 2009).

The theory has a great potential to be applied when analysing migration issues, since states' behaviour towards asylum seekers or migrants in general, are influenced by the domestic politics and character of the state. Therefore, the existing public opinion, electoral politics, interest groups, the states core political values and the decision-making procedures – all matter when it comes to how the state responds to all groups of immigrants, by shaping their immigration policies. Moreover it is argued, that the state character also shapes the states response to immigration issues, since the states values contribute in shaping the policies in the way that liberal, democratic states most likely respond to the issue in restrained, pacific and humanitarian ways and conversely (Betts 2009).

The analytical liberalists' approach to security issues consists of the domestic actors' definition of international interests and the means of defending them, in terms of domestic preferences. In other words, it is defining what is valued and vulnerable in the society? Who is perceived as a threat and how should it be met? (Brawley 2009). The definition of security may fluctuate due to domestic groups' competition for control over policy and the changes of parties in government, resulting in narrow preferences in the security policy. Thus, the analytical liberal approach looks to the material interests of domestic groups in order to examine how priorities in security policy were set and how the security was attained. Competing domestic groups are expected to voice through their rival material interests, where the winner shapes who enters the office, thus directs the security policy in different directions (Brawley 2009).

I argue, that this theory together with the securitization concept will help in achieving a better understanding of the development of immigration policies in the Baltic States. Domestic actors define the threats in the society and influence the process of how they should be met. Here the securitization comes into the picture, since necessary practices for meeting the threat are being legitimized. By applying the theory, I hope to reveal the underlying tendencies in the Baltic States related to states' characters and the importance of public attitude that might have contributed to their contemporary exceptional situation in terms of asylum.

4.3 Intergovernmentalism

In order to explain the EU's impact on migration management in the Baltic States, the integration theory, namely intergovernmentalism will be applied. It has a potential to explain the balancing between the legal obligations of the EU on one hand and the domestic influence on the other. It will help us to understand, why being member states of the EU, the Baltic States have developed comparatively strict migration policies and why there is a significant discrepancy between the policy level and the practice in the states.

Intergovernmentalism is based on the mainstream traditional political science theory – realism thus, states are seen as selfish, pursuing to fulfil their own interests and they only participate in the regional politics to benefit their own interests in the long run (Kelstrup, Sindbjerg Martinsen & Wind 2008). An Intergovernmentalist approach regards a state as the most important actor in the integration process. It concentrates on the study of politics between and within states, since integration is understood as a series of bargains among states, assisted and facilitated by supranational institutions, however bargains reflect national interests of the EU Member States (Christiansen 2005). In addition, the states are not eager to spread the integration process to the

areas that are considered of "high politics" such as national security and defence (Bache, George & Bulmer 2011).

The approach regards national governments as powerful actors in the regional integration, since by protecting and promoting their national interests they control the nature and pace of integration. Domestic groups are influential in the governments' decision-making process, however governments decisions are not simply a response to pressure from organised domestic groups, but are rather politically calculated and driven by the domestic concerns (Bache, George & Bulmer 2011) in this way slightly disagreeing with the theory of analytical liberalism.

Because this paper analyses the development of the restrictive migration policies in the Baltic States as a cause for low number of asylum applications, the theory will help to look at the underlying reasons for their development in terms of admission to the EU. I argue, that this theory is relevant in illuminating the integration to the EU process, which definitely had its impact on migration policies in the Baltic States. It will help to continue the explanation, how the securitized issues in the states had to be in accordance with the supranational obligations and what are the consequences of this process.

4.4 The concept of social navigation

Finally, but not the least important is the concept of social navigation, which will be presented in this section. It will also be applied in the analysis part of this thesis, in order to give a different perspective and to supplement the answer to the research question. I argue, this concept may complement push and pull factors of migration.

Henrik E. Vigh uses the concept of social navigation in his article about the young people in Bissau, Guinea-Bissau, in order to illustrate a navigation of social ties and options that arise in order to escape the social death (the term will be presented further in this section) and in this way to fulfil material and social needs. *"The concept of social navigation provides insights between objective structures and subjective agency"* (Vigh 2006, p. 31).

Vigh (2006) is mostly discussing the mobilization of youths in situations of warfare, where war becomes a terrain of possibility for them. However, beyond that he reveals three navigational possibilities within the researched area, where one is migration. It stands out as the most favourable, since by becoming migrants youths of Bissau hope to gain an adequate income and be able to support the household in Guinea-Bissau. In other words, the navigation is an attempt to govern your own life and is understood as a positive impact on one's future or at least the hope of it (Vigh 2006).

The concept of social navigation is based on the African term *dubriagem*, which cannot be directly translated, since it does not exist in Portuguese. The locals explained the term as the movement, dynamism and "*ability to act in relation to the movement of the social terrain one's life is set in*" in Vigh's research. (Vigh 2006, p. 51). This movement requires one to assess the immediate dangers and possibilities as well as to analyse possibilities of the desired (imagined) social environment, finally actualizing it with the movement from the present to the imagined future (Vigh 2006).

The concept of social navigation also includes the term *social death*, which describes a state, when a person is unable to attend his social needs therefore cannot fulfil a process of social becoming. This is a state one wish to escape. In other words, the social death is "*an absence of the possibility of a worthy life*" (Vigh 2006, p. 45), meaning that socially a person is unable to exist and his life does not entail the desired contents. In the pursuit of a worthy life migration becomes a necessity (Vigh 2006, p. 103). The term will be employed to understand the push factors and to enlighten the importance of the initial state of refugees prior to migration. It will also help to reveal that certain states may entail contents of a social death even after migration, leading to the secondary movement.

Even though Vigh (2006) describes a life of three young men in Guinea-Bissau, who seek to escape the social death and their navigation towards gaining a positive social existence – it may nevertheless contribute efficiently in this thesis. In the context of this thesis, it can help to picture an individual perspective not only for aspirations to migrate but also to explain the decision of choosing certain states (that are rarely the Baltic States) and how it is related to their future expectations. In other words – to explain the push and pull factors more thoroughly. I argue this may partly contribute to answering the research question and can help to explain the contemporary asylum situation in the Baltic States, however looking from different - individual - angle.

4.5 Summing up the theoretical framework

All the theories presented have different conceptual origins however I argue they all together can successfully contribute to answering the research question, by offering different approaches. The underlying pre-assumption of this thesis is that the Baltic States are unattractive for asylum seekers, due to their restrictive migration policies developed as well as due to the clandestine informal actions of public authorities working with illegal migrants. The research question implies that the answer should consist of several influential factors, therefore by applying all the four theories, I argue, the analysis will be comprehensive, since it will be done from the different

points of view. In this way the main factors contributing to the states' unattractiveness and low asylum application numbers will be assessed.

The theories are different in what they see as a main actor in the policy making process, such as a state, a domestic interest groups, a society, an individual. However, in the context of this thesis, an individual dimension at a certain degree is being used as an influential actor, in this way connecting all the theories. The human security approach see people as a referent object, analytical liberalism puts an emphasis on the influence of domestic groups, the concept of social navigation describes an individual aspirations and his decision-making process and even the theory of Intergovernmentalism recognizes the influence of domestic groups in the governments' decision-making process even though, the decisions are not simply a response to pressure from organised domestic groups, but are rather politically calculated and driven by domestic concerns (Bache, George & Bulmer 2011).

Another issue that all the theories have in common is survival. All the measures taken to influence the immigration policies are based on the survival, either of the state, society, ethnicity, or individual. Thus, being conceptually different in the context of this thesis the theories have uniting aspects.

All the 4 theories analyse an influence to the policy making process at different levels. The concept of securitization and analytical liberalism reveal the domestic attitudes towards immigrants and explain, how the domestic preferences and positioning asylum and immigration as threats may influence a creation of politics in the asylum area. Zooming out to the regional level, the integration theory of intergovernmentalism helps to analyse an influence of the regional - EU – level, on migration management in the Baltic States and the consequences of balancing between the regional and the domestic levels. Finally the concept of social navigation will be applied to give a slightly different approach to answering the research question, since it explains aspirations of an individual to migrate and an individual decision of choosing a certain destination country. However, the decision is highly influenced by the factors, explained and analysed with the three above-mentioned theories. By applying all the 4 theories, the analysis encompasses 3 different levels therefore is able to explain the asylum situation in the Baltic States comprehensively.

ANALYSIS

There are multiple reasons that put the Baltic States in an exceptional situation with regard to asylum. This analysis chapter of the thesis will focus on different approaches that will be analysed with selected theories of analytical liberalism, intergovernmentalism and the concepts of human security and social navigation in order to analyse the current situation and answer the research question. First and foremost the presumption about the strict border control will be analysed, to explain what might have caused the contemporary strict immigration policies in the Baltic States. Secondly, it will be interesting to discuss and analyse several issues met in the Baltic States concerning asylum and immigration in order to explain, how they might contribute to the unattractiveness for asylum seekers.

5. STRICT BORDER CONTROL, RESTRICTIVE IMMIGRATION NORMS AND THE UNDERLYING ROOT CAUSES

The recognition rates in the Baltic States given in the previous chapters confirm the statement from the UNHCR about strict migration policies and restrictive examination of asylum cases in the Baltic States. Comparing the rates with Sweden's, which is considered having a liberal migration policy and where in 2012 the rate of granting protection reached 39% and rose to 49% in 2013 (Migrationsverket 2014) it is noticeable, that asylum systems in the three Baltic States are less liberal than it is in Sweden. Therefore, it is important to describe a liberal migration framework and compare it with the existing in the Baltic States, as in this way, the strictness described by the UNHCR can be partly revealed.

5.1. Sweden's example of liberal migration policies

As an exemplary model of liberal migration policies I have chosen Sweden, which is a Scandinavian country, a close neighbour of the Baltic States. Sweden does not have an external EU border, however has been leading in immigration numbers for many years comparing both with the Baltic States and with the other EU Member States (Leslie 2012). In 2013, Sweden had the highest number of the asylum applications per million inhabitants with almost 2000 per 1 million (Bitoulas 2014), confirming its attractiveness for asylum seekers. Sweden has a large percentage of immigrants and asylum seekers due to its liberal, humanitarian–based immigration policies, thus is referred as an "immigration country" (Leslie 2012). Ethical and moral reasons are of high importance for accepting immigrants (including asylum seekers) in Sweden, thus humanitarianism is prioritized (Westin 1996). Sweden has a long immigration history dating the World War 2, when approximately 2.4 million people immigrated to Sweden. At that time immigration was unrestricted, since no institution existed to control it (Leslie 2012).

Contemporary Swedish law is based on the principle of equality meaning that everyone living in the country should be entitled to the same political, economic and legal rights (Gustafson 2009). Helpfulness for those in need is a common attribute in Sweden, since every year approximately 100 000 immigrants who formally do not qualify for a refugee status come to Sweden and it is very often that the vast majority is given permanent residency on the humanitarian grounds, that may include many reasons (Benito 2007).

After the residence is granted another important step is integration to society. The Swedish integration policy is deemed exemplary by the international community even though it has some defects and unresolved challenges. The immigrants are often present in a public life, in this way symbolising the openness of the multicultural society (Focus Migration 2009).

The Swedish liberalism towards immigrants can be explained by employing the theory of analytical liberalism in connection with the concept of human security. Sweden has a long immigration history, however, immigration has never been understood as a threat, in this way forming the domestic character of the state, which can be described as liberal. The country provides a high level of human security to its citizens, which affects the domestic preferences. Consequently, according to the analytical liberalism, the domestic preferences influence the state's response towards immigrants (including asylum seekers), making it rather welcoming than pushing away.

Looking through the lens of the social navigation concept, many of those in need for protection or simply pursuing for a worthy life, would choose Sweden as a destination country, because as the concept argues, a person makes a decision to migrate in order to escape the social death of its life and to fulfil both economic and social needs. A country, where a high level of human security is provided and immigration rules are liberal can be easily imagined as a destination country.

Many aspects comprise liberal migration system, such as integration, attitude towards immigrants and asylum seekers as well as history, economical situation and etc. Thus, while explaining the Baltic situation and using different approaches further in the analysis I will once in a while come back to the Swedish system and use it to make a contrast. I argue it is important to compare the Baltic States with Sweden in terms of how they response to immigration, since the latter is considered as an exemplary country in the matter. Being one of the countries, where the number of immigrants is steadily growing, Sweden remains liberal and prioritizes humanitarianism, while the Baltic States, on the contrary, even having a quite low number of immigrants, seeks to defend the society from this issue therefore respond in a restrictive manner.

5.2 What is a strict border security?

Since a strict border security is being constantly mentioned as a part of the restrictive migration policy in the Baltic States, it is therefore important to give a broader analysis of this issue.

A strict border security can be illustrated by analysing practices, implemented with the EU asylum *acquis*, namely the *safe third country*[14], *asylum claims at the state border* and *'manifestly unfounded*[15]*'* claims, both on *de jure* and *de facto* levels. The practice of the safe third country invite abuses of asylum regimes, since the Baltic States are in the neighbourhood with Russia and Belarus. To be more precise, in this situation, the implemented safeguards from the Western practice are not eligible since it is hard to picture such neighbours as the safe third countries, where protection to those in need would be provided in compliance with the Geneva Convention. Asylum claimants at the external EU border have also been exposed to risk, since the border guards enjoy considerable margins for rejecting persons and readmission agreements with the Eastern neighbours were concluded (Byrne, Noll & Vedsted-Hansen 2004).

The statistic information could illuminate the strict border and immigration policies, however information about expulsions, readmissions to the safe third country, refusals to enter and manifestly unfounded claims in the Baltic States cannot be found at the official migration webpages. Only the number of asylum applications and what kind of decisions has been made are to be found. FRONTEX provides common statistics from all the EU Member States, having the external EU border, however the information is not divided according to the frontier EU Member States thereby specific numbers are not presented.

Fortunately, as a former officer of the State Border Guard Service of Lithuania, still having some contacts there, I was able to get annual statistical information about the situation in Lithuania in 2013, which is a restricted document, only for internal use, containing information about decisions made towards the asylum seekers and illegal migrants, so the *de facto* situation can be evaluated[16]. Even though it does not cover all the Baltic States, their situation in migration area is quite similar, since the number of asylum applications and the recognition rates varies marginally. In this context it will contribute to the analysis of strict border control. Thus, by

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[14] *'Safe third country'* is a third country, where the life and liberty of people are not threatened on account of race, religion, nationality, membership of particular social group or political opinion, as well as where the principle of non-*refoulement* is respected, where prohibitions of international law related violence, torture and inhuman or degrading treatment are respected (European Parliament and the Council 2013, p. 80)

[15] *'Manifestly unfounded'* may be considered an application, when the applicant is from the safe country of origin or provides false information, documents, when he/she withholds relevant information or documents, refuses to comply with obligation to give fingerprints or is considered dangerous for national security, public order and etc. (European Parliament and the Council 2013, p.78)

[16] Reports are written for a limited internal usage only in the State Border Guard service of Lithuania.

analysing statistics of one state's practices it is, I argue, possible to draw some general conclusions about the others as well.

First of all, it is important to mention, that a strict border security and surveillance are being improved every year, in this way making it more difficult to cross the border in the so called "green zone"[17]. There are no physical fences built on the external EU border with Russia throughout the Baltic States. Therefore the control is ensured by physically patrolling near the state border or by observing it with installed video surveillance.

There were 308 violations of the state border recorded in the Republic of Lithuania in 2013, which is 23,6% less comparing with the number of violations in 2012. Interestingly, 49,1% of the committed violations of the state border consist of footprints found on the ground were no suspects are being detained. This implies that almost half of all the illegal border crossings are related both to illegal migration and smuggling of cigarettes. The number of illegal migrants detained near the state border may also reveal the growing surveillance and strictness of the border control. In 2013 there were 120 people detained due to the illegal crossing of the state border, while in 2012 this number reached 106 (State Border Guard Service of Lithuania 2014). Looking from the perspective of the theory of intergovernmentalism, the restrictive policies in Lithuania are still in place even after 10 years of being the Member State of the EU and are, moreover, even growing. This leads to the assumption that national interests in the context of immigration management have not changed. Looking from a political perspective, the Baltic States benefits from strictly guarding the external EU border, since in this way they protect their societies, from the constructed and perceived threats, namely the immigrants.

As it was mentioned before, the official information about exact number of violations of the external EU border in the Baltic States separately is not being published. Therefore, there were difficulties to compare the numbers among the Baltic States. However, some information can be found. In Latvia, for instance, the number of border crossing violations on its borders with Russia and Belarus grew by 71% in the period from 2007 until 2012. While in 2007 the number was 2364, it has risen and reached 4055 in 2012 (Petrova 2012). The rising number of violations may also partly contribute to aspirations of the Baltic States to implement the stricter border control at the external EU border.

Analysing the number of migrants denied to enter the country also enlightens the strictness. In 2013 the number of third-country nationals travelling to Lithuania reached 3.047.900 people,

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[17] The *"green zone"* is a land border situated between border crossing points.

which is an increase of 5,5% comparing with 2012. 2865 migrants were denied to enter the country due to several reasons namely the lack of valid travel document, usage of forged/fake documents, the lack of valid visa, usage of forged visa, inability to prove the reason of the journey and etc. (State Border Guard Service of Lithuania 2014).

One of the ways to enter the country in order to apply for asylum is to cross the state border in the border-crossing points by using the methods described above. Many of those not admitted might have been possible asylum seekers, who had expressed their intentions. The data shows that they were denied to enter, thus assuming that their wills were expressed, they probably were not listened. This illustrates considerable margins that border guards are enjoying, while possibly accomplishing the government's bidding. In this situation the difference between the *de jure* and the *de facto* situation in the asylum matters is remarkable and can be explained on the grounds of the security concept. Since the public opinion as well as the government's attitude towards the immigrants (including asylum seekers) is securitized, by positioning them as threats to the societal security, the *de facto* situation does not comply with the legal obligations and is thus unfavourable for claiming asylum. In this way the possible asylum seekers are forced to go underground.

This discrepancy and the securitization may be partly explained as the legacy of the Soviet Union. In the Post-Soviet period the Baltic States' systems had to be reformed and institutional changes to be made. While in Estonia in the Post-Soviet period younger people largely replaced the central administration, Latvia and Lithuania faced resistance to change from the previous nomenclature that sought to protect their interests. As a consequence, many civil servants from the old system retained their posts. This implies, that the Baltic States accepted the new states of affairs, however the implementation of laws and regulations was inefficient and obstructed by corruption (Panagiotou 2001). Thus, the Soviet legacy persists somewhat in the government institutions in the Baltic States, mostly in Latvia and Lithuania, especially in the immigration area, where liberal values ought to be used, as it is the area where a state should express its humanity, rather than hostility.

To illustrate this situation, the case study from the Republic of Lithuania will be presented. Two Afghan minors – Qais (14 years old) and Ghulam (17 years old) had illegally crossed the Belarus – Lithuania state border on the 4th of April 2013 and were immediately arrested by the officers of the State Border Guard Service of Lithuania. According to their official statement – they had verbally expressed their will for asylum and were promised to be taken to the Foreigners Registration centre. Unfortunately, the reality is that they were detained and official charges

were placed against them for illegally crossing the state border (according to the Lithuanian law, asylum seekers may not be persecuted for this crime at all). Moreover, they were sentenced for committing the crime and the decision to expel them from the country was adopted[18] (Sinkevičius 2014). The situation reveals the attitude towards immigrants, which I argue is securitized. The securitization of immigration is a set of issues in different areas related to immigration, that are being understood as threats to the human security or to the values of society and as a consequence, extraordinary measures are being taken and justified in order to preserve the security. Thereby, the securitized attitude in this context influences the behaviour of the State Border Guard Service officers, while upholding the rule of law and is inconsistent with the legal requirements, however justified by the public authorities. The situation illustrates the gap between the *de jure* and the *de facto* situations in Lithuania and reveals that officers enjoy the ability to act on their own will instead of pursuing interests of those in need.

By employing the concept of social navigation in terms of the border guards activity in the presented situation, the tendency may be seen, that the securitized attitude towards the immigrants is widespread. This leads to a stricter control chosen by the officers, which may be linked to underlying tendencies of securitization - to protect the societal values, threatened by the immigrants.

Analysing the statistics about reasons of leaving the Foreigners Registration centre of Lithuania, remarkable is the number of asylum seekers and illegal migrants who were expelled from the country or returned to the safe third country by readmission agreements. According to the statistics, more than a half of the residents of the centre were either obliged to leave the country (0,6%), returned to the safe third country due to the readmission agreement (16,9%) or were expelled (40,3%) (Foreigners Registration Centre 2014). Since the information about the situation in migration area are being shared widely among the human smugglers, these numbers confirm the strict border and immigration policies and possibly contribute to the lower number of applications lodged in the Baltics. The concept of social navigation explains the individual aspirations and decision-making process, which is done by migrating in order to escape the situation one lives in. The statistics presented illustrate how the decisions made towards the residents of asylum centre, could act as a push factor, pushing migrants towards other destination countries, because every immigrant/refugee is in the pursuit of a worthy life and is thus willing to maximize its possibilities of being accepted/granted asylum.

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[18] Translated by the author of this thesis

All the Baltic States have a land border with the Russian Federation (Lithuania with the Russian Exclave Kaliningrad) and two of them also with the Republic of Belarus. Most of the illegal migrants and possible asylum seekers cross those borders in order to enter the EU, however the decision not to apply for asylum might be based on the aforementioned statistics, since the chance of being denied to enter or returned to the safe third country is relatively high, moreover recognition rates in the countries are low. Hence, all the described practices create genuine risks that possible refugees may be directly or indirectly subjects to *refoulement.* This situation happens because the decision to grant asylum or to return applicants to the safe third country are based on reports, written by particular institutions, working with the migration matters (Lietuvos Respublikos Vidaus Reikalų Ministras 2004). These reports are advisable, meaning that the decision in every single asylum case is taken separately and considering the reports, therefore the decision can vary. Looking at the statistics, the conclusion may be drawn, that both Belarus and Russia are often treated as safe third countries and the readmission agreements are being used. Moreover, if the applicant is not the citizen of neighbouring Belarus or Russian Federation and the decision is adopted to return him/her to his/hers country of origin, he/she may be anyway expelled to the neighbouring Belarus or Russian Federation, if he/she has a valid visa or enjoy the visa-free regime in those countries.

In this way, the accession to the EU process aimed to lead the Baltic States to the same direction with the other EU Member States yet brought incoherence and contradiction (Byrne, Noll & Vedsted-Hansen 2004). In the following section, the analysis of the European influence will be analysed further.

5.3 The accession to the European Union and its impact on creation of asylum systems in the Baltic States

Asylum systems may vary even in a neighbouring EU Member States. This is a result of the EU asylum *acquis* transformation process that is a constant interplay between domestic, sub-regional and regional forces rather than a simple transposition of norms into domestic legislation (Byrne, Noll & Vedsted-Hansen 2004).

In order to understand what has determined the creation of the strict migration policies in the Baltic States and why these states are not experiencing significant refugee flows as the Southern European Union frontier states, I will present how the accession to the EU might have influenced the creation of the asylum systems in the Baltics and how it can be linked with current Baltic States' "unattractiveness" for asylum seekers.

Significant implementations to the asylum systems begun after applications for the EU membership were submitted. Admission criterions required the Baltic States to engage in extensive judicial, legislative, political and institutional reforms. There was a regionally acknowledged need to have a coherent strategy with regard to asylum, which had links to broader issues of external border control and security (Byrne, Noll & Vedsted-Hansen 2004).

In the EU *acquis* transferring period into the Baltic States legislation, the candidate states had to fulfil 'obligations of membership' that entailed the obligation to implement the entire EU *acquis* as it evolves (Byrne, Noll & Vedsted-Hansen 2004). Looking through the lens of the integration theory of intergovernmentalism, the Baltic States were keen on integration to the EU in order to assure their survival and to benefit from that in the long run. However, the Baltic States were a different legal and political environment than those Member States, where the EU asylum *acquis* was created. High level of corruption, legacies of post-conflict environments and nationalist policies formed the domestic preferences of the Baltic States and this, according to the theory of analytical liberalism, served as a basis for the state's policy creation. In this context, the *acquis* was successfully adopted, however due to the domestic influence, keeping the strictest criterions possible in the immigration area.

Thereby, even though the accession process was successful, there was a challenge of protecting refugees under treaties in divergent legal systems. This, and the previously discussed example about the Afghans arrested in Lithuania, may imply, that a sharp difference between the policy level – *de jure* and the practice – *de facto* exist. As a consequence, there is a risk of compromised protection standards in the Baltic States (Byrne, Noll & Vedsted-Hansen 2004). The theory of Intergovernmentalism is able to explain the emergence of the discrepancy between the policies and the practice. The Baltic States, being selfish states, had a primary goal to survive in the international arena after the dissolution of the Soviet Union. To reach the goal a strategy of integration to the EU was chosen, meaning that in order to pursue a scheme they were prepared to comply with certain requirements and benefit from that. Thus, the accession of the EU *acquis* had gone successfully. However, according to the theory, the governments' decisions were politically calculated and driven by the domestic concerns, moreover, the states were not eager to spread the integration process to the areas that are considered of "high politics" such as national security and defence (Bache, George & Bulmer 2011). As a consequence, the discrepancy between the *de jure* and the *de facto* situations emerged, since the governments must balance between the influence of the domestic interests and the regional goals of the country in the regional area. Therefore, the policy level is in accordance with the requirements of the EU,

however its implementation in reality may be aggravated or incomplete. Moreover, due to the domestic interests, the governments of the Baltic States tolerate it.

All the EU migration policies are framed under two conflicting policies: the realistic, focusing on internal security and tightening territorial borders in order to fight illegal migration and the liberal one, focusing on humanitarianism in terms of human rights and refugee protection as in the case of Sweden. According to Lavenex (2001), the expansion of the European Union to the Eastern and the Baltic countries, led to domination of strict migration policies in order to secure the new external EU border against unwanted immigration. The implementation of the restrictive policies usually reflects the influence of the most influential actors in the society, according to the theory of analytical liberalism. In this context, together with the integration theory of Intergovernmentalism, it explains the willingness to adopt restrictive immigration policies. The realistic policy of internal security has something in common with regional goals and domestic preferences. The Baltic States saw it as an advantage to benefit from and the willingness by the domestic interests groups to establish stricter security measures was also considered.

Another European approach contributing to the explanation for implementing restrictive policies in the Baltic States might be described as counter–measures, imposed due to restrictive policy changes in the Western and Northern countries. This inspired policy changes in the frontier EU Member States and was based on the fear of receiving masses of immigrants and becoming a 'closed sack' or 'buffer zone' (Byrne, Noll & Vedsted-Hansen 2004). Hereby, the frontier Member States' practices developed to non-arrival policies. Efficient border control may also have an effect by diverting those seeking for protection to other states. As a consequence restrictive practices discussed in the previous section, pose the protection under the Geneva Convention (Byrne, Noll & Vedsted-Hansen 2004).

The counter–strategies in the Baltic States were mostly implemented by their Scandinavian neighbours, that donated equipment for appropriate sea border control thus, prevented both illegal migrants and asylum seekers from moving westwards by the Baltic Sea. Nordic States have also implemented various containment mechanisms in the Baltic States through the assistance programmes. The officials in the Baltic States held the securitized perception, that asylum seekers are essentially illegal migrants and this perception was affirmed by the Nordic neighbours by implementing deflection measures in the Baltic States (Byrne, Noll & Vedsted-Hansen 2004). The willingness to implement the measures was a reflection to the securitized domestic preference and looking from the states' perspective, it was beneficial to their mainstream politics.

The goal of the Western European refugee agendas was to advance the refugee protection standards in the Baltic States, by funding, training and providing technical assistance. However the deficient policy model that was implemented aimed to deflect and deter asylum seekers in this way bringing more incoherence and contradiction in the Baltic States (Byrne, Noll & Vedsted-Hansen 2004).

The restrictive immigration policies are also partly a consequence of geographical position. The countries have the external EU border, which may give rise to feelings of threat of mass transit migration (Green 2007), especially since 2 of the 3 Baltic States have both the external and the internal state border (see the picture bellow). In this context, the restrictive immigration policies are justified as a measure to meet the issues threatening the society and its values.

Source: Nordic Centre For Spatial Development (NORDREGIO) n.d.

Finally, the Baltic States are relatively new members of the EU and are therefore unwilling to remodel their domestic legislations again and again, especially by spreading more integration into certain areas as immigration and security. Consequently it is difficult to update the initial version of the EU *acquis,* which was adopted before the accession, to a more liberal version (Byrne, Noll & Vedsted-Hansen 2004).

5.4 The Russian legacy and its influence to the nation-building in the post-Soviet period

One approach to understanding why legal and political environment in the Baltic States was different from the Western is the Soviet occupation and its legacy in the Baltic States societies. Thus, in this chapter the historical perspective of the Baltic States will be presented and analysed, since the assumption is that it had influenced the emergence and development of the restrictive migration policies.

The Baltic States were independent before June 1940 when the secret Molotov-Ribbentrop Pact[19] divided influence spheres between Germany and the Soviet Union. As a consequence, the Baltic States were incorporated into the Soviet Union as its republics (Nikitina 2014) in August 1940[20].

The occupation was conditioned by the Soviet ideology with its totalitarian regime, meaning that a very strict physical control was kept over the oppressed. The Soviet ideology created a multi-layered language where, for instance, the occupation was understood as liberation, striving towards equality of all the nations etc. (Annus 2012). Penetrating Russians or "reliable" Balts to important positions of power implemented a strict political control over the governments and political parties. National military units were abolished and local secret police offices were directly subordinate to Moscow (Panagiotou 2001). Formal political integration of the Baltic States into the Soviet political system was far-reaching, however beyond this formal integration the actual integration was weaker, giving the opportunity for nationalist movements to emerge. Even though education systems, media, cultural institutions etc. were all working in accordance with the framework set by the Communist Party and all the Baltic States had been exposed to intense policies of "russification"[21], the actual cultural integration was also much weaker, than it seemed on the formal level (Panagiotou 2001). Thus, residents of the societies were living a

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[19] The secret protocol in 1939 Treaty of Non-Aggression between Germany and the Soviet Union.
[20] In 1941 The Baltic States were occupied by Germany, which invaded the Soviet Union. In 1944 the Soviet Union re-occupied or in Soviet terms – liberated the States from the German occupation.
[21] *"Russification"* – it is a form of cultural assimilation process, where in this context the main vehicle was the aggressive promotion of the Russian language, culture and immigration of native Russians to the Baltic States that was encouraged by Moscow.

double life – the formal one where they must behave in accordance with the Soviet ideology and the secret - nationalist life that could not be expressed in public.

After the dissolution of the Soviet Union, the "politics of memory", shaped by the politics of guilt, had dominated in the Baltic States. The perception that Russia as the Soviet successor may have ambitions to economically and territorially re-conquer its neighbours and former Soviet Union republics, strengthened aspirations to survive in the Baltic States and to protect their independency (Nikitina 2014).

There is a widespread perception in Russia that the Baltic States were concerned about their sovereignty due to possible Russia's ambitions, thus they convinced the NATO and the EU to extend the membership to the Baltics (Nikitina 2014). The possible ambitions seem quite evidential since many verbally expressed threats were made against the Baltic States. For instance, a Foreign Minister of the Russian Federation Andrey Kozyrev in October 1995, threatened to use "*a full arsenal of methods*" including military forces in order to protect Russian citizens living in the Baltic States. Moreover, a Russian nationalist Vladimir Zhirinovskij in an interview to the Estonian newspaper in 1996 said: "*I'm telling you honestly that I'm doing everything to liquidate the Baltic States*" (Thompson 1998, p. 118). The theory of intergovernmentalism is able to prove those perceptions, because the Baltic States were weak while in their nation-building stage, thereby in order to survive, had chosen the integration to the EU and NATO. However, the Baltic States were more likely to adopt stricter laws concerning migration and citizenship (Thompson 1998). This was done due to the securitization of immigration, which was used as a mean of diminishing the cultural homogeneity during the Soviet occupation. As a consequence, immigration was linked to the security, resulting in a stricter implementation of laws and practices in the area.

The first years after independence in 1991 were abundant with examples of nationalizing discourses and policies in order to distinct titular nationality and primacy. The nationalizing discourses were particularly strong in Estonia and Latvia, where a third of the population were excluded from the citizenry due to the restrictive citizenship legislation. These actions can be linked with the security issues, since Russian–speaking immigrants in Estonia and Latvia were routinely characterised as unwanted, illegal "occupiers" or "colonists" and the public opinion was expressed about the desire to see them emigrate (Brubaker 2011), in this way positioning them as a threat to the survival of the titular nationality and primacy. The main idea behind this was to diminish their political influence in the state politics (Muiznieks, Rozenvalds & Birka 2013). The state-building process in the newly independent Baltic States included a deeply

institutionalised ethno-cultural understanding of nationhood, understanding the state as made of and for the ethnic nationals, as well as claims about states' unhealthy condition and threat to survival (Brubaker 2011). Nationalizing discourses were securitized through the "speech act", reflecting in strict immigration policies, especially related to the citizenship issue in this context. As a consequence, up to date nearly half of the Russian-speaking population in both Estonia and Latvia remains without citizenship (Brubaker 2011). The ethno-cultural division between the citizens and residents in the Baltic States undermine the level of human security provided in the states, since not all the residents are protected from dangers that pose threat to their rights. In this way it undermines the societies and the quality of life in the Baltic States.

The nationalising policies were based on the argument, that in order to fully secure the states for the titular nationalities, first of all the states need to be purged of individuals, organizations and institutions that were responsible for the oppression (Smith et al. 1998). Moreover, the fear of demographic extinction in Latvia and Estonia, became a dominant theme in a nationalist discourse, thus both states strived to safeguard a secure homelands for the titular nationalities (Smith, Aasland & Mole 1994). In this context, the act of securitizing ethnically distinct residents is significant, placing them as a threat to the titular nationalities and legitimizing the actions of meeting the threat. Thus, the Baltic States were trying to distance them from the chaos and uncertainty flowing from 'the East'. To do this they needed to regulate and monitor the flow of goods and people across their borders. This monitoring has included the protection of previously porous state borders in order to avoid the inflow of migrant populations and refugees (Smith et al. 1998). The strict border control and immigration regulation was a consequence of the securitization process, which positioned immigrants as a threat to the societal values, thus legitimated the strictest border and immigration policies possible. Moreover, the public attitude towards ethnically distinct residents was also securitized, by positioning them as threats to ethnically homogenous society, resulting in discord and societal division.

These elements widely influenced the overall creation of newly independent Baltic States, including the social, cultural and political dynamics, where also the legislation regarding migration policies and border security was touched, making them less liberal than in other Western or Scandinavian countries.

Due to these historical reasons and the fear that immigration has a negative impact on political decision-making, immigration issue in the Baltic States has always been a sensitive issue, thus contemporary national immigration and border security policies are hostile towards immigrants (Kovalenko, Mensah, Leončikas & Žibas 2010). In Estonia for instance, very strict rules

regarding employment of migrant workers are limiting their opportunities for achieving the stable conditions of life. Estonian legislation and policies fail to equip the newcomers with information and skills that are needed in order to integrate to the society. Latvia's example is also related to the lack of information to the newcomers. The NGOs registered fail in creating a common vision of immigration issues and public authorities are rather complicating things than actually providing the necessary information (Kovalenko, Mensah, Leončikas & Žibas 2010). This, once again, proves the existence of a negative societal attitude towards the newcomers. Positioning them as threats to the societal values results in an insufficient ensuring of their rights and undermines their quality of life in the Baltic States.

6. EXPLANATORY CONCEPTS FOR THE BALTIC STATES' UNNATTRACTIVENESS

One of the approaches to explain the Baltic States exceptionalism and in this way to answer the research question is by using explanatory concepts and by arguing that due to their restrictive policies regarding the security of the state border, policies regarding the employment of the immigrants, welfare provisions as well as further integration perspectives – the Baltic States remain unattractive as asylum destination countries and are only crossed in transit to the desired ones. This chapter aims to analyse the underlying reasons for the aforementioned.

Asylum *acquis* is harmonised in all the EU countries and as it is stated in the European Commission's webpage for CEAS, asylum must not be a lottery (European Commission 2014), unfortunately the present situation proves contrary, because national variations in recognition rates persists. Asylum seekers from the same country of origin face substantially different recognition chances in different Member States (Toshkov & Haan 2012). Some European countries are more attractive and get more asylum applications than others therefore the distribution of the "asylum burden[22]" is unequal with respect to the gross domestic product levels of the destination countries. Relative benefits in the country of asylum most often determine the destination country. According to Economic theory asylum seekers are more willing to apply for asylum in rich countries with low unemployment rate, since rich countries are likely to have a well-developed welfare system they may benefit and low unemployment rate contributes to easier employment (Neumayer 2004). In other words, to countries where the level of human security provided is high.

6.1 Immigration history

The choice to migrate to a certain country may also be influenced by countries' colonial past, labour import history and language. This is related to long-term residents of the destination country, representing the diaspora of some countries of origin that can provide initial and practical information for newcomers. Existing communities of past asylum seekers may also contribute to the decision in the same way, since they can provide the necessary information and thus, lower the costs of migration for those wishing to settle (Neumayer 2004).

The Baltic States do not have an immigration history (comparing to the other Western European countries) and being comparatively young countries are mostly unknown for refugees, thus are not the desired destination countries. As an example, aforementioned Afghans Qais and Ghulam

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[22] *'Asylum burden'* in this context should be understood as a distribution of asylum applications to different EU countries.

in their case stated, that they were supposed to be smuggled to Sweden, which they knew as a safe country to live, however ended up arrested in Lithuania, which they have never heard about before (Sinkevičius 2014).

On the contrary, Sweden now is a multicultural society well known in many parts of the World due to its long immigration history. Approximately 16% of the Swedish population are born in another country (Statistics Sweden 2014). Consequently, the most common reason for residence for non-Nordic immigrants in 2013 was family reunification (Statistics Sweden 2014). The facts presented may act as pull factors while analysing them with the concept of social navigation. *"The concept of social navigation provides insights between objective structures and subjective agency"* according to Henrik E. Vigh (2006, p. 31). Objective structures in this context may be interpreted as the social ties with relatives or friends in a certain country. In this way, the country, where a person has some social ties, becomes a terrain of better possibilities. This influences the subjective agency while making the decision on the destination country, since one would rather take decision to migrate to the country, where he/she will be helped and assisted.

6.2 Geographical position and the means of migration

Geographical position may also be a significant factor for asylum seekers, considering that closer countries might be reached cheaper, thus by bus, car, train, boat or sometimes walking, however this happens mostly in the situation of imminent threat to their personal integrity and under great time pressure or with the limited amount of money (Neumayer, 2004). In order to understand the means of illegal travelling in order to reach a certain country, illegal migration should be explained more explicitly, by dividing it into independent and organized smuggling.

The Baltic States, due to many factors already described in this thesis, serves mostly as transit countries, rather than destination, both in the case of independent crossing and organized human smuggling. Analysing the information from the State Border Guard service of Lithuania, some common tendencies may be revealed. Illegal migrants, who usually travel independently, most often come from neighbouring Russia, Belarus or further located Georgia. Organized people smuggling networks that use the Eastern European route most often are smuggling migrant groups from Asian countries, such as Vietnam, Pakistan and Afghanistan. In 2013 Lithuanian Border Guard Officers detained 14 organised illegal migrant groups together with their smugglers. 8 of those groups were detained next to the internal EU border, while attempting to cross the border to Poland (State Border Guard Service of Lithuania 2014). The standard of living in Western European and Scandinavian countries are still higher than in the slowly improving Baltic States. Moreover, the level of corruption is noticeably high and the rule of law

is still weak in the Baltics (Jonsson 2009), therefore, the place of detention (next to the internal EU border, attempting to leave the country) and official statements in the further investigations about the destination countries in the Western Europe or Scandinavia (State Border Guard Service of Lithuania 2014), confirms the assumption, that the Baltic States are mostly used as transit countries, especially when the journey is organized and carried out by the smugglers.

The popularity of this route first of all consists of geographical position. The Baltic Sea region functions as a corridor to the Western Europe or Scandinavia and the Baltic States are situated in the North-western borders of it (Gutauskas 2009). Such neighbours as Belarus and Russia enables illegal migrants to approach Europe without many restrictions, since Russia and Belarus have visa-free regimes with many Asian and Middle-Eastern countries and the transit migration is not on the politicians agenda. Secondly, organized international networks of smugglers are well developed in Eastern European countries, where the main obstacle – external EU border is located. Most of the human smugglers detained in Lithuania are citizens of Lithuania, Poland, Russia and Afghanistan (State Border Guard Service of Lithuania 2014). Criminal groups based in Lithuania have strong ties with groups in Georgia, Russia, Central Asia and acts like a link to Northern or Western Europe, while Estonian and Russian groups are believed to have divided the markets in Sweden and Finland (Gutauskas 2009). Knowledge of the Russian language and high corruption level in the neighbouring states opens the gates to Europe for illegal migrants easier.

Organized crime groups are unfortunately a common phenomenon in the post-Soviet states. The human smuggling has become a profitable business of the criminal and informal sector in the Baltic States, contributing to increasing hidden economy in an already vulnerable economic and political situation in the Baltic States (Jonsson 2009). Since the number of legal migration possibilities decline, an increasing number of migrants are using services of illegal organisations (Gutauskas 2009). The smuggling mechanism includes the shipping operations, gathering information, planning, finances and other technical tasks. The criminal groups are often international and multi-ethnic, well organized, consisting of different nationals, with divided responsibilities in the state border crossing machinery, therefore without the initial background information about the group members and their roles, it is difficult to disclose such crimes effectively and put the offenders on trial (Gutauskas 2009). Officers must organize bilateral operations with neighbouring countries what is often complicated, in order to bring all those responsible for the crime to justice.

Unfortunately, even bringing to justice may not deter from this business in the future. The practice of the Lithuanian courts reveals, that it is difficult to prove one's guilt for organising the human smuggling and the sentence for assistance to commit the crime is comparatively mild. As an example, I will present one criminal case of human smuggling, where Lithuanian citizens were sentenced for smuggling at least 200 illegal migrants to the Scandinavian countries in the years of 2001-2002, by using forged Lithuanian passports and bribing the officers of the State Border Guards Service. Due to its large extent, the case was only finished to examine in the end of 2010. The two suspects were neglecting their guilt of organising the smuggling and without legitimate proofs about them lying, they were sentenced only for assisting to commit the criminal activity. One of the suspects was sentenced to 1 year and 3 months in jail while another had only to pay the fine of 26000 LTL, which is approximately 56233 DKK (Poteliūnaitė 2011). Taking into account, that the estimated amount they could have earned from this criminal activity reaches approximately 400000 USD (app. 2 million DKK), the sentence seems disproportionate and in this way facilitating this illegal activity. In addition, 6 of the 7 State Border Guards Service officers, who were bribed and assisted to commit this criminal activity, avoided criminal liability (Poteliūnaitė 2011)[23]. The organized groups of human smuggling exert influence on criminal justice authorities as well as politics through corruption (Gutauskas 2009) and as a consequence, it challenges the stability, legitimacy and efficiency of state institutions in general (Jonsson 2009). Since the organized groups often operate with impunity and official complicity, it contributes to the perception that the state institutions are unreliable (Gutauskas 2009).

The phenomenon of impunity I argue may be explained by the human security concept. As the national governments are concerned about the welfare and security provision for their own citizens, the crime as human smuggling is not a priority crime to prevent. The countries are mostly being used as transit countries for smuggling illegal third-country nationals and consist of nationals from different countries. As long as the Baltic countries are not countries of destination, in this way undermining the needs of the titular nationals, the governments can 'close their eyes' and concentrate on the priority crimes, which bring them the actual benefit. As a consequence this promote the existence of the *de jure* and *de facto* levels, in other words it promotes the informal level in this way as long as it does not undermine the needs of societies.

The most used as a transit country for undocumented migration of the three Baltic States is Lithuania, which is situated the most southern. Interestingly, it is also a country of origin for trafficking of women (Gutauskas 2009). The United Nations Human Right Council has also

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[23] Translated by the author of this thesis

criticized northernmost situated Estonia, for not paying enough attention to international human trafficking since the number of crimes related to it rose to 43 in 2013 (Rüütel 2014). Finally Latvia is also facing the problem of human trafficking, since the number of victims is growing, while the number of criminal proceedings against the traffickers is not increasing (The Baltic Times 2012). Unfortunately, the criminal business of human trafficking is the fastest growing in the world and is rather a latent crime, thus there is no exact information about it (Jonsson 2009). The informal level in the Baltic States related to human trafficking and smuggling is quite evidential, however so far they are not on the agenda in the Governments' programmes. On one hand, this may reflect the domestic preferences, according to the theory of analytical liberalism, meaning that the societies are not concerned about certain crimes, since the attitude towards illegal migrants are rather securitized than based on humanitarian grounds and the problem of human smuggling does not seem evidential comparing with other crimes. On the other hand, the number of criminal procedures does not reflect the fact that the crime is rapidly growing, suggesting that public authorities and even politicians may be related to this illegal activity. The case of human smuggling to the Scandinavian countries, presented in this section, illustrates how officers of the State Border Guard service assisted to commit the crime, thus were part of the smuggling mechanism. This partly confirms the assumption about the links between the organized crime groups and the bureaucrats, in this way negatively influencing the level of interest in the related crimes and their prevention.

6.3 Employment, welfare provisions

As it was mentioned before, the Baltic States themselves are the migrant sending countries due to mostly economical reasons as high unemployment rate and low salaries, which is partly an explanation why they are less attractive for asylum seekers who have aspirations for a better life and are usually expected to send remittances to their families left in the countries of origin. In general, all persons legally residing in the Baltic States may seek employment, disregarding their ethnic background or religious affiliations (Kovalenko, Mensah, Leončikas & Žibas 2010). However, *de facto* situation is, that even though asylum seekers enjoy the right to work after their application have been processed for 12 months, or after they are granted protection, the chances of actually becoming employed remain low. Mostly, because the language barrier dominates in the Baltic States, the fluency in the national language determines the employment thereby aggravate the prospects of employment (Kovalenko, Mensah, Leončikas & Žibas 2010). The fact may be explained as a legacy of the nation-building period, when nationalizing discourses took place in the Baltic States, positioning immigrants as threats to cultural identity and resulting in certain requirements, as it is in the context of the local language. As a

consequence of restrictions adopted, the rate of unemployment among non-Estonians in Estonia, for instance, remains two times higher than among nationals. Moreover, non-Estonians are forced to work in unstable occupations and for less remuneration, since the Estonian labour market is ethnically divided. In the case of Lithuania, immigrants are mostly considered as means that can satisfy the shortage of the labour force, however without aspirations of long-term integration and the labour market is regulated to "protect" internal labour force from loosing their positions (Kovalenko, Mensah, Leončikas & Žibas 2010). The examples presented illustrate the consequences of securitized attitude towards the immigrants and the continuing justification of certain practices on the grounds of societal security. This implies, that the employment of the immigrants may only be justified due to shortages of the labour forces and the immigrants are expected to leave the countries after their services are not needed anymore.

As a comparison Swedish example may be used, where even though immigrants face more difficulties than natives in order to be employed, still more than half of foreign-born people are being employed and their chances improve with the amount of year they live in the country. Looking at the statistical information from Swedish Integration board, 67,5% of foreign–born men and 61% of foreign–born women were employed in 2005 (The Swedish Integration Board 2006). This imply, that the attitude towards the immigrant employee is more liberal and welcoming than in the Baltic States, moreover, their chances improve with years, meaning that they are not expected to leave after the shortages of labour forces are reduced.

Prospects about the longer residence and future in the Baltic States are unfortunately unfavourable to both immigrants and asylum seekers in this way pushing them to choose other countries of migration instead of the Baltic ones. According to the Migrants Integration Policy Index from 2006-2007 results, third-country nationals in Latvia had the worst legal security in the country as long-term residents, workers, family members and naturalised citizens, followed by Lithuania that ranked third worst in the mentioned areas (Kovalenko, Mensah, Leončikas & Žibas 2010). The mentioned facts are the assessment of the *de jure* situation in the integration area. By adding difficulties met in the practice, including discrimination, intolerance, violence and etc., the prospects of being provided with a sufficient level of human security remain low in the Baltic States.

Medical facilities partly comprising welfare system in the country is also significant in the destination country decision-making process. In the case of Estonia, again, the language barrier is the main issue, since the medical personnel is required to speak only national language as well as annotations of medicaments are provided only in Estonian language. In this context, the usage

of other language than Estonian is upon doctors' good will and capabilities, since translation services regulated by state does not exist in this area and must be covered by the patient, if in need. These circumstances imply that many immigrants, who are not proficient in the national language, risk damaging their health by ignoring their problems due to language issues (Kovalenko, Mensah, Leončikas & Žibas 2010). It is a consequence of nationalizing policies that took place and proves the securitization of the national language, aggravating the situation for the immigrants in many aspects of life, lowering the quality of life, challenging the human security and making the country less attractive for asylum seekers and other immigrants.

6.4 The misuse of the asylum system

The right to seek asylum in the Baltic States is presumably misused, in the case of transit migration and detention next to the state border. In order to avoid the detention and deportation, some illegal migrants apply for asylum and, enjoying the right to move freely in the country afterwards, continue journeys to the destination countries. In 2013 Foreigners Registration Centre of Lithuania registered 110 applicants, who had left the centre (State Border Guard Service of Lithuania 2014). Due to this phenomenon, I argue, the attitude towards those seeking asylum is securitized. As the numbers of those leaving the country after lodging an asylum application is comparatively high, the public authorities justify the illegal actions in practice such as ignoring the request of asylum as it was presented in the example about the Afghans Qais and Ghulam. There is a widely accepted opinion among the public authorities, that the asylum system is mostly misused, thereby the actual (and most of the time illegal – as presented in the Afghans Qais and Ghulam example) measures to prevent this are taken. Even in the 2013 annual report of the Foreigners Registration centre of Lithuania, the misuse of asylum system is named as a problem that needs to be solved (Foreigners Registration Centre 2014). The securitized attitude towards immigrants in the societies persists, and influences the response from the state towards them. The theory of analytical liberalism helps to explain this long-term validity arguing, that the domestic preferences are stable over time and difficult to adjust if they are tied to actors' identities, as it is in this context of the Baltic States.

The State Border Guard service of Lithuania alone detained 1639 illegal migrants in 2013, both residing inside the country and those who have just crossed the border. However, there were only 274 asylum claims (State Border Guard Service of Lithuania 2014). This implies that there exists the unwillingness to use the asylum right in the Republic of Lithuania, since it is not a desired destination country, or because the chances of being granted remain low. Many of those detained soon after the deportation to the neighbouring countries, may use their chance to reach the desired European country again. In this way, asylum right in Europe remains unused and is

'saved' for the desired Western or Scandinavian country. As the concept of social navigation would explain this – an individual navigates to the desired social environment, by using the objective structures in his way.

The unwillingness may also be explained by the fact that, in Lithuania only 19% of residents trust the government and only 14% trust the national parliament, which are among the lowest numbers in the EU. The situation is very similar but worse in Latvia, where the trust in the government reaches only 10% and in national parliament 6% of all country residents. Estonia however stands out among the Baltic States, with the trust in the government reaching 38% and with 31% of the residents trusting the national parliament (European Commission 2009). The numbers presented imply, that especially in Latvia and Lithuania, the national governments and parliaments including public institutions are perceived as unreliable. This may explain, on one hand, why many illegal migrants who may be qualified as refugees, chose to live in the country illegally, instead of applying for protection. On the other hand, proves once again the reliability of the accusations brought by the Afghans Qais and Ghulam, who claimed that the public authorities operates to fulfil their goals instead of helping those in need. The distrust I argue is partly a consequence of the Soviet legacy, since in the Post-Soviet nation-building period both in Latvia and Lithuania many civil servants retained their posts, thus their pro-Soviet attitude towards certain issues, while in Estonia they were replaced by younger generation public servants (Panagiotou R.A. 2001), which presumably enshrine more liberal values.

Unfortunately, the fear and the unreliability of public authorities may contribute to the contemporary low asylum applications' number in the Baltic States. According to the Lithuanian Human Rights Monitoring Institute, public authorities that are responsible for ensuring asylum seekers' rights, fail to do so. The clandestine politics, they claim, dominates in the Foreigners Registration centre of Lithuania, where double standards are at the presence, thus lawlessness is dominating over the legal requirements. Several cases of refusal to take the asylum applications (from the detained illegal migrants), violence against residents resulting in injuries followed by prohibition to get the medical treatment, were under investigation at the Lithuanian Human Rights Monitoring Institute (Lietuvos Radijas ir Televizija 2013). All the presented lowers the attractiveness of the Lithuanian asylum system and raises the degree of unreliability. Once again the double standards in the countries are proved to exist. Balancing between the legal obligations, put by the supranational institutions in the area, and the domestic preferences, that are securitized, promote the informal measures taken by the public authorities against the illegal migrants, who are considered as a threat to the cultural values and the security of society.

In summary, the aspiration to join the European Union has brought EU *acquis* to the Baltic States' legislations, however the framework for implementing the policies is not yet fully developed, implemented by illegal actions in the practice and often misused. This may be easily explained by the theory of Intergovermentalism, since it argues that states are not eager to spread the integration process to the areas that are considered of "high politics" such as national security and defence (Bache, George & Bulmer 2011), including the immigration issues. On the grounds of the analytical liberalism theory, the assumption may be done, that the revival of nationalist movements influenced political discourses and emphasized ethnic identity rather than civic values. In this way immigrants were perceived as a threat to society, undermining it, thus it led to development of anti-immigration stances in the Baltics (Green 2007). Restrictions on welfare benefits, fewer work opportunities, low recognition rates and the threat of forced removal - lowers countries' attractiveness and their chances to be chosen as asylum destination countries (Neumayer, 2004), since migrants' aspirations are, according to social navigation, to enter the social environment, where the chances of being granted residence/asylum are higher and the future life expectations are favourable for immigrants.

6.5 The reception centres and their contribution to the Baltic States' unattractiveness

In order to understand the Baltic States' exceptionalism in the asylum area, some contributing explanatory concepts were already presented. In addition, I argue, that the reception conditions, may also influence the decision on asylum destination country.

Since refugees are the category of people who are fleeing the persecution, whose lives are in danger, who might be victims of violence and who's rights have been violated, it is important for them to find a safe place to live, where they would be taken care of properly. Even though all the EU countries have implemented the Reception directive, the actual or *de facto* situation in the EU countries varies. The differences may be explained by the theory of Intergovernmentalism, claiming the states' unwillingness to spread the integration to certain areas related to security of the state, exist. Therefore, I assume, that the refugee reception centres and the practical provisions for asylum seekers are partly contributing to the low number of asylum applications in the Baltic States, as people tend to choose what is best available for them, as the concept of social navigation provides. To justify this assumption the description about the conditions for asylum seekers in the reception centres in the Baltic States will be presented and analysed with the chosen theories in order to reveal the grounds of certain practices and link them with the individual decision taken.

As mentioned earlier in this thesis, there are 3 reception centres in the Baltic States, each in every. At Estonian Illuka Registration Centre the main issues (as for 2012[24]) were the remote location of the centre, language courses that were irregular, lack of information provided to asylum seekers and the medical facilities accompanied by interpreting services (Saharov & Säär 2012). In 2012 Estonian Human Rights Centre acknowledged, that the reception conditions, especially for asylum seekers with special needs, are faulty and even though they are prescribed by law, they do not actually function in reality (Saharov & Säär 2012), again enlightening the existence of discrepancy between the *de jure* and *de facto* situations in the Baltic States.

Problems in the same areas are also common in the Foreigners Registration Centre of Lithuania, unfortunately, supplemented by some additional ones, such as security issues, right to move freely outside the centre and lack of respect for ethnic or religious matters. For instance, irrespective of the practiced religion, all the residents in the centre are being served of pork, even though it is acknowledged by the European Human Rights Court, that certain nourishment rules may be considered as part of practising the religion (Baltic News Service 2014)[25]. Even though all the mentioned rights for asylum seekers are *de jure* implemented to the national legislation as a consequence of adopting the EU *acquis*, secondary legal acts either do not regulate the issue or make the requirements more restrictive, thus negatively influencing the actual every day practice (Biekša & Samuchovaitė 2013).

To illustrate the situation some common discrepancies of implementation that influence the reception conditions' downgrading will be presented. To begin with, the reception directive guarantees the right for asylum seekers to move freely within the territory of the host EU member state and shall provide for the possibility of granting applicants temporary permission to leave the centre (European Parliament and the Council 2013). Due to adopted secondary legal acts in Lithuania, *de facto* asylum seekers are given permissions to leave the centre only from 6am until 11pm (excluding half an hour at 8.30 am and 8.30 pm when officers' shifts are changing). Moreover, the right to move freely is being used as a mean of punishment for failing to do their cleaning duties. The worst part of this punishment practice is that the punishment is valid for all the residents, living in the same floor with the violator (Biekša & Samuchovaitė 2013). In this way, the right to move freely outside the centre is disproportionally restrictive.

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[24] The Illuka Registration centre, located in Illuka municipality in Ida-Viru county, in the village of Jaama, had operated from 2000 until early 2014, when the reception centre was moved to Väike-Maarja parish and given over to AS Hoolekandeteenused to administrate it (European Migration Network 2013)
[25] Translated by the author of this thesis

Another important issue in the centre is violence. No legal acts are regulating the violence prevention in the centre, nor physical conditions allow separating warring persons. There is only one building to accommodate asylum seekers, thus asylum seekers with warring ethnic backgrounds, religions, homosexuals, single women and children, those addicted to drugs and asylum seekers with special needs – are all accommodated in the same building, with only one separation, that men and women live in different floors (Biekša & Samuchovaitė 2013). As a consequence, in 2012 two Russian asylum seekers – a woman in August and a man in December were killed during the conflicts in the accommodation building (Baltic News Service 2012)[26].

There are also many other issues in the centre such as the pocket money, that are not regulated by the Lithuanian law and the amount given is insufficient to meet their medical, hygienic or other basic needs. Medical facilities are limited and in practice available only at the centre due to the lack of secondary legal acts. Thus, no higher qualification specialists' consultations are available to asylum seekers (Biekša & Samuchovaitė 2013). Consultations of social worker and psychologist are available only for those asylum seekers, who are able to speak Russian language. Moreover, Lithuanian language courses are not available for asylum seekers (Biekša & Samuchovaitė 2013). Unfortunately, the list may be continued, however may aim was to illustrate the unattractiveness of asylum centre due to lack of secondary law acts and the actual every day practice.

A comprehensive research has been made in order to find the issues of Reception Conditions directive's implementation in the Latvian Mucenieki Centre for asylum seekers, unfortunately no researches were found except the general information about the centre and the *de jure* situation in it. This implies two assumptions: that either the actual situation in the centre is in accordance with requirements or it is not being researched well. The latter assumption is based on the fact that the State Border Guard Service of Latvia is unwilling to cooperate with local NGOs, working with migration issues, considering this cooperation as negative. It is a consequence of public criticism in their activities, which was expressed by one of the NGO's representative, in Kiev on 7 February 2005, in the seminar "Procedure for admittance and detention" organised by the IOM and UNHCR (Latvian Centre for Human Rights 2006). Since both Estonia and Lithuania have issues regarding the actual implementation of reception conditions, it is likely they also exist in Mucenieki Centre for asylum seekers. Unfortunately they are not well researched and discussed in the public, thus cannot be discussed and analysed in this thesis.

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[26] Translated by the author of this thesis

The issues in the asylum centres and the fact that it contributes to the unattractiveness of the Baltic States can be explained by using all four theories used in this thesis. Each of the theories is able to explain some tendencies contributing to the unattractiveness in this way composing the whole picture. It is so, because the issues mentioned can be linked with general tendencies in the societies, discussed in this thesis. The fact, that the actual situation in the asylum centres varies from the legal requirements reflect the states' unwillingness to spread the regional integration in this area, expressed by the theory of Intergovernmentalism. The secondary legal acts are often insufficient to provide the needs of asylum seekers and it may be linked to the influence of the domestic powers, whose attitude towards immigrants in general and asylum seekers in particular, is securitized. This is done in order to ensure the human security, comprising of welfare provisions for its own people, as it was discusses previously in the chapter. Finally, the social navigation concept leads us to understanding of individual perspective while making the choice. Knowing the difficulties awaiting in the Baltic States while living in the asylum centre, or even risking a life while living there, lowers the chances of being chosen as a desired asylum destination country. Moreover, by employing the concept of social navigation, another explanation to why so many asylum seekers leave the centre after lodging an asylum application can be found. Having in mind all the described issues met in the reception centres, the conclusion may be drawn, that for some asylum seekers the life in the reception centres may entail contents of social death. As a consequence, this lead to decision on secondary movement to other countries.

Unfortunately, I argue the result of being unattractive for asylum seekers is more than satisfying for the Baltic States. On one hand, the states are both integrated into regional politics, that they benefit from and fulfil the requirements made, on the other hand, they satisfy the domestic interests, by allowing the measures adopted in the national legislation and taken in the reality to protect the society from the issue.

Summing up the section, concerning security issues and living conditions in the centres in the Baltic States, the conclusion may be drawn that refugees – people who are in need of protection and security, would rather chose another country to apply for asylum, where in the initial stage they could feel protected and would be assisted properly as well as would have hopes of the brighter future in the destination country, than it seems in the Baltic States.

6.6 Integration perspectives

In 2007 Eva Green made a research that examines public support for immigration standards. She describes attitudes towards immigration criteria as different types of gatekeeping and argues that

these attitudes designate the level of endorsement of admission and expulsion standards for immigrants (Green 2007). I will use this research in order to illuminate the situation in the integration, and the theories in order to explain the influence of society on integration legislation and common practices.

The results of the research revealed differences between regions in Europe dividing countries into 3 types of gatekeepers, namely *lenient, individualist* and *strict*[27], where individualist type shares the characteristics of both lenient and strict (Green 2007).

Northern European (Scandinavian) countries were located to lenient type of countries, having a lower level of generalized prejudiced attitude constructions, higher level of education, more personal contacts with immigrants and less negative feelings of personal financial vulnerability. These countries traditionally have a developed welfare system and pursue liberal migration and asylum policies (Green 2007). This type confirms the Swedish example, where due to all the mentioned factors, the level of attractiveness is high and thus the number of both asylum seekers and immigrants is relatively high, compared with other EU states.

Western European countries were grouped in the individualist type that is more difficult to define precisely, however they are described as older inhabitants than in lenient type, having less immigrant friends and perceive collective vulnerability. They usually have a history of labour importing or colonialism, thus have developed incorporation in society policies (Green 2007).

Finally, Southern and Eastern European countries, which are the focus group of this thesis, are defined as strict gatekeepers, since their inhabitants support the strictest criteria for entry. They are described as having a lower level of education, almost no personal contacts with immigrants, strongly perceived feelings of personal financial vulnerability (Green 2007).

The explanation for this attitude towards immigrants in the Baltic States can be found in the nation-building period and be linked with nationalizing policies adopted in order to ensure the ethnic survival and welfare provisions for the titular nationals. At that time immigrants were positioned as threats to societal values, thus both the discriminating attitude and measures taken to meet the threat were legitimized and justified in order to protect the human security. Since the Baltic States are relatively new members of the EU, they are unwilling to remodel both their domestic legislation and preferences again, to make them more liberal, at least in this area of immigration, that according to Intergovernmentalism, the state is not eager to spread the regional integration to.

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[27] These are the categories defined by Green (2007) in her research

According to the results of the survey on discrimination in the Baltic States in 2009, 41% Estonian, 34% Latvian and 26% Lithuanian respondents believed in widespread ethnic discrimination in their countries. Since the number of recent immigrants in the Baltic States is relatively small, they are not significant in local minority discourses, thus local governments are struggling to adopt comprehensive immigration policies promoting the integration of recent immigrants and addressing their specific needs (Kovalenko, Mensah, Leončikas & Žibas 2010). Moreover, in 2006 Latvia was qualified as the country where integration policies are the least favourable amongst other EU25 (then) and 3 selected non-European states (Switzerland, Norway and Canada) (Niessen, Huddleston & Citron 2007). The results are not surprising, knowing that multiculturalism in Latvia is perceived as a threat to Latvian national culture, language and identity (Iglicka & Pasiut 2012), thus consequential actions of the state are legitimized.

Policymakers in the Baltic States underestimate the importance of integration policies, thereby they can be described as insufficient (as in the case of Estonia and Latvia), since newcomers are not being provided with the stable conditions of life, as well as knowledge and skills necessary for integration. In Lithuania, there are no integration measures applied for newly arrived third-country immigrants at all (Kovalenko, Mensah, Leončikas & Žibas 2010). It can also be seen as a reflection of the domestic preferences of interest groups, advocating for the issues of importance.

Nevertheless, refugees who are granted asylum and those granted subsidiary protection in the Baltic States at least formally enjoy an integration mechanism composed of measures such as language courses, education, employment, provision with accommodation, social protection and health care (Kovalenko, Mensah, Leončikas & Žibas 2010), however in the long term, after the initial integration period is over, they risk meeting the same issues as the other third-country nationals, residing in the Baltic States.

The level of tolerance, awareness of anti-discrimination legal provisions and instruments of protection in the societies, is very low and disappointing even though the countries have harmonised their legislations with the EU anti-discrimination requirements (Kovalenko, Mensah, Leončikas & Žibas 2010). Here again the consequences of balancing between the regional integration and the domestic preferences can be seen, since the *de jure* situation - legislation vary from *de facto* - their practical expression. In this context the importance of media in forming the attitude towards the immigrants should be noted, as it tend to use alarmist headlines and appeal to negative impacts as well as threats posed by immigration (Kovalenko, Mensah, Leončikas &

Žibas 2010). In this way, the attitude adopted after the dissolution of the Soviet Union persists, and the measures taken to meet the threats posed by immigration, are being justified.

Finally, restrictive immigration attitude is also a consequence of the competition for scarce resources that emerges due to low-status position of Eastern countries' comparing to Western or Nordic ones (Green 2007). High unemployment rate might be one of the issues, since 47% of respondents, in the research accomplished by the Centre of Ethnic Studies of Lithuania, thought that there are enough foreign worker in Lithuania and that no more are needed (Kovalenko, Mensah, Leončikas & Žibas 2010). Moreover, it is common that asylum seekers and refugees are often confused with economic migrants, which indicates the low level of awareness about refugees in the societies and in this way it is forming a negative attitude towards them (Saharov J & Säär A, 2012). The fact, that the level of human security provided is low and is insufficient, forms the selfish attitude, that the titular nationals should primarily enjoy the welfare provisions. Thus, hostility against asylum seekers and other immigrants makes countries less attractive, especially when it materializes in public demonstrations or violence against them (Neumayer, 2004). As a consequence, gatekeeping attitudes illustrate how national and sub-regional particularities reflect to domestic migration policies and conversely – the influence of domestic attitude and preferences.

7. CONCLUSIONS

Throughout the thesis the aim was to answer the research question: ***Why are the Baltic States exceptional among the European Union Member States, when looking at the number of asylum applications lodged?***

The conclusions aim to provide the explanation to this question by combining the empirical data with the four theories applied. To answer this question it had to be split into two parts that together answers the main question. Firstly, the strict border control existing in the Baltic States was presented and analysed. The conclusion is, that the strict border control and restrictive immigration rules were a legacy of the Soviet occupation, experienced by the Baltic States and a consequence for ensuring the survival of the state and ethnicity. Due to the fact, that during the occupation, the aim was to diminish the homogeneity of ethnic nationals in the Baltic States, in the nation-building period the opposite strategy was employed. The immigrants were thus positioned as threats to the ethnic society and consequently securitized, which meant there had to be certain actions legitimated to meet the threat. This conclusion partly explains the adoption and development of the strict border control and restrictive immigration policies in the Baltic States.

Secondly, another explanation, supplementing the first one derives from the influence of the European Union. The regional theory of intergovernmentalism made it possible for me to explain the aspirations to join the European Union, as the states were concerned about their survival. Therefore, the accession process run smoothly, however as it went to the migration issues – the states were not eager to spread the integration process due to their securitized domestic preferences. The fact that the countries now had to protect the external European Union border was an advantage for the states, as they could justify the strictness on the basis of internal European Union security. However, the theory of intergovernmentalism helped me to explain well, that the governments' decisions were driven mostly by the domestic forces and were well politically calculated. Consequently, the balancing between the domestic preferences and the European Union's obligations influenced the divergence between the legal requirements and the practice, which pose the refugee protection under the Geneva Convention.

The findings of this study have shown, that the Baltic States are unattractive for asylum seekers due to analysed factors. Moreover these factors contribute to explaining the exceptional situation of the Baltic States in the asylum area. First of all the Baltic States are migrant-sending countries themselves, and do not have significant diasporas, which as the concept of social navigation reveals, influences the decision of the destination country. Secondly, due to the geographical position of the Baltic States, low level of human security provided, corruption and well-

developed illegal human smuggling groups that often have ties with bureaucrats - the states mostly serve as a corridor to the Western European and Scandinavian countries, rather than countries of asylum. Thirdly, the welfare provisions, employment and integration perspectives are also affected by the securitization, as the policies were constructed in a way to protect the interests of societies and exalt the ethnic nationals. The securitization was explained by the theory of analytical liberalism, as it argues the state is a receptacle recipient of domestic interests. The abovementioned factors proved to influence the contemporary Baltic States situation in asylum area.

Finally, the discrepancy between the *de jure* and *de facto* situations in the countries was illuminated and the conclusion is that it indirectly influences the number of asylum applications lodged. The discrepancies were found in many areas related with immigration and asylum, such as the activity of the officers working with the immigrants and asylum seekers, as well as in the activity of the reception centres operating in the Baltic States. According to the concept of social navigation, it is quite logic that people wish to navigate from the social death to the best possible terrain, thus the fact that there are many obstacles waiting for them as asylum seekers in the Baltic States, makes them either take the decision not to lodge the asylum application and go underground or chose another country of destination. I do not argue, that there are no certain discrepancies in other EU Member States, however in the context of this thesis, the aim was to reveal the link between the discrepancies found in the Baltic States and the number of asylum applications lodged, which proved to be significant. However the discrepancies found are only a part of the whole migration to the Baltics picture, meaning that it does influence the number of asylum applications in the Baltic States, however not solely.

Thus, the general conclusion is that all the mentioned factors explained by the chosen theories, proved to contribute to revealing the unattractiveness of the Baltic States for asylum seekers. It is therefore more convenient to remain illegal or use the states as a corridor to other EU Member States. The overall result is that the Baltic States are in an exceptional situation in the EU, as being the frontier states they do not experience big refugee flows, comparing with other frontier EU Member States. Unfortunately, this exceptionality as it was proved in this thesis, was created on selfish grounds - to benefit the needs of the societies and the states, rather than the refugees.

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