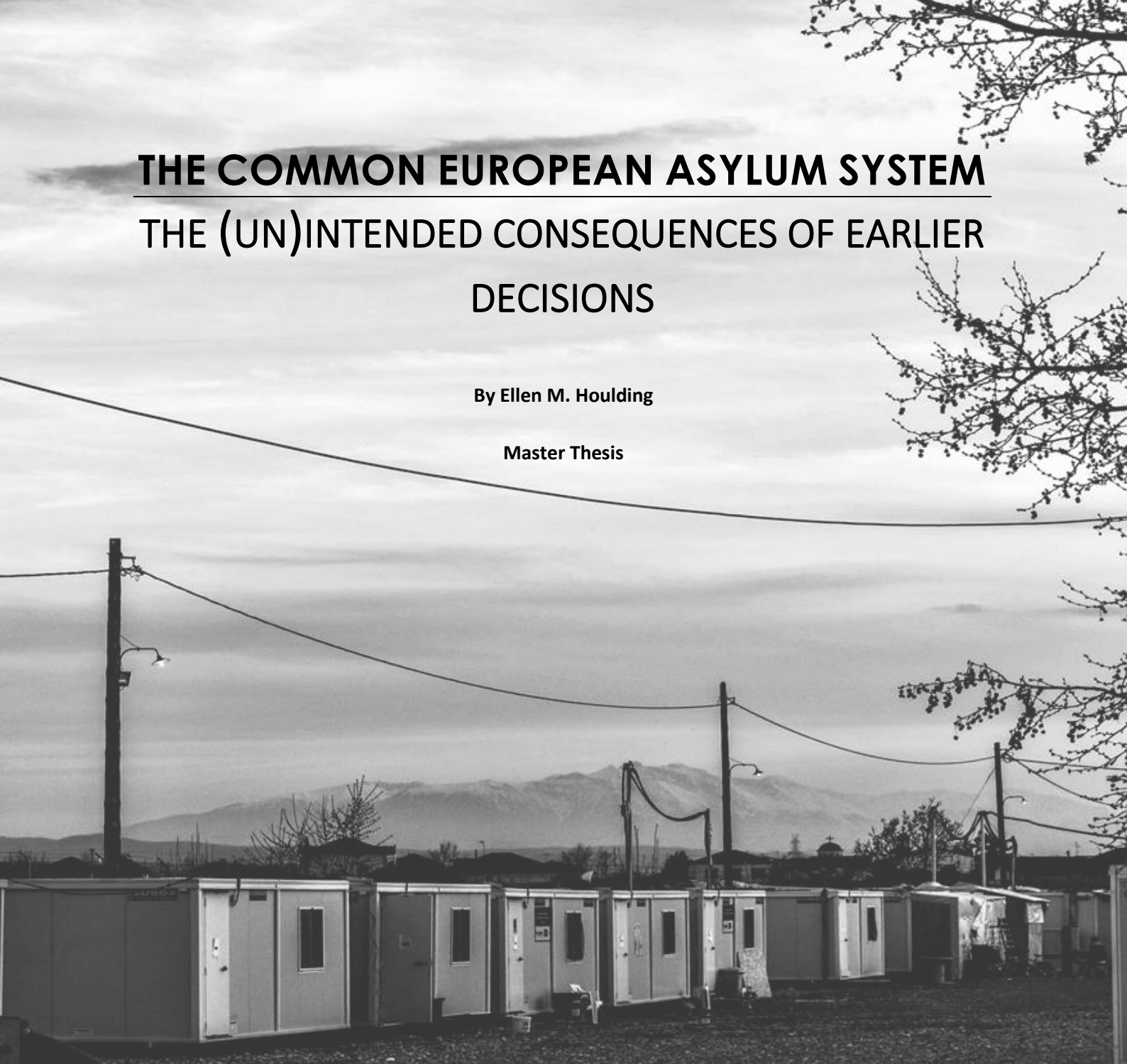


THE COMMON EUROPEAN ASYLUM SYSTEM

THE (UN)INTENDED CONSEQUENCES OF EARLIER DECISIONS

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Master Thesis



Master of Arts in Culture, Communication and Globalisation

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31 May 2017



ABSTRACT

Between 2011 and 2016 over four million people applied for asylum in the EU-28. In relation to the 508 million inhabitants of the Union this represents just 1% of the total population. Yet, it was named and framed a migrant crisis. The EU proved itself unable to handle it effectively. The influx of migrants in 2015 put the whole system under extreme pressure, with the secondary movements of migrants putting the Schengen system in jeopardy and consequently raising doubts about both the ability and willingness of Member States to meet (EU) obligations. The migrant crisis painfully highlighted the shortcomings of the Union, and even the plethora of additional measures employed does not seem to remedy the situation. This crisis is, however, not a migrant crisis, but a crisis of European asylum policy. The relatively small inflow of asylum seekers in comparison to the EU's population raises questions about the suitability and applicability of the legislative measures of the Common European Asylum System (CEAS). This study evaluates this policy to explain how and why the influx of asylum seekers into the Union became a crisis. The research question is answered through policy analysis and participant observation at refugee camp Alexandria, Greece. The study found that the EU systematically uses a coercive policy in which exclusion, marginalisation and bureaucracy feature prominently. This policy is the product of the EU's construction of the refugee label. The label is based on the belief that asylum seekers are individuals escaping persecution, and that they should therefore not care where they seek refuge. Ultimately, it is this characterisation that led to the undoing of the policy. Consequently, the migrant crisis resulted from the EU's asylum *acquis*.

Keywords: EU, CEAS, Greece, migrant crisis, refugee camp

PREFACE

Before you lies the thesis “The Common European Asylum System: the (un)intended consequences of earlier made decisions”, in which I investigate EU asylum policy at supranational and individual level. It has been written in partial fulfilment of the requirements for the degree of Master of Arts in Culture, Communication and Globalisation with the stream specialisation Migration and Ethnic Relations at Aalborg University. I conducted the research and wrote the thesis in Utrecht (NL) and Alexandria (GR) from January to May 2017.

Much like the migrant crisis itself, this thesis was inevitable. The first six years of my life I spent in the Middle-East. While I was born in Oman, my first clear childhood memories are of Syria. As a child I adjusted reluctantly to Europe and the Netherlands in particular, plotting the ultimate trip through the Middle-East which was scheduled after graduating University. As the Arab Spring unfolded in 2011 this dream was replaced by the motivation to help the Syrian people. In addition, I have been appalled and confused by the conditions refugees face on EU territory, and wanted to get the bottom of how and why this could happen.

I would like to take this opportunity to thank Paul Hutchings and John Sloan of Refugee Support Europe. Thank you for allowing me to come to Alexandria and use my observational field notes for this thesis. Thank you for having me as a volunteer. But most importantly: thank you for your tireless effort in making the lives of the residents of Alexandria, Filippiada, Katsikas and LM Village a bit better every day. You are an inspiration to many. I would also like to thank all the other volunteers I met during my time at Alexandria. It was an absolute pleasure working, talking, laughing, eating and drinking with you!

Further, I would like to thank Susi Meret who was my supervisor during this thesis. Thank you for being critical and pushing me to get the most out of myself and this research. Thank you for all your feedback and advice in-between your already busy schedule.

Lastly, special thanks to Marieke de Wal who was always on hand to help and explain all the intricacies of legislation, case law as well as legal references and language.

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LIST OF ABBREVIATIONS AND ACRONYMS

AFSJ	<i>Area of Freedom, Justice and Security</i>
AMIF	<i>Asylum, Migration and Integration Fund</i>
BCPs	<i>Border Crossing Point(s)</i>
CEAS	<i>Common European Asylum System</i>
CFSP	<i>Common Foreign and Security Policy</i>
CJEU	<i>Court of Justice of the European Union</i>
DGs	<i>Directorate-generals</i>
DRC	<i>Danish Refugee Council</i>
EASO	<i>European Asylum Support Office</i>
EC	<i>European Commission</i>
ECHR	<i>European Convention on Human Rights and Fundamental Freedoms</i>
ECtHR	<i>European Court of Human Rights</i>
EEC	<i>European Economic Community</i>
EP	<i>European Parliament</i>
ERF	<i>European Refugee Fund</i>
EU	<i>The European Union</i>
EURODAC	<i>European Dactyloscopy</i>
Europol	<i>European Police Office</i>
EUROSUR	<i>European Border Surveillance System</i>
Frontex	<i>European Agency for the Management of Operational Cooperation at the External Borders</i>

FYROM	<i>Former Yugoslav Republic of Macedonia</i>
GAMM	<i>Global Approach to Migration and Mobility</i>
IOM	<i>International Organisation for Migration</i>
IRC	<i>International Rescue Committee</i>
JHA	<i>Justice and Home Affairs</i>
LIBE	<i>European Parliament Committee on Civil Liberties, Justice and Home Affairs</i>
MEPs	<i>Member(s) of the European Parliament</i>
MS	<i>Member State(s) of the European Union</i>
NGO(s)	<i>Non-governmental organisation(s)</i>
NRC	<i>Norwegian Refugee Council</i>
PJCCM	<i>Police and Judicial Co-operation in Criminal Matters</i>
QMV	<i>Qualified Majority Vote</i>
RS	<i>Refugee Support Europe</i>
SBC	<i>Schengen Border Code</i>
TEU	<i>Treaty on the European Union</i>
TFEU	<i>Treaty on the Functioning of the European Union</i>
UDHR	<i>Universal Declaration of Human Rights</i>
UN	<i>United Nations</i>
UNHCR	<i>United Nations High Commissioner for Refugees</i>

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1. INTRODUCTION

Between 2011 and 2016 nearly 2 million irregular migrants are estimated to have entered the EU through the Mediterranean (Frontex, 2017). In the same time period over four million people applied for asylum in the EU-28 (Eurostat). In relation to the 508 million inhabitants of the Union this represents just 0.38 per cent and 1 per cent of the total population. Yet, it has been named and framed a migrant crisis. The EU has proved itself unable to handle it effectively. The influx of migrants in 2015 put the whole system under extreme pressure, with the secondary movements of migrants putting the Schengen system in jeopardy and consequently, raising doubts about both the ability and willingness of Member States to meet (EU) obligations. The migrant crisis has painfully highlighted the shortcomings of the Union, and even the plethora of additional measures employed does not seem to remedy the situation. This crisis is not a migrant crisis, but a crisis of European asylum policy (Den Heijer, Rijpma, & Spijkerboer, 2016).

At the time of writing, the EU is still trying to contain migration through controversial, multilateral agreements (Malta Summit) with non-Member States, while conditions within the EU are still not up to standard. While Spain, Italy and Malta are all on the doorstep to Europe, Greece has been at the centre of attention in this migrant crisis as by the end of 2010 nearly 90% of irregular migrants entered the EU through Greece.

Greece's incapacity to host and process asylum seekers stems from two core issues. Firstly, Greece's outdated, limited and inefficient asylum system was unable to deal with the increasing inflow of refugees. In 2011, the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) issued judgements which consequently led to the suspension of transfers under the Dublin Regulation from other Member States to Greece. Both courts cited systematic deficiencies in Greece's asylum system as the reason. Despite attempts to improve it, Greece's asylum system is still struggling. Secondly, the poor state of its economy and public finances, the lack of access to financial markets and the conditions imposed by the government's lenders result in little or no room to increase government spending. Consequently, Greece is dependent on the EU for funding and humanitarian aid. Despite the EU pumping a large amount of money into Greece (its biggest beneficiary), asylum seekers live in undignified conditions. As a result, the outlook of asylum seekers integrating into EU society and regaining the normalcy of their former lives is bleak. Yet, the European Commission (EC) decided to resume the Dublin Regulation per 15 March 2017.

The combination of the European asylum policy crisis, Greece's financial troubles and the state of its asylum system has led to the inhumane conditions at the EU's external border today. The Common European Asylum System (CEAS) ensures, in theory, that asylum seekers' basic human rights and needs are met. The CEAS is an EU policy which is created and established through EU law. It consists of two Regulations and four Directives. The Qualification and Asylum Procedures Directives aim to ensure common and uniform processes and criteria for people seeking international protection. The Reception Conditions Directive is intended to ensure that basic human needs are met during this process. The Dublin Regulation aims to ensure an efficient and effective cooperation between Member States; the 'one-stop-shop' for asylum applications. The relatively small inflow of asylum seekers in comparison to the EU's population raises questions about the suitability and applicability of the legislative measures of the CEAS. Hence, the aim of this project is to evaluate this policy to explain how and why the influx of asylum seekers into the Union became a crisis. This project seeks to investigate the CEAS with the following problem formulation:

The relatively small inflow of asylum seekers between 2011 and 2016 raises questions about the functioning of the CEAS. How does the CEAS function at macro and micro level? Why did it fail in light of the migrant crisis? How has the migrant crisis shaped the CEAS?

This case study will be based on Greece: its geographic location, the type of migrants (mainly Syrian refugees) and the financial crisis make it an extreme case, which will underline any shortcomings of the CEAS. The CEAS is an EU policy, and hence this study entails a policy analysis. Further, this policy is established through law. Law is established through written communication with the purpose to prescribe action. Thus, this study will also entail investigating the legislative language. The examination of the CEAS at micro level will entail participatory ethnographic research at refugee relocation camp Alexandreia. These elements will then be brought together to shed better light on how and why the CEAS failed in light of the migrant crisis.

Operational Definitions

In this thesis different concepts are used. To avoid any form of misinterpretation the concepts are briefly introduced and defined below.

THE COMMON EUROPEAN ASYLUM SYSTEM, EU LAW AND POLICY

The CEAS consists of two Regulations and four Directives. While these measures are EU legislation, together they constitute a policy. In this sense, one could say that the EU's asylum policy is created and established through EU law. Therefore, when referred to the CEAS it both refers to EU law and policy simultaneously.

MACRO AND MICRO LEVEL

In this study macro level entails EU, and thus consequently national level. Micro level means ground level, i.e. at refugee camps. Meso level has not been included because the Greek Ministry of Migration and Defence are in charge of the refugee camps. This means that meso level actors (regional authorities and local municipalities) have no, or extremely little, influence when it comes to the implementation of the CEAS.

THE MIGRANT CRISIS

There are different perspectives on when the migrant crisis started and ended. In this study, the term migrant crisis refers to the increase of migrants to the EU from 2011 to present. The author has opted for the word migrant, rather than refugee or humanitarian. While many of the irregular migrants may well be refugees, using this word would be incorrect. After all, the CEAS applies to applicants of asylum, not to persons who have already received this status. Humanitarian is not deemed suitable because it is a subjective assumption about the situation at hand.

In 2011 the Arab Spring directly led to an increase in the number of people entering the EU irregularly. This starting point also correlates with the suspension of Greece under the Dublin Regulation, which in turn led the European Commission to exhort Recommendations to Greece. The end date of this concept is more precarious. Only with hindsight one can deduce whether or not a crisis has subsided. At the moment of writing the luxury of hindsight is not available. While the inflow of irregular migrants has dropped significantly since the EU-Turkey deal, people are still arriving at Greece's border every day: over 5,000 people arrived between January and April 2017 alone (UNHCR, 2017a). In addition, the circumstances surrounding the refugee camps in Greece are problematic, with reports of deprivation and even deaths as a result of winter weather and poor facilities (Reuters, 2017). Furthermore, the EU is currently facing an increase in irregular migrants through the central Mediterranean route. The height of the migrant crisis has been identified as 2015, as in this year the inflow of migrants to Greece rose to an unprecedented level. This year also saw the mass secondary movements of these migrants through Member States and neighbouring non-EU countries. This peak started to subside in March 2016 as the inflow of migrants into Greece dropped significantly due to the EU-Turkey Readmission, and the mass secondary movements halted through the closure of the Greek-Macedonian border and the implementation of internal – that is to say within the Schengen Area - border controls.

2. METHODOLOGY

This chapter discloses the methodology applied in this study. First, the research design and the methodological paradigm is described. Next, the methods pertaining to data collection and analysis are explained. Thereafter, the reliability and validity as well as the limitations and delimitations of the study are discussed.

2.1 Research Design and Paradigm

This research is a qualitative case study of iterative tendency. Additionally, it is both a descriptive and explanatory research, as it aims to find out how and why the CEAS failed in light of the migrant crisis. Case studies enable complex social phenomena to be understood as they preserve the holistic and meaningful characteristics of real-life events (Yin, 2003). This case could be categorised as an extreme case due to the circumstantial nature of the variables which have influenced and established the situation in Greece, and more generally in the EU. These variables include the current financial status of Greece, the type of migrants (mainly Syrian refugees) which have entered the EU through Greece and the EU's response to these turn of events.

This research is of iterative tendency: the case is described and explained through existing theories and literature concerning the CEAS policy measures in combination with a participatory ethnographic research. It is iterative in the sense that I move between theory and data throughout the process. The current CEAS policy is analysed retrospectively (*ex post*), where after the proposed CEAS policy is analysed prospectively (*ex ante*). The aim of the retrospective policy analysis is to reveal how the CEAS functions. The aim of the prospective policy analysis is to uncover how the EC perceives the CEAS to have failed in light of the migrant crisis and thus, how the crisis influenced the CEAS. The policy analysis is executed through qualitative content analysis and semiotic analysis. This part of the study is of deductive tendency, as a theoretical framework regarding policy processes, law and language provide the foundation for these analyses. The retrospective policy analysis includes monitoring, as it is the only way to establish factual claims (Dunn, 2012). Monitoring is done through participatory ethnography in refugee relocation camp Alexandreia in Greece, where I volunteered for a month. Additionally, the aim of the participatory ethnography is to gain a deeper understanding of the problem and allow space for emerging themes. As such, the ethnographic part is of inductive tendency. Lastly, all methods are integrated to explain how and why the CEAS failed in light of the migrant crisis through a (critical) hermeneutic approach. Hermeneutics is not applied in a complete or traditional manner, but rather to ensure a holistic account which is sensitive to the variables of this case. In addition, and on this basis, an attempt is made to forecast the future implementation of the proposed CEAS measures, and the direction of the general asylum *acquis* in the EU.

The scientific philosophical approach is that of social constructivism (ontology) and post-modernism (epistemology). Both migration and the legal order are social constructs. Concepts such as nationality, borders and even migrants are defined by on-going processes of practice and interaction. The legal order is also considered socially constructed, as it does not exist in the physical world; it is entirely man-made, and therefore also connected to the culture of the particular society it is applied in (Mattila, 2013). In this respect post-modernism is redolent of social constructivism as it asserts that knowledge about the social world is actively created by people. In other words, there is no objective reality waiting to be revealed; reality is always assessed through narratives and representations of phenomena and thus information is a particular construction of events (Bryman, 2012). This is applicable to this case study only because I inherently believe knowledge is a subjective presentation of one perspective, namely that of the researcher. Here, reflexivity is a crucial element to research, and hence the inclusion of the (critical) hermeneutic perspective. Nonetheless, in terms of both the desk and field research post-modernism is suitable. Existing gaps in the theory and literature have led to an assemblage of theoretical perspectives, whereas the work assigned to me as a volunteer in the refugee camp determines the content and form of observation. In terms of ethnographic research, post-modernism attempts to remedy the role and power of the researcher in observation by reporting about the role and decision making process of the researcher (Lewis-Beck, Bryman, & Futing Liao, 2004). This will be touched upon in the next paragraph (methods).

2.2 Research Methods

2.2.1 Data

The data used for *ex post* policy analysis are the current CEAS measures. The CEAS consists of: the EURODAC Regulation¹, the Dublin Regulation², Qualification Directive³, Asylum Procedures Directive⁴, Reception Conditions Directive⁵ and the Temporary Protection Directive⁶. The first and last legislative texts, however, are not used as data. The EURODAC is not included as it establishes a fingerprinting tool under EU law, thus it is not policy in itself. The Temporary Protection Directive has to date never been triggered, and thus does not fit in the framework of retrospective policy analysis. The CEAS also contains external aspects, such as the EU Regional Protection Programme. This is not included as it does not concern a policy which is directly implemented on EU territory.

¹ Regulation (EU) No 603/2013

² Regulation (EU) No 604/2013

³ Directive 2011/95/EU

⁴ Directive 2013/32/EU

⁵ Directive 2013/33/EU

⁶ Council Directive 2001/55/EU

The data used for the *ex ante* policy analysis is the European Agenda on Migration (European Commission, 2015) and all aspects pertaining to the European Commission's (EC) proposals to reform the CEAS. The latter includes the Communication to the European Parliament and the Council concerning the CEAS reform (European Commission, 2016a) and the EC's proposals for the Qualification Regulation (European Commission, 2016b) and Asylum Procedures Regulation (European Commission, 2016c) and the recasting of the Reception Conditions Directive (European Commission, 2016d). Additionally, the evaluation of the Dublin Regulation (European Commission, 2016e) and the subsequent proposal for the recasting of it (European Commission, 2016f) is used as data. The data gathering for the ethnographic aspect involves observational field notes during the volunteer work at refugee camp Alexandreia. The field notes come in the form of a diary (appendix 1) and are supplemented with visuals (appendix 2).

2.2.2 Methods of Analysis

The strategy of qualitative content analysis is the searching for themes (Bryman, 2012). In this study, qualitative content analysis mainly pertains to the theory and literature review concerning the policy process. *Id est* the data is analysed through themes previously identified in the theoretical framework.

Semiotics is the study of signs, which enables the uncovering of hidden meanings which reside in texts as well as how reality is represented (Robertson, 2010; Bryman, 2012). While signs can take the form of images, sounds, gestures and objects, in this study it only entails signs in the form of written words (Robertson, 2010). *Id est*, this form of analysis is (mainly) applied to the theory pertaining to legal language. Further, a semiotic approach entails looking at words, including how each word has been constructed and assembled (together) into inter alia sentences, articles and the whole text, and in doing so EU law as a whole. Here, 'text' can be defined as being physically independent of its sender and receiver. Moreover, a text is a collection of signs which have been constructed in reference to conventions associated with a certain genre and a particular medium of communication (Robertson, 2010).

The ethnography comes in the form a participant observation. During the volunteering I kept a diary, which leads to a descriptive account of refugee camp Alexandreia. This description includes accounts of the general organisational processes in the camp, actors in the camp, living conditions, facilities and activities. This part of the analysis is of iterative tendency. This means that the observations made in the camp are compared and analysed in relation to the CEAS measures as well as allowing space for other themes to emerge. This latter part is of inductive tendency in which the findings are related to existing literature.

The core idea behind hermeneutics is analysing texts in such a manner that it considers the perspective of the (text's) author. Therefore, it emphasises the (social and historical) context in which the text was produced. Legal normative texts, such as EU Regulations and Directives, have three functions: (1) they demonstrate a stance concerning reality; (2) they reflect cognitive attitudes and power roles in society and (3) they account for the practice and beliefs across cultures and jurisdictions. Due to these three functions it is imperative they are to be understood from the communicative and social context in which they were produced (Polese & D'Avanzo, 2010).

A (critical) hermeneutic approach draws "on the practices associated with qualitative content analysis, and can fuse them in ways of formally approaching texts, such as semiotics" (Bryman, 2012, p. 561). Here, the crucial link is understanding a text from its author's perspective as well as the circumstances surrounding its production. In hermeneutics, these circumstances are the precondition for understanding the author's perspective.

2.3 Limitations & Delimitations

LIMITATIONS

Reality is complex, and so is the policy process. The simplification of reality, and more specifically the policy cycle brings limitations with it. These are discussed in more detail in the chapter theoretical framework. Additionally, the examination of a legal text is, to a certain extent, subjective. This only underlines the suitability of the epistemological stance post-modernism. Further, the research design (the extreme case study represented by Greece) is a limitation which affects the reliability and validity of this study. This will be discussed in the next paragraph. The ethnographic dimension of this study brings some limitations with it as well. First of all, I only volunteered in one refugee camp. Due to differences (location, population, facilities etcetera) between refugee camps in Greece, this cannot be deemed as a representative sample of the whole population. Secondly, my presence and engagement, both in the capacity as a researcher and volunteer, make me in effect an independent variable. Lastly, while the ethnographic dimension mainly consists of participant observation, in this case it is also observant participation (Bray, 2008). This is mainly down to my role as a volunteer in the camp, which assigns me to a sub-community within the whole context of a refugee camp. This influences my relationship with the residents and other camp actors, which information I receive and form of observation. An additional minor factor is that as a child I lived in Syria. In actual fact, my first (clear) memories stem from this time. In Alexandrea, most residents are Syrian, and therefore, on a sub-conscious level, I may feel more connected to the residents than a researcher without such a connection.

DELIMITATIONS

The first delimitation is the exclusion of transposition. There have been a multitude of studies pertaining to the transposition of EU Directives into national law. Thus, there is also more theory concerning this. Despite this it has not been included in this study. This is first and foremost down to the fact that I do not speak Greek, and therefore am not able to identify any possible discrepancies between EU and Greek legislation. A second delimitation is the exclusion of multilingualism in the theory. Indeed, like transposition, multilingualism is a dominant theme within current literature pertaining to EU law and language. The exclusion of both these theoretical dimensions is mainly because I believe this study requires looking at the origin, namely EU legislation, rather than the incapability of the EU to translate or of Member States (MS) to transpose EU law.

2.4 Reliability and Validity

Due to the nature and extremity of this case study there are some concerns regarding reliability and validity. External reliability is challenging, since it is impossible to suspend a social setting. If one aims to replicate this study, it is crucial that he/she employs the same methods, especially concerning the ethnographic dimension. One must also be aware that the situation under study is dynamic: while Greece is still struggling with the care of asylum seekers, it is making progress. Other factors include the amount of asylum seekers entering Greece as well as the different locations in which asylum seekers reside. For example, the situation on the Aegean Islands cannot be directly compared to the one in Athens or northern Greece.

Internal validity is a strength of qualitative research, particularly in ethnography. Participation and observation in the social setting under study ensures a high level of coherence between concepts and observations. Additionally, by employing reflexivity the researcher moves between theory and data constantly (Bryman, 2012). External validity concerns the degree to which findings can be generalised across social settings. Again, this is a challenging requirement to meet due to the research design of this study (extreme case study). While the findings may not be generalised to the larger population, the extremity of this case underlines the shortcomings of the CEAS. Here, one must keep in mind that policies aim to solve problems, not create them.

3. THE CASE

This chapter gives an overview of the (background) information relevant to this case study. First, the functioning of the EU is explained, including the main actors, EU law and the Common European Asylum System (CEAS). Here, the Schengen *acquis* is additionally included in detail to demonstrate the interrelation, complexities and developments of, and within, the EU. The second part of this chapter provides information about Greece, namely its asylum system and developments during the migrant crisis. For the benefit of chronological consistency, the EU's reaction and intervention to the migrant crisis is included in this paragraph, rather than the paragraph pertaining to the EU itself.

3.1 The European Union

The European Union has seen many changes and developments in its short life. During the 1950s and 1960s economic reasoning was the driving force behind European integration, with political reasons taking backstage. The 1970s till the mid-1980s marked a time of stagnation, economic crisis and *Eurosclerosis* for the European integration project, but in 1985 it was revitalised by Jaques Delors. By the 1990s and (early) 2000s the EU was characterised by liberalisation, enlargement and increasing institutionalism, with the political agenda becoming more and more dominant over the economic (Wallace, Pollack, & Young, 2015). The various Treaties of the European Union provide a guide through the different changes and developments. The three most significant treaties are the Treaty of Rome (1957-93), Treaty of Maastricht (1993-2009) and Treaty of Lisbon (2009-). It was the Maastricht Treaty which transformed the EU from a shallow to a deep integration project. The Maastricht Treaty created the so-called three pillar system, and asylum and immigration policies were brought under the third pillar JHA/PJCCM (Justice and Home Affairs, Police and Judicial Co-operation in Criminal Matters). It was the Treaty of Amsterdam (1997), however, which marked a significant milestone for migration as it conferred law-making powers to the EU (Desmond, 2016). The Treaty of Lisbon abolished the three pillar system, and immigration and asylum policies now fall under the Area of Freedom, Security and Justice (AFSJ); a collection of home affairs and justice policies. Moreover, during the Lisbon Treaty the JHA was listed as the second most important issue, after peace promotion but before the internal market (Lavenex, 2015). This Treaty also (finally) made the Charter of Fundamental Rights legally binding (Desmond, 2016).

3.1.1 Actors of the European Union

The EU consists of five main bodies: the European Commission (EC), the Council of the European Union, the European Council, the European Parliament (EP) and the Court of Justice of the European Union (CJEU). The EC is the EU's secretariat and proto-executive and consists of 28 Commissioners, one for each Member State (MS).

While the EC's power varies between policy domains, it is responsible for proposing legislation, implementing decisions, managing the day-to-day business of the EU and upholding the EU treaties. It exercises its responsibilities collectively, and decisions and legislative proposals have to be agreed by the entire college, which is sometimes achieved through voting. Each Commissioner is responsible for a policy portfolio and the EC is, accordingly, organised into directorate-generals (DGs). The EC is accountable to the EP, which has the power to censure it. The Council of the European Union's primary purpose is to act as one of the two chambers, the other being the EP, of the EU's bicameral legislature. This means in practice that the EC proposes legislation, which then the Council and the EP have to approve and adopt. The Presidency of the Council rotates every six months among each MS. The Council meets in ten different formats, also termed DGs, of 28 national ministers (one per MS). Asylum and immigration policies within the EC are brought under the DG Migration and Home Affairs, whereas in the Council it is subsumed under DG Justice and Home Affairs (JHA). Originally, the Council dominated policy-making in this area, but after the Lisbon Treaty the EC and EP received more prominent roles in JHA agenda-setting and decision-making (Wallace & Reh, 2015).

The EP is the largest trans-national democratic electorate in the world, with 751 members (MEPs), and provides the EU with a source of democratic legitimacy. Like any other parliament, it is organised into political groups. Most of the EP's work is carried out through its specialist committees. Its increased political standing, in combination with it being the only directly elected EU institution, has given the EP significant influence over the policy process as a whole (Wallace & Reh, 2015).

The European Council defines the EU's overall political direction and priorities, thus addressing the big strategic questions concerning new tasks of the EU and those which define its identity. It comprises the heads of state of every MS and is chaired by a President.

The CJEU is composed of 28 judges and nine advocates-general who deliver preliminary opinions on cases. It consists of three different courts: the Court of Justice, the General Court and the Civil Service Tribunal. Its court system is that of *sui generis* and it provides an overarching framework of jurisprudence in the EU. The CJEU deals with litigations, which can be referred by both national courts and cases brought directly before it. The court's sanctions are mainly that of its own rulings. *Id est* rulings are implemented by national courts and backed up, in some instances, by the CJEU's ability to impose fines on EU institutions and MS. Additionally, rulings can also provide a basis for the EC or a MS to fine those found to have broken EU law.

3.1.2 The Law of the European Union

EU law comes, next to the incorporation of international agreements, in three main forms: Regulations, Directives and Decisions. Regulations are the most centralising of all EU instruments and are directly applicable to MS once they have become public by the EU institutions (Chalmers, Davies, & Monti, 2014; Wallace & Reh, 2015). Regulations have general applications and are used wherever there is a need for uniformity (Chalmers, Davies, & Monti, 2014). Directives differ from Regulations as they first need to be transposed into national law, which allows MS certain freedom of choice concerning the transposition. This also means that the implementation of the EU's policies is almost fully at the hands of the MS (Polese & D'Avanzo, 2010; Zhelyazkova, 2013). Furthermore, Directives come into force 20 days after they have been published in the official journal, or otherwise stipulated in the Directive, and must be transposed within a given deadline (Chalmers, Davies, & Monti, 2014). State liability for failing to transpose EU Directives into national law can be claimed through the *Francovich* ruling (of 1991). Here, *Francovich* damages can be claimed by individuals against MS when national legislatures or national courts fail to implement EU law correctly, and as a result suffer from it. While the courts hear their cases in public, judgements are reached in private (Wallace & Reh, 2015). Regulations and Directives are both normative texts which are legally binding. However, Directives differ from Regulations as they are a set of prescriptive rules which have to be performed within a given deadline (Polese & D'Avanzo, 2010; Zhelyazkova, 2013).

The vigour of the EU's legal system is one of its most distinctive features. As a result, the legal dimension plays an important role in the policy process. Policy-makers have to consider which treaty articles to use as a legal base, what type of legislation to make and the legal meaning of the texts. Legal rules are favoured by the institutional system, and thus policy advocates look to these in order to achieve their objectives. The main method through which EU legislation is produced is as following: first a policy decision is made, to which the EC then drafts a text to implement these wishes. During this process the EC services consult, discuss and then draft a proposal which is in turn submitted to other bodies which have to be consulted. Second, the proposal is submitted to the Council (of the EU) in which it forms the basis of a discussion and consequently negotiation by parties working at both the technical expert and political level. After an agreement has been reached, the process of finalising the text starts. This finalisation is done by lawyer-linguists, which prepare the text for adoption by the MS, and is delivered in all official EU languages. Lastly, it is published in the Official Journal of the European Union, which subjects the text to public domain and available to read by anyone who wishes to do so. In this sense, EU legal processes are comparable to that of national legal systems (Robertson, 2010).

In the EU there is a general presumption that rules will be obeyed. While the EU's legal system has helped reinforce its power and reach, the CJEU has become a bit more cautious in its judgement. Additionally, MS have gone to considerable lengths to limit the Court's power. Initially, both the CFSP and JHA were kept out of the CJEU's reach through the three pillar system. Since the Amsterdam Treaty it has been gradually incorporated into this supranational legal system. The Lisbon Treaty cemented this process by bringing JHA and Schengen within the CJEU's jurisdiction, as well as making the EU adhere to the ECtHR and the Charter of Fundamental Rights legally binding (Wallace & Reh, 2015). Additionally, the CJEU is now allowed to give preliminary rulings to any national court on the validity of acts in the AFSJ by EU institutions, which has led to an increase in the number of preliminary references concerning migration issues. This provides the CJEU with more substance for the protection of human rights given to migrants under EU law. This in turn contributes to the development of the EU's common asylum and immigration policies, as preliminary references are binding to all 28 MS (Desmond, 2016).

3.1.3 Common European Asylum System

The Treaty of Amsterdam and the European Council of Tampere (1999) saw the EU commit itself to developing a common policy on immigration and asylum in order to ensure the effective management of migration flows to MS (Polese & D'Avanzo, 2010). And so, the Common European Asylum System (CEAS) was born. Since then, a plethora of measures and instruments have been introduced to establish and develop the CEAS. First, the Temporary Protection Directive was adopted (2001) which commits MS to a collective response in the event of a mass influx of refugees to the EU. Since its adoption this Directive has not been triggered. The CEAS consists out of a further three Directives and one Regulation: the Dublin Regulation, the Asylum Procedures Directive, the Qualification Directive and the Reception Conditions Directive. It also includes the EURODAC (Regulation), and external aspects such as the EU Regional Protection Programmes, European Refugee Fund and Joint Resettlement Programme. The legal basis of the CEAS is, inter alia, the 1951 Geneva Convention on the Protection of Refugees. As of 2010, in accordance with The Hague Programme, the second phase of the CEAS has been under development. Additionally, the CEAS components are subject to evaluation at regular intervals. To date this has resulted in a recasting of three Directives and the Dublin Regulation, with only the Temporary Protection Directive remaining in its original form (Gray, 2013).

The principle of subsidiarity, as set out in Article 5(3) of the TEU (European Union, 2012a), is applicable to the (CEAS) Directives. The aim of this principle is to safeguard the ability of MS to take decisions and actions, therefore expressing the political philosophy of self-government. Simultaneously, it also stipulates the authorisation of intervention by the EU when the objectives are not sufficiently achieved by MS.

The principle of proportionality (Article 5(4) TEU) concerns the quality of intervention by the EU. Concerning the Directives, it will “not go beyond what is necessary in order to achieve that objective” (European Union, 2013b, p. 98). The Treaty of Lisbon also influenced the CEAS in several ways, inter alia through Articles 67(2), 78(2) and 80. According to Article 67(2) the Schengen and common policy on asylum, immigration and external border control is based on solidarity –a concept which had been present since the establishment of the CEAS– between MS. Article 78(2) TFEU (European Union, 2012b) sees, inter alia, the adoption of measures for the standards under the Reception Condition Directive. Article 80 of the TFEU introduces the principle of the fair-sharing of responsibility, which instructs MS to adopt and implement asylum policies on this principle (Gray, 2013; Mitsilegas, 2014).

Within the EC, it is the DG Migration and Home Affairs (forthwith DG HOME) which is responsible for the CEAS. According to DG HOME they manage policies that:

“aim at ensuring that all activities necessary and beneficial to the economic, cultural and social growth of the EU may develop in a stable, lawful and secure environment. More specifically, we work to build an open and safer Europe” (European Commission, 2017a).

DG HOME is responsible for the policy areas concerning migration, asylum and internal security, which all fall under the AFSJ. Therefore, it is responsible for Agencies such as Europol, Frontex and EASO (European Asylum Support Office) and Directives and Regulations such as Schengen and the Return Directive⁷.

SCHENGEN REGULATION

The first significant milestone in EU migration policy was the Schengen *acquis*. In 1985 the Schengen Agreement was signed by five of the 10 MS of the EEC; a telling sign as until 1989 Europe was shaped by one of the most guarded borders which split Germany in two. This was supplemented in 1990, with the proposal of complete abolition of international border control and a common visa policy. This made the Schengen Area *de facto* a single state concerning travel, as travellers only faced external border controls and common visas when entering and exiting the Area. However, the Treaty of Amsterdam was needed to integrate the Schengen *acquis* into the legal framework of the EU (Leonard, 2009; Ekelund, 2014). The communitarisation of refugee policy was caused by the migration crisis of the 1990s as a consequence of the Balkan Wars, when big MS were under pressure due to the increasing number of asylum seekers. It is also during this time that concepts such as ‘safe third country’ and ‘safe country of origin’ were first discussed. This resulted in the right of asylum being denied if migrants entered the Area from safe third countries, having merely been in transit through a safe third country or being nationals of what was deemed as a safe third country (Fischer, 2012).

⁷ Directive 2008/115/EC

Over time, the Schengen Regulation became an extremely rich *acquis* in external relations. In many cases it overlapped with EU competencies in external security policies, even though the TEU stated that these two EU policies should be held separate. Therefore it was inevitable that some of the existing EU mechanisms concerning migration had to be further clarified and founded on a stronger legal basis (De Capitani, 2014). This was done through the Treaty of Lisbon (2009) which completely overhauled the EU's structure. The Schengen Borders Code (SBC)⁸ is the legislative backbone of the Area. Chapter II (Articles 25 to 35) concerns the legislation pertaining to the temporary reintroduction of border control at internal borders. MS may reintroduce border control at all or specific parts of its internal border if there is "a serious threat to public policy or internal security" (European Union, 2016, p. 20) for up to 30 days or "for the foreseeable duration of the serious threat if its duration exceeds 30 days" (European Union, 2016, p. 20) and then only as a last resort. The prolongation is not allowed to exceed six months, however under 'exceptional circumstances' the total period may be extended to a maximum of two years.

At the height of the migrant crisis the mass media reported streams of people travelling via the so-called Balkan route, with the most preferred destination Germany or Sweden. The pressures became so extreme that Germany reintroduced border controls, as of September 2015, in accordance with the SBC. This set off a domino-like effect, with Austria, and then Slovenia, Hungary, Sweden, Denmark and Norway all reintroducing border controls. As of 25 January 2017, the Commission recommended Austria, Germany, Denmark, Sweden and Norway to continue the border controls for another three months (European Commission, 2017b). They all cited "big influx of persons seeking international protection", or equivalent thereof, as the reason for reintroducing border controls. The domino effect can be seen as unsurprising due to the nature of the Schengen *acquis* as the initial border controls redirected the influx to other MS, pushing the problem from one MS to another, hence the chain reaction. Moreover, tightened border controls resulted in asylum seekers remaining in limbo, being unable to return to their country of origin and stuck in MS and countries surrounding the EU which are not in the position to provide the minimum assistance, thus worsening the humanitarian crisis (Den Heijer, Rijpma, & Spijkerboer, 2016). So, while the Schengen *acquis* was initially created to facilitate the completion of the internal market as well as it falling outside the CEAS, it plays a large role concerning migration, both inside and outside, the EU.

⁸ Regulation (EU) 2016/399

DUBLIN REGULATION

Since the “progressive creation of an area without internal frontiers in which free movement of persons is guaranteed in accordance with the TFEU” (European Union, 2013a, p. 34), it is necessary “to strike a balance between responsibility criteria in a spirit of solidarity” (European Union, 2013a, p. 34) and hence, it is also within this framework that the Dublin Regulation has been established. The Dublin Regulation has been a key instrument in the EU’s efforts to create a common asylum legislation (European Union, 2013a; Brekke & Brochmann, 2014). It was signed in 1990, four days prior to the Schengen Convention, but was not implemented until 1997 (Amsterdam Treaty), as the MS had different views on the binding nature of legal acts (Fischer, 2012). It has been amended twice since it was created in 1990: in 2003 and 2013. It was revised in 2013 as “experience of the previous system has however shown the need to better address situation of particular pressure on Member States’ reception capacities and asylum systems” (European Commission, 2017c). As the Regulation falls under the CEAS it is also subject to evaluation:

“Given that a well-functioning Dublin system is essential for the CEAS, its principles and functioning should be reviewed as other components of the CEAS and Union solidarity tools are built up. A comprehensive ‘fitness check’ should be foreseen by conducting an evidence-based review covering the legal, economic and social effects of the Dublin system, including its effects on fundamental rights.” (European Union, 2013a, p. 32)

An evaluation on the implementation of the Dublin III Regulation was done in June of 2015. The EASO is the responsible body for providing adequate support to the MS, and the Regulation stipulates that it should “provide solidarity measures (...) to assist those Member States which are faced with particular pressure and where applicants for international protection (...) cannot benefit from adequate standards, in particular as regards reception and protection” (European Union, 2013a, p. 32).

The Dublin system has been set up to streamline migration flows, by ensuring only one MS is responsible for the examination of an asylum claim. Asylum seekers have their cases processed in the MS in which they are first registered as “it should not matter which country you flee to” (Commissioner Malmström, as cited in Brekke & Brochmann, 2014, p. 146). The system is also based on mutual trust through the assumption that all MS are safe countries for asylum seekers and by allocating the responsibility for asylum applications, which is done through specific criteria, on the assumption that each MS respects the rights of asylum seekers in accordance with EU and international law (Brouwer, 2013). This also means that an MS, which does not have the primary responsibility according to the Dublin Regulation, can send an applicant back to the responsible MS. Chapter III (Articles 7 to 15) stipulates, in a hierarchical order, the criteria determining the MS responsible of the examination of an asylum application.

Here, priority is given to humanitarian conditions, such as the presence or residence of family members in a MS (European Union, 2013a; Brouwer, 2013). However, “the asylum seeker’s own choice (or interest), namely the first Member State in which he or she lodges an application, is the last factor to be taken into account when determining the responsible state” (Brouwer, 2013, p. 138). This clause could be circumnavigated if an applicant who has entered the territories of the MS irregularly, or whose circumstances of entry cannot be established, has lived for a continuous period of five months in a MS that same MS is responsible for examining the application. If an applicant has lived in several MS for a continuous period of five months, the MS in which the applicant has been living in most recently is responsible for the examination (Article 13(2)).

The Dublin system has been challenged and critiqued across Europe. The Dublin II Regulation was especially highly criticised by scholars, NGOs, as well as national and supranational courts (ECtHR and CJEU) indicating it needed to be reviewed. The CJEU issued judgements on several matters, including: the principle of non-refoulement, the use of the sovereignty clause, the application of the dependency clause as well as the application of the Reception Conditions Directive during Dublin procedures. The necessary adjustments were deemed so significant that it was re-casted (Hruschka, 2014), and so Dublin III was conceived. While the proposal for the recasting came in 2008 it was not approved until 2013. A key factor of these prolonged negotiations was the strong opposition from some MS concerning Article 31, which provided the possibility to suspend transfer to MS under certain circumstances. A compromise was reached through Article 33, which provides “a mechanism for early warning, preparedness and crisis management” (Hruschka, 2014). Dublin III, although improved, is still challenged due to gaps in the reception policies and living standards of asylum seekers between MS (Brekke & Brochmann, 2014).

Since 2011 transfers under the Dublin Regulation from MS to Greece have been suspended following two judgements from the ECtHR and CJEU. These judgements were based on systematic deficiencies in the Greek asylum system. This suspension created several issues. Most notably, it was seen as an incentive for asylum seekers who arrived in Greece irregularly to continue moving irregularly to other MS, as they knew they would not be sent back to Greece. In turn this meant that both the Schengen system and the relocation schemes were being undermined. The EC recommended on the 8th of December 2016 for transfers to resume per 15 March 2017. This recommendation does not include retrospective transfers and vulnerable applicants (including unaccompanied minors). Moreover, the EC proposed in May 2016 to reform the Dublin Regulation (again). The most notable feature of this proposal is the introduction of a new fairness mechanism which ensures no MS is left with a disproportionate pressure on its asylum system (European Commission, 2016g).

RECEPTION CONDITIONS DIRECTIVE

Just like the Dublin Regulation, the Reception Conditions Directive is a part of the CEAS, and is therefore also based on the Geneva Convention, etcetera. This humanitarian character can be found throughout the Directive, as the standards laid out (should) ensure applicants a dignified standard of living, as well as emphasising the importance of family, minors and people with special needs. Even detainees “should be treated with full respect for human dignity” (European Union, 2013b, p. 97). The objective of the Directive is to establish standards for the reception of applicants in MS, as “the harmonisation of conditions for the reception of applicants should help to limit the secondary movements of applicants influenced by the variety of conditions for their reception” (European Union, 2013b, p. 97). It is applicable during all stages of procedures concerning applications for international protection, in all locations and facilities for as long as applicants are allowed to remain on the territory of MS as applicants.

The current Reception Conditions Directive became applicable as of 21 July 2015 (20 days after its publication) and consists of 35 articles which fall under seven chapters. The Directive stipulates, inter alia, that applicants are allowed to move freely within the territory of the host MS, or within an area assigned to them by the MS. This area may not affect the private life of the applicant and should guarantee access to all benefits under this Directive. Further, applicants have the possibility to leave, temporarily, the place of residence (Article 7). MS have to ensure that material conditions provide an adequate standard of living for an applicant, which guarantees their subsistence and protects their physical and mental health (Article 17). Material conditions are defined as housing, food and clothing which can be provided in kind, as financial allowances or in vouchers (Article 2(g)). These material reception conditions may be reduced or withdrawn if an applicant abandons the place of residence, does not comply with reporting duties or if the MS has established that the applicant has not lodged an application for international protection (Article 20). The Directive also stipulates that minors should be granted access to education under similar conditions as their own nationals (Article 14), as well as MS ensuring that applicants have access to the labour market no later than nine months after the application was lodged (Article 15).

Furthermore, the Directive states that it should be evaluated at regular intervals (Recital 30). According to Article 30 this evaluation will be reported to the EP and the Council no later than 20 July 2017 by the EC, and will include proposals of any amendments deemed necessary. Additionally, MS are required to send all information needed of this report by 20 July 2016. However, in July 2016 the EC already proposed a recasting of this Directive.

QUALIFICATION AND ASYLUM PROCEDURES DIRECTIVES

The Qualification Directive, *inter alia*, stipulates the criteria which qualify asylum seekers refugee status or subsidiary protection, defines the rights afforded to beneficiaries of these statuses, access to education, social welfare, healthcare and access to accommodation. This Directive was amended in 2011, and has 42 articles divided over eight chapters. Chapter II concerns the assessment of applications for international protection, which includes the duties of the applicant, such as: the applicant making a genuine effort to substantiate his application, the applicant's statements are to be coherent and plausible, as well as the applicant establishing general credibility. Chapter III concerns the qualification for being a refugee. This includes the specification of which acts of persecution (Article 9) and reasons for persecution (Article 10) qualify, as well as when third-country nationals and stateless persons cease to be (Article 11), or are excluded from (Article 12) refugee status. Other chapters include provisions on granting refugee status, qualifying for subsidiary protection and content of international protection.

The Asylum Procedures Directive establishes common standards concerning access to fair and efficient asylum procedures. This Directive became applicable the same day as the Reception Conditions Directive. The EC states that the new Directive is more precise than the previous in which "rules were too vague and derogations allowed MS to keep their own rules, even if these went below basic agreed standards" (European Commission, 2017e). The Directive consists of 55 Articles which fall under six chapters. The Directive stipulates that MS have to ensure applicants have effective opportunity to lodge an application as soon as possible (Article 6). MS also have to ensure that organisations and persons providing advice and counselling to applicants have effective access to applicants present at BCPs (Article 8). The Directive also states that MS are allowed to extradite, but only if it does not directly and indirectly violate the principle of non-refoulement (Article 9). Other stipulations include obligations of the applicants, the role of the UNHCR, the application of the concepts 'first country of asylum', 'safe third country' and 'country of origin', as well as the appeals procedures and examination of procedures. Both Directives are subject to evaluation, but the EC has already proposed that both Directives become Regulations. These proposals were published by the EC in July 2016.

3.2 Greece

Greece's geographic location makes it a unique crossroads where shifting migration routes intertwine with trajectories created through policies of forced mobility (returns, readmissions and other multi-lateral agreements). When the economic crisis erupted in 2008 it had far reaching consequences, both economically and politically, for Greece. Greece was facing alarming levels of debt and budget deficit and by August 2015 it had received its third bail-out, known as the Troika, in five years. The bail-outs came with conditions and harsh austerity terms, budget cuts, tax increases and government re-organisation requirements. The bail-outs themselves were used to pay off the government's international loans rather than being injected into Greece's weak economy. Since 2010, Greece has had to introduce 13 austerity packages as a part of the Troika. Greece's relationship with the other MS has become increasingly fragile through-out the financial crisis. Moreover, as a result of the austerity measures and unstable economy Greece saw extreme political and public change, directly affecting the day-to-day lives of Greeks (Mantanika, 2014). Greece has been repeatedly criticised when it comes to protecting the fundamental rights of immigrants and refugees (Mantanika, 2014). Since early 2017 conditions have, reportedly, become worse due to sub-zero temperatures and heavy snowfall putting the lives of migrants in immediate danger (Reuters, 2017). Financing for making the camps ready for the winter was already organised in September with the EC making €115 million available. However, some MS blame Greece for not implementing the aid received by them properly (NOS, 2017). The biggest weakness in the Greek asylum system seems to be its limited reception capacity. In 2011 the UNHCR reported that fewer than 1,000 reception places were available in 12 reception centres and a few apartments, in contrast with nearly 47,000 asylum applications still pending at the end of 2010. Homeless asylum seekers survive on assistance from NGOs, churches or municipalities. By far, NGOs run most of the reception centres and rely only on sporadic project funding (McDonough & Tsourdi, 2012). However, Greece managed to create an additional 30,000 reception places by 2015, as well as providing rent subsidies to asylum seekers who could not be accommodated in reception centres and hosted a further 20,000 families with the help of the UNHCR (Library of Congress). Currently, Greece has a total capacity of nearly 75,000, of which over 47,000 people make use of (UNHCR, 2017b). Unfortunately, the ineffective distribution of people has led some camps hosting a significant number of people more than they are capable of. The islands are hosting 5,000 individuals over their official capacity. Most camps on the mainland are operating under their official capacity (UNHCR, 2017b). However, this is deceiving. Due to the living arrangements in the camps, operating at full capacity would entail multiple families sharing the same small space.

3.2.1 Greece's Asylum System

Traditionally Greece has been a state of emigration. From the 1990s onwards it saw net immigration and by the end of 2010 nearly 90% of all irregular migrants entered the EU through Greece (McDonough & Tsourdi, 2012; Mantanika, 2014). In 1999 Greece established a national status determination system for the first time. Before this time all asylum claims were examined by the UNHCR. In this newly established system, police officials carried out the first instance interviews, which were then examined by a committee of four government officials, a UNHCR representative and an NGO lawyer, which then gave a recommendation to the Minister of Public Order who made the final decision. Between 2007 and 2009 Greece transposed the main EU asylum Directives. This transposition was not smooth and the EC took formal action against Greece for non-transposition, or incorrect transposition and implementation, of each of the five main CEAS instruments. Every time, Greece managed to update its laws before it led to official CJEU judgements. The EC's attention was drawn to the shortcomings of the Greek asylum system through NGO and EU international bodies reporting serious human rights violations, barriers to requesting asylum, poor asylum procedures and appalling detention conditions. In response to this criticism, Greece began reforming its asylum system in 2010, just as the migrant crisis started unfolding and amid a financial crisis (McDonough & Tsourdi, 2012).

To date the Greek Ministry of Public Order and Citizen Protection has submitted two plans, in 2010 and 2013, to the EC and the Council (of the EU) to improve its asylum system. The first plan (2010) saw the creation of an Asylum Service, composed of a central office and regional asylum offices, as well as a First Reception Service and an Appeal Authority. The revised plan (2013) was based on two essential features: (1) assurance of access to international protection through new reception centres; (2) establishment of an effective system in border management and returns. Since June 2013 asylum seekers fall within a new procedure and the First Reception Service is responsible for informing the applicants of it. Further, the Asylum Service makes decisions on a case-to-case basis, which is required to be objective, unbiased and non-discriminatory. Here, the central office of the Asylum Service is responsible for the supervision and monitoring of the registration process, whereas the regional offices are responsible of registering and fingerprinting applicants. In total there are 11 regional offices, of which four are mobile asylum units. Applicants which are unaccompanied minors must have a guardian appointed by the authorities. Additionally, legal aid is provided to applicants who are in need of it. Decisions concerning the granting or withdrawal of international protection are forwarded to the local UNHCR office (Library of Congress). As Greece is a MS of the EU, its asylum system is founded on the Geneva Convention.

THE EC'S RECOMMENDATIONS

As a result of two judgements from the ECtHR and CJEU transfers under the Dublin Regulation to Greece were suspended between 2011 and March 2017. The EC has issued, to date, four Recommendations addressed to Greece concerning specific measures it needs to take to have a well-functioning asylum system (which fully implements EU asylum standards), with the end objective of resuming the Dublin Regulation. While Recommendations are not legally binding, they do carry political weight as it is used as an (indirect) instrument aiming to prepare MS for legislation. As such, they only differ really from Directives by the absence of this legally binding status. The first Recommendation, issued the 10th of February 2016, acknowledged the improvements, while still stating the reception capacity as “not yet sufficient” (European Commission, 2016h, p. 5). In this Recommendation the EC also urged Greece to ensure that reception conditions are in compliance with the Reception Conditions Directive. The second Recommendation (15 June 2016) set out further concrete steps, which again included establishing appropriate permanent and temporary reception facilities which offer adequate reception conditions. The third Recommendation (28 September 2016) saw the EC acknowledge the transposition of the re-casted Asylum Procedures and Reception Conditions Directives into national legislation. Additionally, the EC recognised (again) that Greece increased its overall reception capacity. This Recommendation also noted that Greece had informed the EC that it is “in a position to provide shelter, food and all basic services to the overwhelming majority of irregular migrants and asylum seekers stranded in Greece” as well as it being committed to “provide adequate standard of living for the whole refugee population” (European Commission, 2016i, p. 4). However, the EC also noted in the same Recommendation that the facilities in Greece are only of temporary nature and that some only provide the most basic reception conditions, such as food, water, sanitation and basic medical care. Further, the EC indicated that while this may be sufficient for a very short period, “the conditions in some facilities still fall far short on the requirements stipulated in the Reception Conditions Directive” (European Commission, 2016i, p. 5). The fourth Recommendation (8 December 2016) again pressed Greece to urgently “pursue its efforts to establish appropriate permanent and temporary open reception facilities and more importantly ensure that all these facilities offer adequate reception conditions, also during the winter (...)” (European Commission, 2016g). The fourth Recommendation also gave an overview of how the EU has provided support to Greece. Here, the EC stresses that ensuring adequate reception conditions is the responsibility of Greece, but that it is “assisting the Greek authorities to improve the reception conditions of migrants and asylum seekers and ensure that standards laid down in EU legislation are complied with” (European Commission, 2016g).

In total 860 experts are deployed in Greece; 655 through Frontex and 205 through EASO. The EC further urged for MS to continue providing support to the EU Agencies working in Greece. Financial support has come in the form of over €1 billion: €198 million from the Emergency Support Instrument, €353 million from Home Affairs emergency funds and €509 million under the national programmes for 2014-2020 (making Greece the biggest beneficiary). The EC further announced EU funded partners were making provisions to get camps ready for winter, with the north and west given priority.

Greece has been monitored throughout its process of improving its asylum system. The EC instituted infringement proceedings against Greece for failing to transpose the Asylum Procedures and Reception Conditions Directives, maintaining insufficient reception facilities and poor reception conditions, especially for vulnerable applicants. The EC has additionally followed the implementation of its Recommendations closely. Furthermore, the Committee of Ministers of the Council of Europe monitors the implementation of the decisions made by the ECHR and the UNHCR the general implementation of the Geneva Convention (Library of Congress).

3.2.2 Migrant Crisis and Subsequent Interventions

There are three main routes for migrants to enter the EU irregularly: the western, central and eastern Mediterranean routes. The MS they enter through these routes are Spain, Italy, Malta and Greece respectively. Between 2014 and 2016 it has been estimated that over 12,000 people lost their lives crossing the Mediterranean (International Organisation for Migration). Greece became the main corridor after the Spanish and Italian borders were sealed through a combination of Frontex interventions and bi-lateral agreements. As the Arab Spring unfolded from 2011 onwards, Greece saw the amount of irregular migrants crossing its borders increase, with an exceptional peak in 2015. This was a direct result of the worsening war in Syria, and in 2015 almost 50% of Syrian nationals entered the EU through Greece of which almost all came by sea (Frontex, 2017). Between 2011 and 2015 over a million people entered Greece irregularly, of which almost 50,000 have applied for asylum in Greece.

	DETECTIONS ⁹	ASYLUM APPLICATIONS ¹⁰
2011	57,025	9,310
2012	37,224	9,575
2013	24,799	8,225
2014	50,834	9,430
2015	885,386	13,205
2016	182,277	51,110
Total	1,237,545	49,745

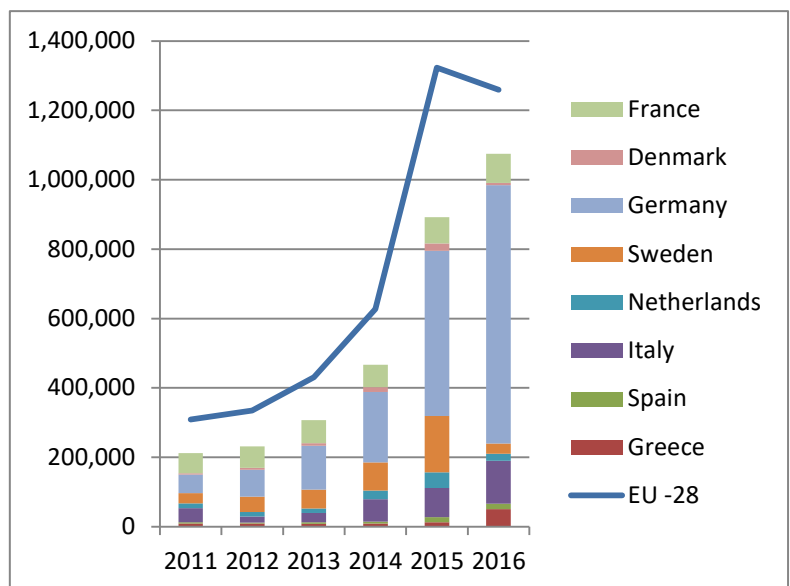


Table 1: Detections and Asylum Applications in Greece 2011-2016

Graph 1: Asylum Applications in MS and EU total 2011-2016

THE EUROPEAN AGENDA ON MIGRATION

In reaction to the EU's external borders being the 'scene of human tragedies', the EC published the European Agenda on Migration on the 13th of May 2015. In this Communication they presented six immediate actions: 'saving lives at sea', which saw the budget for the Frontex joint operations Triton and Poseidon triple; 'target criminal smuggling networks', which entailed the targeting of criminal networks which exploit vulnerable migrants through increased cooperation between Frontex and Europol; 'responding to high-volumes of arrival within the EU: relocation', which is based on a distribution key based on criteria such as GDP, size of population, unemployment rate and past numbers of asylum seekers and of resettled refugees; 'a common approach to granting protection to displaced persons in need of protection: resettlement'; 'working in partnership with third countries to tackle migration upstream'; and 'using EU tools to help frontline MS', which includes the Hot Spot approach and emergency funding. Another four short and medium term solutions which are 'fair, robust and realistic' were presented, namely: 'reducing the incentives for irregular migration'; border management; 'Europe's duty to protect: a strong common asylum policy', which entails a coherent implementation of the CEAS; and a new policy on legal migration. Lastly, they presented longer term initiatives: the completion of the CEAS; a shared management of the European border; and a new model of legal migration (European Commission, 2015).

⁹ Detections of illegal border-crossing between BCPs Eastern Mediterranean Route (Frontex, 2017)

¹⁰ First time asylum applicants Greece (Eurostat)

REFORM, READMISSIONS AND FUNDING

On the 18th of March 2017, and under the Council Presidency of the Netherlands, the EU brokered a deal with Turkey to “break the business model of smugglers and offering migrants an alternative to putting their lives at risk” (European Commission, 2016j, p. 1). The aim of this readmission was “to restore a legal and orderly admission system for those entitled to international protection in line with EU and international law.” (European Commission, 2016j, p. 1) The deal was implemented the 20th of March 2016, and since then the number of migrants entering Greece irregularly through Turkey has dropped significantly. The readmission is based on a 1:1 resettlement programme: for every migrant returned to Turkey the EU resettles one Syrian refugee from Turkey. The agreement is, legally, in full compliance with the principle of non-refoulement as only migrants who do not apply for asylum or have no right to international protection will be returned. By September 2016 nearly 1,500 Syrian refugees have been resettled in MS from Turkey and nearly 600 migrants have been returned to Turkey. Additionally, the EU made funds available (€3 billion) for improving the refugee facilities in Turkey as well as humanitarian aid for Syria (European Commission, 2016j). In addition to this resettlement programme, a relocation scheme was also proposed by the EC. Under this programme 160,000 asylum seekers are to be relocated from Italy and Greece to other MS, over the course of two years. A total of 8,162 have been relocated, of which over 6,000 from Greece, under this scheme so far (European Commission, 2016k).

Next to the financial aid promised to Greece, the EC also pledged over 7 billion euros to funds focussing on the issues outside the EU, such as UNHCR, World Food Programme, Refugee Facility for Turkey, Refugees in the Western Balkans, FYROM, Serbia and the Trust Funds for Africa and Syria. In response to the migrant crisis the EC proposed to extend Frontex’s mandate. In October 2016, Frontex transformed officially into the European Border and Coast Guard Agency, and it has now the mandate to intervene in urgent situations on the basis of a Council decision alone. The EASO was set up only six years ago, in 2011, and “acts as a centre of expertise on asylum” (European Commission, 2017d) and contributes to the implementation of CEAS in MS. In April 2016 the EC identified increasing its mandate into a fully-fledged EU Agency for Asylum as one of the five priorities in the proposed reform of the CEAS. The other priorities are: ‘establishing a sustainable and fair system for determining the MS responsible for asylum seekers’; reinforcing the EURODAC; ‘achieving greater convergence in the EU asylum system’; and ‘preventing secondary movements within the EU’. Previous to identifying and elaborating on these priorities, the EC identified and discussed certain weaknesses of the CEAS measures. Here, the Dublin Regulation was mainly discussed, but the Qualification, Asylum Procedures and Reception Conditions Directives were also briefly mentioned (European Commission, 2016a).

3.3 Summary

The EU is a complex constellation of actors, laws and policies, which has gone through many developments in its short life. While there are many different actors who influence and direct the EU, the EC is arguably the most important, especially in the AFSJ. The EU has been created and established through law and thus unsurprisingly, it plays a large role. Moreover, the vigour of the EU's legal system is one of its most distinctive features. The CEAS, just like the EU itself, has been expanded and reviewed over its life time. Even though Greece's geographic location makes it a unique migratory crossroads, its asylum system has long since been underdeveloped. Consequently, it led the ECtHR and CJEU to issue judgements on it, which led to the suspension of Greece under the Dublin Regulation in 2011. Consequently, the EC exhorted Recommendations to Greece to improve it. Simultaneously, Greece saw the amount of irregular migrants crossing its borders increase as the Arab Spring unfolded. Greece's suspension under Dublin III undermined the Schengen *acquis*, and consequently border controls were re-instated due to mass secondary movements. The EC provided a large amount of financial aid in light of the migrant crisis and also enforced other measures to relieve the situation. These measures included expanding Frontex and EASO, the implementation of Hot Spots, relocation and resettlement schemes as well as a Readmission with Turkey. Despite the EU's attempts at improving the situation in Greece, as well as increasing border management, the migratory issues Greece is facing cannot be deemed as resolved; constant reports on overcrowding, squalid conditions and long waiting times still plague Greece.

4. THEORETICAL FRAMEWORK

This chapter lays down the theoretical foundation on which the deductive part of this study is based. First, the policy process specifically pertaining to the EU is explained and includes a literature review of the CEAS. Next, theory concerning law and language is disclosed. Gaps in the existing literature have led the theoretical framework to become an assemblage of theoretical perspectives rather than including one or several overarching theories.

4.1 The Policy Process

Public policy mandates or prohibits behaviour, sanctions and legitimises incentives for particular behaviour and transfers resources to enable certain activities. Overall, policies are created by polity and provide general principles or courses of action; they delineate, specify and authorise the methods of implementation. Policies are normative; they are embedded in a particular environment which reflects an overriding set of rules or values (Osher & Quin, 2003). Norms as values are institutionalised and formalised, and provide a collective view about certain end-states (e.g. justice, freedom) and preferred behaviour (e.g. fairness, solidarity). Norms as rules prescribe actions on clear-cut domains, which is done through policy instruments. The more robust a norm is the more likely it is to be realised. Robustness can be measured through norm specificity, binding force, coherence and concordance (Roos & Zaun, 2014).

The act of policy-making is a complex phenomenon, and to facilitate understanding it is commonly reduced to a policy cycle. Simply put, the policy cycle involves agenda-setting which leads to a policy formulation, in which proposals for action are formulated. Next a policy decision is made, after which the policy is implemented. After the policy is adopted, the intended, inadequate and unintended effects of the policy feed back into the policy process which leads agenda-setting. Hence, the policy process is cyclical. The policy cycle has been criticised for being misleading, which is mainly due to its oversimplification. Firstly, the stages of the policy process are not (always) so distinct from each other. An example of this could be that policy formulation might appear when officials seek to implement vague legislation. Secondly, policy formulation following agenda-setting might not always happen in this particular sequence, as policies may be developed before a specific problem arises and thus alternatives are adopted before an opportunity emerges which pushes them on the agenda. Thirdly, the cycle does not (explicitly) represent the interaction between multiple policies pursued in the same policy domain. Consequently, issues of policy coherence might occur, with some policies either supporting or impeding other policy objectives. This is a particular issue within the EU due to the number of actors operating in compartmentalised decision-making structures and at the multiple levels in which policy coordination occurs. Lastly, the depicted cycle gives the impression that there is one single policy cycle.

In reality, there are numerous policy cycles operating at multiple levels of governance which are not in synchronicity to each other. While these criticisms do not condemn the policy cycle as a heuristic device, one should take into account the limitations of its simplicity. The most fundamental issue of the policy cycle is its inability to provide a basis for causal theory in policy-making. Indeed, there are different analytical approaches for each stage, but (as of yet) no grand theory of policy-making (Young, 2015).

In liberal democracies the main actors in the policy process are politicians, bureaucrats and interest groups. Here, politicians are the key decision-makers, whereas bureaucrats serve the politicians in government. While they do take some policy decisions, they are mainly concerned with the implementation of policies. Interest groups seek to influence both the politicians' and bureaucrats' decisions, promote certain policies, and can play (a minor) role in implementing policies. Within the EU these roles are slightly different. Compared to their counterparts in a state setting, bureaucrats in the EC play a larger role in agenda-setting and policy formulation, and a lesser one in policy implementation. While MEPs are directly elected, their role is more limited than politicians in national parliaments. However, in terms of the policy domains where it is involved in legislation and exercises oversight it is one of the world's most powerful parliaments. The Council (of the EU) plays a large role in the adoption of legislation, oversees transposition and in some cases directs implementation.

As the cycle suggests, once a decision has been made, further steps are required in order to put it into effect. Here, the concepts of policy implementation and compliance are related, but distinct. Policy implementation is the process of translating policy into action, whereas compliance refers to a state of conformity between action and the specified rule. Thus, it focuses less on the process and more on the outcome, and hence that compliance can occur without (active) implementation. Examining implementation is particularly important, as most policy is focused on solving certain problems. Therefore, it is critical not only to examine how policy decisions are made and the legal output of this, but also how and in which way the law is executed in practice. This is particularly true for the EU. A problematic issue within the EU is the difficulty of reaching an agreement, and as a result decisions often contain messy compromises and/or vague language. This can leave significant room for interpretation when policies are put into practice, making effective policy implementation a particularly important issue (Treib, 2014; Young, 2015). Additionally, the legislative process is that of an on-going and continuous circular one, because legislature can decide to overrule court judgements by imposing new rules. The process of implementing policies generates outcomes which then feed back into the policy process. Implementation can feed back through evaluations of effectiveness, political feedback loops and spill-over. While these three ways are distinct from one another, they are not unrelated.

Additionally, EU legislation, such as the CEAS measures, allow for a certain amount of freedom concerning the implementation. Thus, another issue which arises concerns the transposition of Directives into national law. MS are afforded a certain amount of time for transposition, and it is only after transposition has been completed that the rules are applied, and enforced, at the domestic level (Treib, 2014). Therefore, a very significant amount of the consequential decision-making occurs during the implementation phase.

While there has been a plethora of studies concerning the transposition of EU legislation, there are few studies which have been devoted to implementation. Hence, that there is little known about the actual implementation of EU Directives (Treib, 2014; Young, 2015). This is a growing concern as “non-compliance threatens the effectiveness and legitimacy of European policy-making, and consequently the EU itself” (Milio, 2010, p. 3). To supplement the sparse theory an extensive literature review has been conducted concerning the CEAS measures which describes and discusses the central themes identified in previous studies.

4.1.1 The Humanitarian Basis of a Securitised Policy

The development of the EU’s migration policies has two faces: one of securitisation (Huysmans, 2000; Neal, 2009) and the other of a humanitarian rhetoric (Horsti, 2012; Campesi, 2014; Aas & Gundhus, 2014). There is a powerful discourse of fundamental rights within EU law-making, which emphasises “the universalism of the human condition and the arbitrariness of distinguishing between individuals on ground of nationality” (Chalmers, Davies, & Monti, 2014, p. 536). While it is less dominant than the opposing views, the humanitarian perspective influences policy-makers a great deal through its advocates as well as awareness “about the danger of populism in reaction to migrants and this discourse acts as a constraint on that” (Chalmers, Davies, & Monti, 2014, p. 536). Moreover, the TFEU establishes this humanitarian perspective by stating that the AFSJ must respect fundamental rights. Subsequently, all the Recitals of the CEAS measures indicate a foundation based on humanitarian norms. While these measures are highly criticised, their very presence indicates a concern about human need. The judiciary plays a large role concerning the implementation of these humanitarian norms and much depends on how the CJEU interprets these principles. This mechanism was strengthened by the Treaty of Lisbon as it empowered the CJEU and gave the Charter of Fundamental Rights, nine years after it was signed, a legally binding character (Chalmers, Davies, & Monti, 2014).

The Treaty of Amsterdam has been identified as both direct and indirect securitisation of migration through Europeanisation, as migration policy was integrated into a policy framework of internal security (Huysmans, 2000). The terrorist attacks of 9/11 intensified this trend with key EU institutions associating terrorism, security, migration and borders with each other (Leonard 2009; 2012).

The idea of preventing terrorism became a central aspect of the 'European model' through the integrated management of the external borders, and common policies on the control of migration. This also paved the way for enhanced operational cooperation through the use of agencies and tools such as Frontex, Eurosur, Eurodac, Europol and GAMM (De Capitani, 2014; Desmond, 2016). The 'big bang' enlargement of 2004 also securitised migration, with concerns over the ability of the new MS to effectively control the new external borders (Leonard, 2012). Additionally, the EU has struggled with improving the current asylum *acquis* and adopting common policies concerning economic migration (Lavenex, 2015). This stagnation has been caused by the general dissatisfaction regarding the Dublin Regulation and internal disagreements, which mainly concern the sensitive topic of sovereignty. Indeed, a fundamental aspect of state sovereignty is immigration control, which in turn creates tension between the principles of sovereign self-determination and equal universal human rights (Slingenberg, 2014). Polese and D'Avanzo (2010) assert that the changing titles of the Directives in the asylum and immigration policy area reflect a switch from a positive approach to a more cautious approach from the EU. Moreover, they assert that the Directives show the adaption of different policies: from setting minimum standards for giving temporary protection to standards on procedures in which MS can grant or withdraw refugee status, thus giving the MS the power of exclusion. Moreover, by implementing these increasingly more restrictive measures MS use social law as an instrument of immigration control, whereby (potential) asylum seekers are deterred by impeding social integration (Slingenberg, 2014).

4.1.2 CEAS: Harmonisation, Trust, Solidarity and Fair-sharing Responsibility

Den Heijer, Rijpma and Spijkerboer (2016) argue that the current refugee crisis is not a refugee crisis, but a crisis of refugee policy. Den Heijer *et al.* (2016) term the CEAS a 'good weather law': it was created during a time in which refugees were only a marginal issue in the EU. The intended foundation of the CEAS are the principles of solidarity and fair-sharing of responsibility (Gray, 2013), which are laid out in Article 80(1) TFEU. Whilst this Article does not offer any concrete indication as to what solidarity and fair-sharing actually means (Gray, 2013), solidarity may function as a key principle of European identity, as the Preamble of the TEU indicates, but the extent to which it encompasses third-country national remains unclear (Mitsilegas, 2014).

While the concepts of solidarity and fair-sharing are mentioned separately, they are arguably intertwined with one another. Here, fair-sharing concerns the alleviation of disproportionate burdens falling on certain MS through financial and administrative managerialism (Gray, 2013; Chalmers, Davies, & Monti, 2014). The ERF and AMIF are examples of the commitment to financial burden-sharing.

The main issue here is how the allocation of money is decided on in such a way that fair-sharing is ensured, and whether the same criteria should be applied to the allocation of expertise (such as the EASO) and practices of sharing the protection of asylum seekers (such as the Dublin Regulation). Indeed, in the efforts of 'sharing people' solidarity is not achieved, let alone fair-sharing, as responsibilities are divided by voluntary measures or ad-hoc assumptions of responsibility by MS (Gray, 2013; Karageorgiou, 2016). Therefore, the concept is abstract, since there is no agreement on how to assess such a situation as well as it being politically sensitive. This is problematic as it does not offer sufficient and reliable refugee protection (Gray, 2013).

The migrant crisis has provoked discussions concerning the meaning of solidarity and fair-sharing, "underpinning the further development and implementation of the EU's common policy on asylum" (Karageorgiou, 2016, p. 198), especially concerning the legal basis of sharing practices. The concepts of solidarity and fair-sharing within the context of the EU are widely discussed in the literature pertaining to the Dublin Regulation. Mitsilegas (2014) asserts that the concept of solidarity is state-centred, securitised and exclusionary. State-centred, because it places emphasis on the interests of the state rather than the position of the asylum seeker. The concepts of solidarity and fair-sharing of responsibility in the TFEU illustrate this, as they are "premised upon inter-state cooperation in a system which arguably reflects the broader principle of loyal cooperation under EU law" (McDonough and Tsourdi 2012, as cited in Mitsilegas 2014, p. 187). Solidarity is securitised through its use and meaning in the TFEU: it reflects a crisis mentality as the concept is used as an emergency management tool to alleviate perceived urgent (migratory) threats on MS. Additionally, it suggests migrants are a burden, casting them in a negative light. Lastly, state-centric and securitised solidarity is also exclusionary as the concept leaves no room for the principle to be applied beyond EU citizens living in the EU (Mitsilegas, 2014). Furthermore, he asserts that the reliance on agencies and databases, such as Frontex and Eurosur, may create gaps in legal responsibility and accountability as well as serving to depoliticise state action through a growing emphasis on technology and management in the field of asylum and immigration. The same can be said about the EU's 'money for migration' deals (e.g. with Niger) where externalisation through cooperation aims to curb asylum flows. Den Heijer *et al.* (2016) assert that the problem with the Dublin Regulation is that it is founded on a different idea of allocation. Dublin is premised on the idea that it does not matter where an asylum seeker ends up, and therefore the applicant does not need to care. However, the asylum seeker does care, and thus, the Regulation results in a system in which MS "try to coerce asylum seekers to subject themselves to an asylum procedure in a particular place, and in concomitant forms of disobedient behaviour on the part of asylum seekers" (Den Heijer, Rijpma, & Spijkerboer, 2016, p. 610).

Furthermore, the Dublin Regulation in combination with the methods of harmonisation tempts MS in providing lower levels of protection for fear of being inundated by asylum seekers. Within the Dublin system 'burdens' are not shared equally, with some MS receiving significantly more applications than others (Chalmers, Davies, & Monti, 2014). This reinforces the sentiment that the system is fundamentally unfair, with MS in the current system having to fend for themselves. The Dublin Regulation simply assigns certain MS, like Greece, with the responsibility of large amount of asylum seekers who enter the country irregularly. In turn Greece, according to Den Heijer *et al.*, relieves the situation by not registering asylum seekers and stimulating secondary migration.

As a result of Greece's suspension from the Dublin Regulation asylum seekers travelled onwards, and unsurprisingly the next countries along the route neglected their duties as well (Den Heijer, Rijpma, & Spijkerboer, 2016). Karageorgiou (2016) argues that the height of the migrant crisis confirms that there was a shift in responsibility towards MS which are considered to guarantee better human rights standards as a result of functional asylum systems.

The notion of transfer under the Dublin Regulation also raises questions. Firstly, the possibility of a transfer subjects asylum seekers to a greater state of legal limbo. Asylum applicants per definition already occupy a precarious position of non-belonging, where they are neither fully legal nor illegal, awaiting to be officially recognised as a refugee. Transfers under Dublin subject applicants to increased uncertainty, making the already temporary relationship to a nation-state even more precarious (Cabot, 2012). This raises the question of the humanity in transfers, especially considering the fact that these individuals have often been exposed to highly traumatic experiences (Chalmers, Davies, & Monti, 2014). Another questionable aspect is negative mutual recognition. Mutual recognition is the product of mutual trust, which can be defined as "the reciprocal trust of MS in the legality and quality of each other's legal system" (Brouwer, 2013, p. 136), and both are deemed the cornerstones of cooperation between MS. National authorities recognise and/or enforce decisions of other MS' national authorities based on the principle of mutual recognition (Brouwer, 2013), speeding up processes with a minimum of formality (Mitsilegas, 2014). Consequently, when MS make transfers under the Dublin Regulation, they do that on the presupposition that other MS consider claims of international protection in an equivalent manner as well as reception conditions during an applicants' status determination are of equal standards. Yet, whilst MS are not obliged to recognise positive decisions concerning the granting international protection by other MS, they are bound to recognise decisions denying this status (Chalmers, Davies, & Monti, 2014). Hence, negative mutual recognition. This not only illustrates the failed system of equitable burden-sharing, but also how the logic of burden-sharing can run contrary to other values (Chalmers, Davies, & Monti, 2014).

Therefore, according to Karageorgiou (2016), the intention of the Dublin system cannot be the fair-sharing of responsibility as its very foundation counteracts solidarity by shifting responsibility of examining asylum claims to front-line MS. For Hrushka (2014) the recasted Dublin Regulation does provide potential for the enhancement of effectiveness as well as ensuring higher standards in the protection of asylum seekers. However, the impact of this still remains at the hands of the MS. As long as diverging practices of protection and reception conditions are present within the Dublin area, secondary movements of asylum seekers will remain a part of the reality of the CEAS. These issues must be thus addressed if the Dublin Regulation remains a cornerstone of the CEAS. In other words, the diverging practices undermine the supranational efforts of the EU, even though it was intended to prevent exactly this. So, in its very nature the principle of subsidiarity negates the desired harmonised effect (Slingenberg, 2014). These differences have only been increased by the economic crisis, and the breakdown of the asylum system in Greece exemplifies this (Brekke & Brochmann, 2014). Another on-going tension concerns harmonisation and mutual trust. Harmonisation is the prerequisite of mutual trust. On the other hand, mutual recognition of measures requires, at the very least, a minimum level of a harmonised approach. Therefore, mutual trust establishes the need for further harmonisation while simultaneously creating the need to allow for exceptions to mutual trust (Brouwer, 2013). According to Karageorgiou (2016) “CEAS policies are dictated by the need of building an asylum system based on common standards of protection” (Karageorgiou, 2016, p. 198), making the practice of norm sharing the baseline of asylum legislation in the EU. While the EU sets out a threshold which national legislation must meet, it is far from having created a level playing field. Recognition rates, asylum procedure standards, reception conditions and even the content of protection all vary widely between MS (Den Heijer, Rijpma, & Spijkerboer, 2016). This is corroborated by judgements of the CJEU and the ECtHR (Brouwer, 2013), which in turn also offers some hope. The European Courts have started providing greater scrutiny and evaluation on national asylum systems, as well as paying more attention to reports by UNHCR and NGOs on the ground. The requirement concerning monitoring national asylum systems also insinuates that solidarity is increasingly being viewed from the perspective of the asylum seeker. Mitsilegas (2014) asserts that in continuation of this the evolution of the CEAS is dependent on developing the concepts of solidarity and trust from the perspective of the asylum seeker, rather than the state. Karageorgiou (2016) agrees, to a certain extent, and concludes the current fair-sharing mechanism fails to promote a “balance in the distribution of responsibilities” (Karageorgiou, 2016, p. 209) and that, thus, the CEAS cannot provide adequate protection to those in need. Moreover, the current migrant crisis illustrates, quite painfully, that the EU needs to reconsider the fair-sharing practices through concretisation of the obligations which stem from the solidarity rhetoric. *Id est*, solidarity should not merely be a moral commitment, but a principle with legal implications.

While it could be argued that some measures cannot be decided upon beforehand, as circumstances vary between cases, she argues that distribution through solidarity simply cannot be made totally at random, especially when there are alarming flaws in the processes of granting protection.

EU legislation does provide some mechanisms of relief, such as Article 78(3) TFEU, the early warning process in the Dublin Regulation (Recital 22) and the nature of the Temporary Protection Directive. While these measures may make the EU seem to be a competent crisis manager, they do not offer any clarification as to how exactly 'burdens' should be shared. Den Heijer *et al.* (2016) conclude that these measures have not been triggered as the spirit of solidarity has seemingly disappeared. For Mitsilegas (2014), the CEAS will remain fragmented if it continues to be state-centred and if discrepancies between MS asylum systems persist.

According to Den Heijer *et al.* (2016) the key to understanding the failure of the CEAS is the fragmented nature of EU governance itself. According to them, the considerable discrepancies between MS are a consequence of the implementation of these policies being fully at the hands of MS.

In addition, the achievement of the common formulated goals depends on effective cooperation between MS. Moreover, multi-level governance can only function effectively if the constituent parts identify with their common government and take their duty to work together towards their common values seriously. However, in the field of asylum national interests and EU interests are often perceived as conflicting (Den Heijer, Rijpma, & Spijkerboer, 2016). In other words, it raises the question of an individualistic versus a communitarian approach to asylum (Karageorgiou, 2016). Brekke and Brochmann (2014) assert that the MS commitment to their own welfare regimes lies at the heart of this issue, which has resulted in a reluctance to further harmonise the CEAS measures. In continuation of this, as long as supranational efforts assume equal conditions in individual MS these conditions will continue to differ. This in turn motivates secondary migration, which consequently strains supranational efforts.

Additionally, laws and policies put in place to control migration often lead to a diminished access to justice for irregular migrants, consequently reducing their rights to protection. Despite this fixation of the EU on reducing the inflow of irregular migrants the CEAS does include provisions for rights protection. These features within the AFSJ, and consequently the CEAS, as well as the influence of the CJEU and the Charter, do have the potential to forge "a common EU migration policy which contains a robust regime of rights protection for irregular migrants" (Desmond, 2016, pp. 271-2). Brouwer (2013) disagrees and believes that as a consequence of the Lisbon Treaty (which, *inter alia*, made the Charter legally binding) the complexity of human rights in the EU increased, rather than increasing the protection of human rights itself.

For Den Heijer *et al.* (2016) the problem, in this particular context, relates to the disinterest in activating the judicial enforcement mechanisms in place, which results in asylum seekers travelling to other MS instead of launching procedures in Greece for not being granted proper relief.

In sum, the reality of solidarity, fair-sharing, trust and harmonisation is a labyrinthine of tense relationships which raises the question of an individualist versus a communitarian approach to asylum. This also reflects the tension between state sovereignty and human rights as regards to immigration control, often resulting in securitising measures. This begs the question of how far sovereignty may reach before it must give way to equality (Slingenberg, 2014).

4.2 Law and Language

Policies come in many forms, one of which is legislation. Legislation embodies public policy by establishing and implementing policy through regulations, rules, guidelines, protocols, etcetera (Osher & Quin, 2003). Hence, legal language plays a significant role as it governs all aspects of life: social, political and economic. While the EU is much more than just law, it still has been created and established by the means of legal texts.

Legal language is a language with a special purpose and is often regarded as a technical language, i.e. it is used by a specialist profession. However, in terms of grammar, and generally speaking vocabulary, it is very similar to ordinary language. Since legal language has a specific purpose it also has a specific target audience. Legal texts often target the whole population, certain layers of the population or a number of particular citizens (e.g. in court cases). However, EU legislation is always first and foremost directed at the national authorities of the MS. Therefore, EU law is a new type of legal system as it is superimposed on MS, and thus also has its own characteristics (Mattila, 2013).

Further, the intention of EU legislation is to prescribe action. This means that each MS does the same thing to implement the message which is contained in the legislation. That this legal text is an assemblage of signs complicates the matter. This is illustrated from the three perspectives in which reality occurs: ground level (EU citizens), middle level (intergovernmental cooperation and coordination) and top level (dynamics and distribution of power). Here, EU legislation belongs to each level simultaneously (Robertson, 2010).

All EU legislation must adhere to formal legal requirements of the EU legal system for it to be recognised as a valid element of the system. Additionally, it also has to comply with linguistic criteria of the EU legal system inasmuch that appropriate terms and expressions are used. This can be defined as intertextuality and it forms part of the invisible network of legal language in the EU. In practice this is complicated, as EU law has its attention drawn in three directions: inwardly to its own legal system, MS national law and the international legal order and international law (Robertson, 2010).

Legal linguistics “examines the development, characteristics, and usage of legal language” (Mattila, 2013, p. 11). This includes, but is not limited to, vocabulary, syntax and semantics. Legal language has several characteristics. Firstly, it has to be noted that legal language has a performative function, as through language law is established. Hence, that for the legal order speech acts are a fundamental aspect. Legal language additionally contains power, and hence it does not contain justification. In practice, this can be achieved through the use of the positive and/or negative order (e.g. must, is forbidden) and the present indicative. The latter gives the impression of a description of facts while in reality it involves an order. Another fundamental characteristic is accuracy and precision. Precision is employed to ensure legal protection and certainty, as well as to avoid the possibility arbitrariness. Lastly, legal language revolves around structure and formalism. Structure provides a hierarchy for the legal information. Here, structure should be consistent with principle items presented before secondary items, and general rules before special conditions and exceptions. Further, through structure legal texts move from the abstract to the concrete, and from the substantive to the procedural. It is within this framework that formalism is established, with fixed formulas for sentences and phrases. Indeed, some legal texts may contain ready-made sentences and petrified phrases (Mattila, 2013).

Further, interpreting legal texts can be complex matter because the actual distillation of meaning from texts does not solely depend on a linguistic argument. Indeed, language often allows for multiple interpretations of the same text (Mattila, 2013); while the author might have one intention, in the end it is the reader who effectively decides which meaning they assign to it. “And this is a real problem for EU law” (Robertson, 2010, p. 160).

LEGAL SEMIOTICS

Legal semiotics provides a deeper analysis of legal language, but is closely linked to legal linguistics (Mattila, 2013). Moreover, every legal text is a semiotic act, and within the framework of the EU words are matched and aligned to ensure semantic equivalence across all the official languages of the EU. The main goal when drafting EU legislation is to attempt to minimise problems and establish a shared understanding of the semiotic value of the signs employed. Therefore, semiotics has the potential to reduce costs by enhancing the efficiency of the EU’s legislative process. In effect, a legal reviser of a draft EU legislative text is a semiotician. This is because he/she is required to make the familiar strange, and the strange familiar during the revision process; an idea which is present in semiotic study. For a practitioner, the semiotic approach enables the inclusion of theoretical organisation and structure, as well as enhancing understanding through explanation and communication and in transmitting knowledge.

Additionally, a semiotic approach allows more depth, because:

“...it enables a fuller understanding of EU law and permits more control through greater awareness of both what is being done and how it is being done. It brings certain matters to the surface by placing a lens to them to make a picture of what is going on at deeper levels by looking at the signs and asking what meaning is being conveyed.” (Robertson, 2010, p. 163)

In 2010 Polese and D’Avanzo conducted a study pertaining to the legal vagueness in EU Directives harmonising protection for refugees and displaced persons. This included, inter alia, the previous versions of the Qualification, Asylum Procedures and Reception Conditions Directives. Their study found that the EU allows MS a wide margin of freedom in implementing measures concerning common immigration policy as a result of vague language used in Directives, which therefore leaves them open to subjective interpretation. Additionally, while discourse on human rights is per definition inclusive, the EU’s legal language concerning granting rights to migrants allows for exclusion. By giving MS freedom through legal vagueness, the EU “appears to operationalise an ideological based discourse which creates opportunities for reducing and controlling rather than granting acceptance of migrants and recognition of human rights to them.” (Polese & D’Avanzo, 2010, p. 108) Even though the final authority stays with MS, they are still legally bound to comply due to the nature of Directives. Thus, while the vagueness delegates some power to MS, they ultimately must adhere to the EU’s ideological positioning stated in the Recital (Polese & D’Avanzo, 2010).

Directives and Regulations are normative texts in which vagueness is a crucial issue. Vagueness in normative texts pertains to ‘extravagantly vague language’ (Endicott, as cited in Polese & D’Avanzo, 2010) through the use of adjectives (and adverbs). Adjectives are gradable, dependent on context and rely on interpretation. This means that they have no inherent value in themselves, and so this referential relativism makes them *ipso facto* vague. Adverbs can be categorised similarly to adjectives, in the sense that they describe a noun by answering how, when, where and why. It is in this description that they too can facilitate vagueness.

5. ETHNOGRAPHY

This chapter documents the participant ethnographic dimension of this thesis. On March 7, 2017 I travelled to Alexandreia, Greece, to volunteer at a refugee camp with Refugee Support Europe (Refugee Support Europe). I volunteered for a month, immersing myself in the voluntary work. The next chapter, policy analysis, includes the outcome of the policy monitoring. This chapter will provide the context for the policy analysis as well as documenting other themes that emerged during the participant observation.

5.1 Refugee Camp Alexandreia

Greece has been at the epicentre of a financial and migratory crisis, and the aftershocks of both crises can be found in Alexandreia. In April 2016 the small town of Alexandreia got a refugee camp on its outskirts. Alexandreia is a town an hour west of Thessaloniki, which is Greece's second city. While Athens has always been the main hub for refugees and migrants to find work and/or await their asylum determination, Thessaloniki has too housed a large refugee and migrant community (Cabot, 2014). Alexandreia, on the other hand, is just a town in rural Greece – a rural town in which the financial and the migrant crises suddenly materialised.

The camp was created on a military base which hadn't been used in 10 years. The camp is the responsibility of the army's helicopter division, located 15 minutes up the road. The cornel of the helicopter base, Babis, has the final responsibility over the camp. This is a common set-up in this region of Greece: old army bases being used as refugee camps and the nearest stationed army division assigned responsibility. Refugee camp Alexandreia is classed as an emergency response camp; during its first days residents came from Idomeni, which was being cleared at that time. Currently, Alexandreia is a relocation camp. This means that residents in the camp have been registered and are in the asylum process. During their time in Alexandreia residents go to Thessaloniki for their interviews. Generally, the refugees in Alexandreia either get located to other MS through family reunification or the EU relocation scheme. The EU relocation scheme entails refugees being able to choose from eight MS. However, it is up to the MS to decide whether or not they choose the refugees. In practice, this means that all the highly qualified refugees have already left the camp, whereas the fates of other refugees have yet to be determined.

Refugee camp Alexandreia counts about 400 residents. The residents live in 'ISO boxes', which aid workers and volunteers refer to as caravans or containers. There are 108 caravans on site, divided into 'blocks' A, B, C, D, E and M. The single men have been put together in block E and M. However, during March new arrivals came from the islands and families have been mixed into these blocks now.

The caravans are about 9m², have one window, air conditioning, a cool box, fridge, hotplate and gas heaters. The gas heaters are provided by Refugee Support and were distributed in December 2016. This was done according to advice of the medical team, who warned that the sub-zero temperatures would lead to deaths on camp. The fridges and hotplates were distributed in March 2017 by the UNHCR. Since February 2017 the caravans have electricity. It is paid for by the UNHCR and costs about €1,000 a week. The official capacity of each caravan is five. This means that families with over five people have two caravans. During my time at Alexandreia the Ministry made known that they want to push the capacity to six people and fill every caravan to maximum capacity. This would mean that multiple families would have to share the same 9m².

The camp has three distinct communities: the Arabs, Kurds and single men. The Arabs are mainly of Syrian nationality, but also includes Iraqis and a handful of (Syrian) Palestinians. The Kurdish community has either Syrian or Iraqi nationality. The single men are a mixture of both ethnicities, and are isolated by the other two communities. The communities all have their own community leaders. These are older persons who speak English and have the stereotypical 'good family'.

The army provides food to the residents. Residents receive packaged croissants and bottled water for breakfast, which is served at noon. The army also provides hot meals once a day, which consists of rice or pasta with a sauce (no meat, no vegetables). The army intended to stop the food distribution in January, as since then asylum seekers in Greece receive €90 a month per adult. However, the medical team advised them to continue the food distribution during the winter as it would lead to malnutrition and could lead to deaths. The army was still distributing food when I left at the start of April, and I have heard they stopped it at the start of May.

In February 2017 it was negotiated between the NGOs on camp and the local school that refugee children between the ages of 7 and 14 could go to this school. The local school buses pick them up at 14:00 and drop them off at 18:00. A vaccination programme was set-up and paid for by the NGOs on camp, as the children are not allowed to go without their vaccinations.

5.1.1 Camp Actors

There are various organisations who work in refugee camp Alexandreia. The helicopter division is responsible for the camp. Babis, the cornel, receives orders and information from the Greek Ministry of Defence and Migration. As such, the local municipality is not involved and has no authority over the camp and its activities. The camp is 'guarded' by the local police, who have a small office at the entrance. Camp security is relaxed, and all kinds of individuals can wander onto camp without too much notice. According to various eye witness accounts this lack of security is exceptional.

The UNHCR is responsible for what they call 'infrastructure management'. The International Rescue Committee (IRC) has, self-proclaimed, responsibility over the protection of women and children as well as the WASH programme (distribution of hygiene products). The IRC built the toilet and shower blocks on camp (before there were only chemical toilets) and in the past have drained the camp when it flooded. The IRC also attempted to establish a school on camp. The Danish Refugee Council (DRC) provides free legal advice on Tuesdays and Thursdays. The International Organisation for Migration (IOM) accompanies the children to school, and monitors the situation on camp. PRAKSIS offers socio-psychological programmes to adults and children, the latter in cooperation with the IRC. METAPRAKSIS are the camps' official translators, and are (officially) only allowed to translate Greek-Arabic (and vice versa). NetHope provides the free Wifi. The Norwegian Refugee Council (NRC) is currently working in cooperation with Refugee Support (RS) to build a (better) school on camp. Refugee Support is the NGO I volunteered for, and I will elaborate on their activities further on. Other NGOs (Help Refugees, Get ShIt Done, Timber Project) come temporarily into camp through cooperation with Refugee Support. Lastly, the camp has a medical team. The medical team is from a Slovakian University hospital. They have an ambulance (this region in Greece only has two). The medical team cooperates with other NGOs to provide other medical services, such as dental hygiene and vaccinations.

"Miss! Miss! You give us coffee, but how are we supposed to drink this without cup?"
(Refugee to RS volunteer)

The different actors involved in a refugee camp determine the policies and processes within the camp according to their own institution, group and individual agendas (Oka, 2014). NGO competition and collaboration on camp is an issue I only caught a glimpse of. In order not to step on any NGOs toes, navigating between them demands sensitivity. Until Refugee Support (RS) initiated weekly meetings, the NGOs didn't even communicate with each other. RS had been the first NGO on site. UNHCR is the main body due to its political power, international recognition, financial resources, extensive knowledge and involvement across the world, the EU and Greece. The IRC was the second NGO to come to the camp, and contributed a lot to its current conditions. However, as the camp is developing from primary to secondary humanitarian aid navigating between the NGOs becomes a convoluted practice. For example, the IRC had been saying it would set up a school on camp for six months; when nothing seemed to happen, RS set-up a school within two weeks. Consequently, the IRC wanted to close the RS school claiming they would not be able to protect the women and children in the RS school. RS volunteers hypothesised that the IRC wanted to close the school because the IRC is scaling back their activities meaning that some IRC aid workers might lose their jobs. Other tensions between volunteers and aid workers emerged through 9-to-5 work ethics and miscommunications between the NGOs.

Miscommunication between the NGOs occurred on a daily basis, and while they never led to severe consequences they hindered volunteers' work in providing decent aid. The quote stated previously is an example of such a situation. On Friday the 17th of March new people arrived in the evening, having been relocated from Lesbos and Chios. The following morning, after having helped out the UNHCR with the distribution of blankets and mats the evening before, RS volunteers distributed a special RS welcome package, which included coffee and tea. The new residents soon asked us how they were supposed to drink this without having any cups. Since it was weekend, the UNHCR was not on site to distribute these. Luckily, RS volunteers, by chance, had access to the UNHCR's on-site warehouse and were able to distribute the kitchen-sets (unauthorised).

5.1.2 Refugee Support

Refugee Support (RS) does four main activities in Alexandrea: Mini Market, Boutique, Kitchen and Education. Smaller and irregular activities include 'Women's hour' and kids' activities.

At the Mini Market residents can do food shopping once a week. Each caravan is assigned a timeslot. Adults (and children over 13) receive 100 points each, children (under 13) get 75 points and pregnant women get 150 points to spend. A hundred points works out to about €10. The Mini Market has a range of food and non-food items. These items are allocated points which reflect the real prices of the products, with the exception to fruit and vegetables which are subsidised by RS (to make them cheaper). Most non-food products are free as they are considered hygiene necessities (shampoo, soap, nappies, and condoms).

In the Boutique RS distributes clothes. Due to space shortage the Boutique rotates every week (men, women, children, shoes). Residents receive tickets from RS volunteers who go around camp. Every week the ticketing starts in a different block to ensure some fairness. The residents can come into the Boutique with their ticket and choose clothes.

The clothes 'sold' in the Boutique come from donations. Donations are sorted at the off-site warehouse; anything with stains and holes is put in a re-donate bag. Male clothing size XL is re-donated straight away, as no man in camp is obese. This highlights the, almost absurd, differences between 'the West and the Rest'. At the end of the day these bags are put outside and the locals rummage through them in search of new items of clothing. Some local Greeks actively come in to the warehouse, knowing they are not allowed to do so, to ask for particular clothing, some trying to bribe the volunteers with coffee and eggs. It is here, at the warehouse, where the power asymmetry between the financial and the migrant crisis reveals itself.

The kitchen serves hot meals six times a week and opened at Christmas. Residents queue to get their Tupperware filled through a service window. Due to budget restrictions, the food is either a stew (with meat and vegetables) or a salad with either rice or bulgur wheat. Budget permitting, traditional meals are served, such as dishes with okra and mulukhiya.

The service window through which the meals are distributed is located in the community space. In the community space extra activities are organised by RS volunteers. Additionally, tea and coffee is served.

In February 2017 RS opened a school on camp. Here, children are taught Arabic in the mornings. In the afternoon adults are taught Greek, English and German. The school is community run by eight volunteer residents from the camp, one RS volunteer and one ex-camp resident (paid by the NRC).

5.2 Emergent Themes

5.2.1 The Consequences of a Socially Constructed World

My first week volunteering at Alexandria I can only describe as surreal. I kept ‘forgetting’ that I was interacting with refugees; they were just people who I was helping doing their weekly food shop, just kids I was entertaining as if I was a member of an ‘animation team’ on a camping, I was just arranging clothes as if I worked in retail. Indeed, my perception of a ‘refugee’ is made of people crossing the Mediterranean on precarious dinghies, people living in UNHCR tents, or of people carrying their life in (plastic) bags along roads and motorways. By comparing reality with media constructions, I suddenly became aware of the influence the mainstream media had on my perception of the concept ‘refugee’. After all, if it bleeds it leads.

As a child I lived in Damascus, Syria, for one and a half years. While I was born in Oman, my first clear childhood memories are of Syria. What I remember of Syria is the call to prayer echoing through the streets of the old city, the smells of spices and sounds of haggling in the *Sooq* (سوق) and the taste of sweet but strong tea. Refugee camp Alexandria is a calm place, with no distinct smells and sounds. It’s a space where blocks of containers form a small neighbourhood in between the derelict buildings. While the overwhelming majority of the camp comes from Syria, this place did not represent my concept of ‘Syrian’ or ‘Arabic’.

Yet, as I moved between Alexandria and the camp, the divide between the two spaces became clear; one was Arabic, the other Greek. The meeting point between these two spaces was ‘Katarina’s’, a small café located next to the camp. Here, residents, aid workers and volunteers come together, but separately. Residents come to use the Wifi, smoke *Shisha*, buy mulukhiyah and drink Arabic coffee. Some help Katarina serve the many lunch orders of the aid workers and volunteers, which simultaneously enforces the underlying hierarchy. Indeed, while camps may socially, culturally and politically reflect that of its inhabitants, it does not exist in perfect isolation from its surroundings. Camps are penetrated constantly and in multiple ways by the outside and are enmeshed in the economy of the host country (Ramadan, 2012; Ranalli, 2014). Additionally, the relationship with the host state is always present through government restrictions.

As such, the camp is a hybrid space of Arabs and Kurds situated on Greek (and EU) territory, within and constituted by multiple transnational and international networks and relationships (Ramadan, 2012).

Before coming to Alexandria I had already attached meaning to the concepts of 'refugee' and 'Syrian'. This inadvertently led to my interest in the migrant crisis and triggered a desire to contribute. Indeed, social constructivism asserts that people act towards objects, including other actors, on the basis of the meanings these objects have for them. It is in these meanings that structures of human association organise actions. In the participation of these actions, actors acquire identities, and it is in identities where the basis of interests lies (Wendt, 1992). Hence, identities are inherently relational, inter-subjective and mutually constituted. By participating as a volunteer – through the dialogical and performative processes attached to this action – I re-defined the meaning I attach to the concepts of refugee and Syrian/Arabic. While my predisposition of a refugee might have developed into a more 'humanoid' form, due to the nature of my action – volunteering – I still attached, to some extent, inadvertently, the label of 'victim'. Malkki (1995) asserts that refugees find themselves above and beyond politics, history and the general world order in a world in which they are still simply 'victims'. Consequently, this becomes a deeply dehumanising environment, even as it shelters (Malkki, 1995).

Refugee as a category is complex and connotes people who have undergone forced uprooting, are stateless and/or lack protection (Voutira & Doná, 2007). Globalisation has re-shaped the formulation of the refugee label, shifting the locus of the (refugee) regime to the global North and the distribution the (refugee) status through institutionalised processes and pre-carved legal categories (Zetter, 2007). Further, "governance is fluid and dynamic, making legal integrity a complex process" and a range of both internal and external factors influence norms of any social, political or legal system (Riach & James, 2016). Mass exoduses of refugees from intra-state wars are often contained within the region (Zetter, 2007). Only when Europe becomes "a destination for what [are] perceived to be unsustainable numbers (...) different labels start to emerge and become embedded" (Zetter, 2007, p. 177). In response to such spill-over effects government policies related to migration and asylum all start to embody notions of the 'Other'. The shift to state agency dominance and the incorporation of notions of identity and citizenship consequently re-shape the refugee label between the state and its citizens (Zetter, 2007). In this paradigm, my childhood and volunteer experiences may make my stances concerning refugees uncommon, but they do exemplify the consequences of a socially constructed world. It is within this world that the label refugee becomes a negotiation between different constructs which can threaten the universal principles of human rights.

5.2.2 The Refugee Camp

The repercussions of the label refugee reveal themselves in the notion and existence of refugee camps. In first instance, refugee camps are humanitarian spaces of temporary nature, which offer refugees and (internally) displaced people space for security and recovery, provide dignity and the sustenance of other goods, such as family and community. Humanitarian aid is organised around these principles, as its foundation lies in the ethical obligation to relieve human suffering (Büthe, Major, & de Mello e Souza, 2016). Ideally, refugee camps are an apolitical, neutral and impartial space where humanitarian organisations can freely assess and meet humanitarian needs (Oka, 2014). Camps, however, form an in-between space which is based on land ceded or leased by the host state to the temporary jurisdiction of an international community. Therefore, refugees in camps are liminal figures in an extra-territorial space (Bulley, 2014). It is through this space that refugees are included by the political order of the nation-state only through their exclusion, i.e. the regulation and governance of the refugee population in a permanent state of exception (Agamben, 2005) which falls outside of the normal framework. As such, a refugee camp is the component of a policy of constraint, both spatially and institutionally, in which the host state is relieved of its obligations towards refugees within its territory (Ramadan, 2012). While refugee camps are intended to provide basic needs on a temporary basis before a durable solution is found, many end up housing residents on a long term basis (Ranalli, 2014). Consequently, camps exist between permanence and transience in which a temporary suspension in the rule of law is given a permanent spatial arrangement (Ramadan, 2012).

DIGNITY AND NORMALCY

A refugee camp is, however, also much more than providing humanitarian relief and a void of law and political life. The refugee camp is produced by and shaped out of relations between the practices of its residents and the (inter)subjectivities of the label refugee; the camp is an arena in which the geopolitical, biopolitical and everyday life are intertwined, shape and manifest each other (Ramadan, 2012).

“Wow, this looks like a real shop”
(Refugee to RS Volunteer)

“A normal life has dignity; a refugee life struggles for both. Squalid conditions, insecure landscape, and controlled mobility reduce former schoolteachers, shopkeepers, engineers, doctors (...) to squatters living off the largesse of the West, the NGOs and host nations” (Oka, 2014, p. 33). In such situations a dignified life is one that is closest to normalcy. During asylum limbo normalcy and dignity become necessary conditions for resilience, adaptability and survival (Oka, 2014). Refugee Support’ ethos is ‘aid with dignity’, which they mainly strive to achieve by providing normalcy.

The Mini Market and Boutique are the prime examples of this and they have been set up in such a way that it emulates reality. In the Mini Market residents get to spend fairly distributed points on whatever they wish. In the Boutique residents get to browse around the clothes which have been folded or hung on hangers and there is a changing room. The Mini Market and Boutique are not essential to resident's survival, but provide what Oka (2014) calls 'agentive consumption'. This entails having the ability and resources to choose, purchase and consume small but comforting, familiar and desired 'non-essentials'. Agentive consumption connects to dignity as it facilitates social standing and status through feasting and other acts of food sharing, building and maintaining social ties through gift exchange and communal consumption sharing (Oka, 2014). The importance of agentive consumption is increased by the fact that residents are oversupplied with a few things (rations or other humanitarian provisions), but have little access to almost everything else (Ranalli, 2014). Full normalcy simply cannot be achieved through various limitations, e.g. residents are not free to choose their shopping times and the Boutique can only accommodate one type of person a week (men, women or children). Aid with dignity proves a more complex matter to achieve beyond these two activities. For example, the kitchen provides nutritious meals six times a week, where residents queue up to get their Tupperware boxes filled through a service window. Community activities included volunteers providing women and children entertainment in the community room. In this sense, these activities do not provide dignity as they do not emulate normality.

THE SECURITISATION OF PROVIDING AID

One way through which normality can be emulated is through empowerment and autonomy; i.e. involving the community. Involving community members is, however, a tricky business as it can lead to unintended tensions within the community. In Alexandria, for example, a community member had previously helped out in the Mini Market. As a result of misunderstanding over her involvement in the shop, she subsequently got beaten up by other members of the community and had to spend several days in hospital. A 'tech lab' had been set up with donated computers, but those computers didn't last a month. The men who helped out in the kitchen experienced problems with the community because of their role. Lastly, distribution rules in the Boutique are often ignored and resources meant for the whole camp are stolen on a frequent basis. Security incidents can hinder and/or prevent organisations from fulfilling their mandates threatening short-term economic viability and long-term economic survival. Consequently, security incidents jeopardise programmatic and organisational survival (Vaughn, 2009). For RS, the past security incidents have led to providing securitised aid. One example of this is the card fraud which occurs in the Mini Market. When residents enter the Market they use their camp ID cards to identify themselves, verifying the amount of points they can shop for.

Whenever a state-monopolised coinage is absent or inadequate, improvised currencies arise (Ranalli, 2014). In the case of the Market, residents 'bought' ID cards from leaving residents, enabling them to shop more than once a week. This led RS volunteers to check anomalies in the ID card database with the army. Another example is that of the distribution of hot water kettles. RS provides kettles to every caravan and distributes them through the Mini Market. Whenever a kettle breaks, the residents can come to the Market with their broken kettles to receive a replacement. The broken kettles serve as proof, and without a broken kettle residents may not get a new one. Further, the broken kettles are not thrown out in the rubbish containers on camp out of fear of residents fishing them out so that they can receive a new (extra) kettle. The securitisation is enabled through a lack of trust between volunteers and residents. This lack of trust works both ways, with residents often unaware of RS' second principle: fair and equal distribution. The perception of favouritism creates unintended tensions among residents. The fair and equal distribution principle is intended to prevent such tensions as well as provide dignity. However, there is an on-going tension between fairness, equality and dignity: equal distribution eliminates individuality because humans are equal in their rights, but not in their needs. The elimination of individuality in turn becomes undignified as cultural and social markers are not present to provide the desired normalcy. As such, providing aid can result in outcomes which are not originally intended. While these may not always be negative, the paradox of providing aid lies in the fact that aid itself can play a role contrary to that which is anticipated (Terry, 1998).

THE PARADOX OF PROVIDING AID

The paradox of providing aid is that it is *ipso facto* not dignified. This becomes a challenging issue which runs parallel to interaction with residents. Millions of dollars in charity and donations are spent on refugees, which invites the question of whether refugees can be choosers. By complaining and rejecting aid, either through not using and consuming it and/or selling it into the black market, refugees are seen as breaching a moral contract. This means that refugees have to constantly negotiate the categories of 'deserving' and 'undeserving' (Oka, 2014). This phenomenon also manifests in refugee camp Alexandria. For example, the Mini Market has a free shelf; volunteers' communicate that these items are free and how many residents may take. Contrary to the expectations of volunteers residents don't always take free items. In such situations the constructs of the label refugee and the paradoxes of providing aid come together to reveal the complexities that are at play in a refugee camp.

“*Majanan* (English: Free; Arabic: مجازاً)” “*No, no good, my friend*”
(RS volunteer to refugee)

The interplay of these different realities also manifests itself in the form in which donations come. Large donors often have particular requests regarding how the money is spent. This results in one-off events, such as the distribution of footballs and football shirts. While such events break the routine for some, it is not a sustainable approach to providing aid. Another attractive activity in terms of fundraising is education. An eye witness told me that he had observed a 'spending competition' between NGOs and other actors concerning the RS school on camp. Such examples reveal that the constructs of the label refugee determine the content and form of the aid. Perceived misuse or abuse of charity is seen as breaching moral contract, thus rendering the misuser or abuser undeserving of charity (Oka, 2014). Simultaneously, the receiver of charity constructs the label refugee in a different manner, thus rendering the provided aid insufficient.

5.3 Summary

The narrative of both the economic and the migrant crises reveal the marginalisation of Greeks and refugees. Refugees in camps are liminal figures in an extra-territorial space which exist between permanence and transience. The camp is not a monolithic body, but is shaped by the relations between residents and the (inter)subjectivities of the label refugee. The label refugee is a diverse construct of negotiations between the state, the self and the other. Furthermore, the paradox of providing aid is that it is *ipso facto* not dignified, equal or fair and can play a contrary role to that which is anticipated. As a result, providing aid can result in outcomes which are not originally intended.

6. POLICY ANALYSIS

This chapter concerns the policy analysis of this study. First the retrospective (*ex post*) policy analysis is detailed. Next, the prospective (*ex ante*) policy analysis is discussed. In both paragraphs the qualitative content analysis and the semiotic analysis interweave with each other because while they are distinct, they are not separate.

6.1 Retrospective Policy Analysis

The CEAS measures embody legal language in as much that they perform a function (prescribe action) and contain power. This is achieved through the absence of justification and the modal verbs *shall* and *may*. Here, *shall* is assigned the meaning of obligation. *May* has two meanings in legal language: the epistemic possibility and deontic permission (Foley, 2002). The former was not found to be present in the CEAS. Through the use of *shall* and *may* the EU exhibits its supranational power, either obliging or granting permission to MS to perform action. This is done through positive order in the Articles and through the present indicative in the Preambles.

The Preambles of the CEAS measures stipulate that they are in accordance with (relevant) international law (e.g. Geneva Convention), and “such explicit reference to international law are not common in primary or secondary Union law” (Slingenberg, 2014). This reveals the humanitarian basis of the CEAS policy. Nonetheless, while the law of protection invokes a universal form of citizenship it simultaneously reinforces the emphases between the autochthonous and the ‘alien’ (Cabot, 2014). In asylum law, it is then the question of who is worthy and/or entitled to be recognised as, and awarded with, the title refugee. This means fitting into the mould of a pre-carved legal category in which a person’s life history is subject to judicial scrutiny.

The securitised nature of the CEAS reveals itself when investigating its contents more closely. It is observed that restrictive measures impede social integration with the aim to deter potential asylum seekers. Asylum seekers usually arrive with little or no means and are thus dependent on access to the labour market and the eligibility for benefits (Slingenberg, 2014). This makes them dependent on the authorities for even the most basic human needs such as food and housing. Such dependency gives MS the power to exclude and impede social integration. For example, the Reception Conditions Directive stipulates that education and health care should be provided under ‘similar’ conditions to that of nationals and that material reception conditions can be provided in kind or in vouchers. This highlights the legal and social limbo of being an applicant of asylum, and underlines that this Directive envisions a separate support scheme for asylum seekers (Slingenberg, 2014).

The most restrictive measures are found to be those which concern social law, such as labour market access and social security, and so social law becomes a tool for immigration control and the exclusion of public welfare regimes and the labour market acts as an alternative to border closure. In doing so, it reveals the securitisation of human rights based policies.

Recitals 11 and 25 of the Reception Conditions Directive provide another example of this. Recital 11 stipulates that the reception of applicants will ensure a dignified standard of living. Recital 25 continues on this point: “The possibility of abuse of the reception system should be restricted by specifying the circumstances in which material reception conditions for applicants may be reduced or withdrawn while at the same time ensuring a dignified standard of living.” However, as Slingenberg (2014) rightly asks; how does the possibility of withdrawing all material reception conditions even apply to a dignified standard of living? Parallel to this is the (seemingly) paradoxical issue of return. MS were required to withhold transfers to Greece under Dublin between 2011 and 2017 due to undignified reception conditions. Yet, if an applicant is denied asylum it is deemed ‘appropriate’ to send them back to a third country or even their country of origin. How is sending someone (back) to Kabul acceptable, whereas to Greece it is not?

The structure of the CEAS measures supports the argument for the presence of securitisation in these humanitarian based policies. All CEAS measures contain a similar formalised structure. Here, structure provides a hierarchy for legal information, with the principle items being presented before secondary items, and general rules before special conditions and exceptions. In the Asylum Procedures Directive, procedures for the withdrawal of international protection (Chapter IV) comes before appeals procedures (Chapter V). This indicates that either the ability of a MS to withdraw international protection is a general rule and applicants appealing is an exceptional condition, or that appealing is secondary to withdrawing. Either way, it indicates the state-centred, exclusionary and securitising nature of the Directive, as it puts the MS power to withdraw above the applicants’ right to appeal. A similar observation can be made concerning chapter II of the Reception Conditions Directive. This chapter stipulates the general provisions on reception conditions. Here, families, education, employment and material reception conditions are all secondary to detention and detention related guarantees. This signals that the MS power to detain is superior to applicants’ basic human rights.

The Preambles of the Directives state that they ‘should help limit secondary movements of applicants’ caused by either differences in legal frameworks or variety in reception conditions. This objective can be assumed to be the most decisive factor for the adoption of the Directives, as this objective is stated in all the CEAS measures (Slingenberg, 2014).

According to the Reception Conditions Directive secondary movements are limited through the harmonisation of conditions. Yet, the Directive lays down minimum standards and MS may introduce more favourable reception conditions, thus directly counteracting the objective of harmonising. Consequently, these minimum standards risk becoming *the* standards (Slingenberg, 2014). In doing so, the EU undermines its own supranational efforts. The same can be said for Recital 23 of the Reception Conditions Directive, as it stipulates that “in order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States it is essential to provide clear rules on the applicants’ access to the labour market”. According to Article 15(1) of the same Directive applicants may have, no later than 9 months after the application for international protection was lodged, access to the labour market. In practice, a refugee in Sweden is allowed to work immediately after lodging an application for asylum, in Germany after three months, in the Netherlands after six months and in France after the maximum of nine months (Den Heijer, Rijpma, & Spijkerboer, 2016). So while Article 15(1) may set out ‘clear’ rules on access to the labour market, it still leaves room for ‘wide’ discrepancies between MS, undermining the purpose of harmonisation. That “projects of governance may lead to their own undoing, even as they enact regulation”, as Cabot (2014, p. 10) so adequately put it, continues through the use of vague adjectives and adverbs and the communicative negotiation of the exact meanings of words allows MS a wide margin of freedom when it comes to implementing policy (Polese & D'Avanzo, 2010). In the Qualification Directive continued use of vague and undefined adjectives enables subjective interpretation by persons responsible for determining international protection, which could have decisive influence in the determination process.

Examples:

“(…) unless there are good reasons to consider that such persecution or serious harm will not be repeated”
(Article 4(4))

“the applicant has made a genuine effort to substantiate his application;” (Article 5a)

“All relevant elements at the applicant’s disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other elements;” (Article 5b)

“the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so” (Article 5d)

Another worrying use of vague language relates to the fact that a refugee is defined as a third-country national who has a well-founded fear of persecution in the country of nationality. Again, well-founded is open to subjective interpretation. Consequently, its impact resonates throughout as it defines the legal concept of refugee.

The most reoccurring vague adjectives throughout the whole CEAS are appropriate and effective; effective access, effective opportunity, appropriate measures, appropriate care etcetera. The Directives do not clarify what can be deemed as effective and appropriate or even who may define effective and appropriate. This leaves it open to subjective interpretation, while simultaneously enabling lack of accountability.

Examples:

“Member States shall take appropriate measures to prevent assault and gender/based violence (...)” (Article 18(4), Reception Conditions Directive)

“The Member State concerned shall take all appropriate measures to deal with the situation of particular pressure on its asylum system or to ensure that the deficiencies identified are addressed before the situation deteriorates (...)” (Article 33(2), Dublin III Regulation)

“(...) and that the applicant’s effective access to justice is not hindered” (Article 20(3), Asylum Procedures Directive)

“Member States shall ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible” (Article 6(2), Asylum Procedures Directive)

The last example additionally serves as an example for the use of non-quantifiable indicators of time. All Directives are littered with such indicators: as soon as possible, in a speedily manner, in reasonable time, in a timely manner, etcetera. This is remarkable as most Directives do include quantifiable times measures (e.g. within 3 working days, after 4 weeks). This reveals the intentional unwillingness of the polity to quantify time when it comes to particular matters.

The consequences of using non-quantifiable measures of time can be significant. For example, Article 31 of the Asylum Procedures Directive obliges MS to conclude the procedure within 6 months, with an extension of maximum 3 months when complex issues of fact and/or law are involved, a large number of third-country nationals or stateless persons simultaneously apply for international protection and where a delay can clearly be attributed to the failure of the applicant to comply. However, it is not clarified how ‘large’ and ‘complex’ is defined. Additionally, due to the nature of Article 6, individuals seeking international protection may end up in a state of greater legal limbo if they cannot lodge their application ‘as soon as possible’. The refugee camp Alexandria opened in April 2016. Initially most residents came from Idomeni. An eye witness told me that during May and June 2016 one could hear the Skype connecting noise constantly, as residents were trying to lodge an application. Unfortunately, if not all family members were present they could not lodge an application and therefore had to try again.

According to this eye witness, the Greek authorities finally concluded that it would be more effective if they were to visit the camps and register the people on site. Most of the residents I spoke to have been in Greece for over a year. The longest present residents had their last interview in December 2016. Due to the nature of Article 6, these applicants have at least another six months of waiting ahead of them, and thus by the time that they receive the determination have been in asylum limbo for at least two years. If they have applied for the EU relocation scheme this may take even longer; if the first listed MS rejects the applicant, the applicants' status determination process starts again with the second listed MS, and so forth.

The repercussions of vague adjectives become painfully evident concerning the Reception Conditions Directive. Article 17(2) of the Reception Conditions Directive obliges Member States to ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health. In Alexandreia UNHCR is responsible for what they call 'infrastructure management', and so housing is provided through them. Both the containers and the electricity, which was available as of the end of February 2017, are provided by the UNHCR. The containers are circa 9 m², have one window and air-conditioning. Before the containers, the residents of refugee camp Alexandreia lived in tents. During the summer the inside of these tents reached temperatures of over 45 degrees Celsius. The UNHCR additionally provides for a fridge and a hotplate, which were distributed in March 2017. Refugee Support provided gas heaters in December 2016. While the army did not give permission for these gas heaters, the medical team on site urged to supply the resident's warmth in their housing as temperatures dropped below zero. They warned that the sub-zero temperatures would lead to deaths of vulnerable residents (children) on camp. Eventually, the army turned a blind eye to the distribution of gas heaters, which formed health and safety risks. All in all, it can be determined that Greece neither complies nor implements an adequate subsistence as they do not provide the housing. Moreover, the adjective adequate does not provide any clarity in general as to what the housing should be (like). Furthermore, Recital 11 of the Reception Conditions Directive stipulates MS to ensure reception conditions that provide applicants a dignified standard of living. Here, dignified is again a legally vague adjective as it is not clarified what dignified is or who decides its definition. While a dignified standard of living can therefore not be measured, it is safe to say that living in a small container with one window and sharing toilets and showers with 400 other people is not dignified – however one may define it.

The Reception Conditions also stipulates the health care which MS have to provide applicants of international protection (Article 19). Here, it is stated that MS have to ensure applicants receive the necessary health care, which includes emergency health care and essential treatment of illnesses and of serious mental disorders.

The Directive itself does not determine who decides which care is necessary or emergency and which treatment is essential, so it is left to the MS to decide. Through the eye witness account an example can be given concerning this. The procedure of giving birth as a refugee in Greece is as follows: after 40 weeks the woman is booked in for a caesarean section. After the operation the woman is sent back into the camp. This procedure has been implemented simply as it is the most cost effective. Last summer this procedure led to the death of a new born in Alexandreia. In response to this, Refugee Support now pays for new-borns and their mothers to stay at a hotel following the C-section.

Further, Article 25 stipulates that people who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment and have access to appropriate medical and psychological treatment. Again, it is left to the MS to decide which treatment is necessary and appropriate. In Alexandreia, as one can foresee, there are individuals present who have been subject to torture and serious acts of violence. Treatment is not provided by the Greek state. However, there are NGOs present in the camp who offer these services. The field research thus indicates that neither compliance nor policy implementation is achieved by Greece.

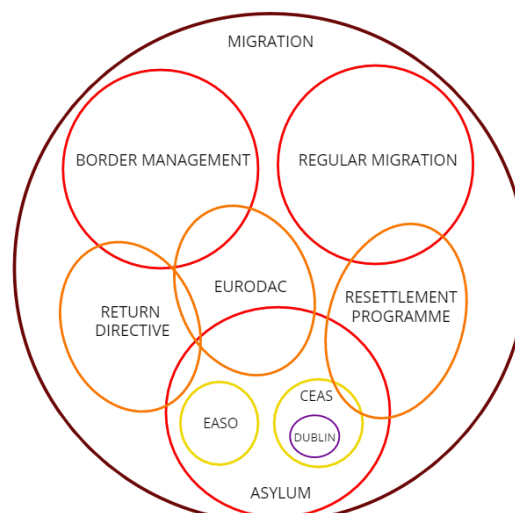
Article 14 of the Reception Conditions Directive obliges MS to grant children access to education under similar conditions as their own nationals and that such education may be provided in the accommodation centre. The access to the education should not be postponed for more than 3 months after the application is lodged. Education at the Alexandreia camp is provided by Refugee Support, in cooperation with NRC, and started at the end of February 2017. By the beginning of February, eight months after the camp was opened, it was negotiated between the NGOs and the local school that children between the ages of 7 and 14 could go to the local school. Refugee camp LM Village, located in the western region of Elis, has a similar set-up to Alexandreia. According to an eye witness the children in refugee camp Filippiada, located in the north-western region of Epirus, do not go to school at all. A literal interpretation of Article 14(1) would illustrate that Greece complies with the obligation in the sense that the children are allowed to have an education. However, it is reasonable to assume that through this article the EU obliges MS to provide education as it is a universal human right. Thus, Greece failed to both implement and comply with this article. However, in the case of Alexandreia, compliance is achieved to a certain extent as some children do receive education similar to that of nationals. Further, a vaccination programme was set-up and paid for by the NGOs in Alexandreia, as the children would not be allowed to go to school in the first place without being vaccinated. This underlines the questionable use of vague adjectives and how they interlink with each other in the bigger picture.

6.2 Prospective Policy Analysis

In response to the migrant crisis the EC published 'a European Agenda on Migration' in May 2015. Less than a year later (April 2016) the EC published the Communication towards a reform of the CEAS. This was followed by the proposals of the recasting of Dublin IV (May 2016) and the Reception Conditions Directive and the Qualification and Asylum Procedures Regulations in July 2016. Currently, the proposals are being reviewed and discussed by both the European Parliament and the Council. On the 14th of October 2016 the reform was discussed last by the Council, and on the 28th of February 2017 the reform was (last) discussed in an 'Interparliamentary Committee Meeting' by the EP. The Committee responsible in the EP is LIBE, and every rapporteur assigned to the individual legislation has published proposed amendments and discussed these in a first reading.

Within the overarching domain migration, one can observe three main policy cycles: border management, asylum and regular migration. These policy domains are distinct, but not completely separate. Border management concerns security and encompasses activities such as Frontex. The asylum domain comprises the CEAS and the regular migration domain relates to legal migration routes. These three domains overlap constantly; the Hot spot approach, Eurodac, resettlement programme and Return Directive are all examples of this. The Agenda on Migration reveals that these policy cycles are not synchronised. Within the border management section in the Agenda one can speak of policy decisions, whereas the components relating to the CEAS are somewhere between agenda-setting and policy formulation. It is clear that the migrant crisis has served as both policy feedback and agenda-setting and it can be assumed that the media played a large role in this. In the CEAS policy cycle of the asylum domain multiple sub-policy cycles can be identified, namely that of the individual CEAS measures. In this sense, the Communication to reform the CEAS is a policy decision that leads to the policy formulations that are the proposals for the new CEAS legislation. This is detected through the introduction of all the proposals ('context of the proposal') as they all narrate the same story. Additionally, due to the bicameral legislative system of the EU the proposals are subject to change through amendments made by the EP (LIBE Committee) and the Council. In the past the policy cycles of the CEAS measures have not been in synchronicity. However, due to the migrant crisis four of these cycles have synched up.

Image 1: Example of the Policy Cycles



A noticeable change in the CEAS reform is the decision to replace the Qualification and Asylum Procedure Directives with Regulations. The aim of this is to achieve a higher degree of harmonisation, which ultimately is thought to reduce 'incentives for asylum shopping'. The only difference between Regulations and Directives is that Regulations do not have to be transposed into national law. Therefore, it is questionable how effective this change will be with regards to its objective. Furthermore, it begs the question why the Reception Conditions Directive will not be replaced with a Regulation, considering that the EC does not fail to mention that the diverging reception conditions contribute to (increasing) secondary movements.

Overall, there is a combination of the humanitarian and securitisation rhetoric in all the documents. The humanitarian rhetoric is, however, less frequent. The securitisation rhetoric includes, sometimes lengthy, justifications whereas these are absent in the humanitarian rhetoric. The structure of the documents also shows signs of securitisation. For example, in the recast Reception Conditions Directive, the recitals first stipulate the restrictive measures imposed on applicants of asylum before moving on to MS providing an 'adequate standard of living'. On the other hand, in the proposed Asylum Procedures Regulation the structure has become more applicant-centred, with the exception that an applicant's obligations are stipulated before their rights. Additionally, some restrictive measures which impede social integration have been amended. For example, the recast Reception Conditions Directive includes provisions regarding equal treatment in the labour market. The proposed Qualification Regulation stipulates that beneficiaries of international protection shall enjoy the same social security and social assistance as nationals of the Member State. This indicates that at least status holders are not used as immigration control and/or border closure method.

Within the framework of the EU, the EC, EP and Council(s) are all policy actors, and for the CEAS reform UNHCR and NGOs working in the area of asylum are as well. The proposals of the CEAS measures all include a summary of the stakeholder consultations. From these stakeholder consultations it becomes apparent that MS and the UNHCR/NGOs have, more often than not, opposing views. For example, MS are in favour of further harmonising the CEAS, whereas UNHCR/NGOs are not out of fear that further harmonisation will lead to the lowering of standards and increased bureaucracy. Overall, the two most salient themes are further harmonisation and reducing secondary movements. According to the EC, further harmonisation will create equal conditions across the EU, which in turn is seen as the main reason behind secondary movements. Simultaneously, MS express their support for the principle of subsidiarity; i.e. MS having the freedom to include better provisions than those stated in the legislation. Technically, this does not apply to the Qualification and Asylum Procedures as they are Regulations.

However, both proposed Regulations indicate (Article 3) that MS are free to grant protection status to those who do not qualify under the Regulations as well as allowing MS to introduce national measures beyond what is stipulated in the Regulations, “but only in a way which does not undermine the application of its provisions” (European Commission, 2016b, p. 13). This is paradoxical as these provisions and the principle of subsidiarity negate the objectives of harmonisation. This issue can be explained by the on-going tensions between mutual trust and harmonisation. Here, mutual trust establishes both the need for further harmonisation as well as allowing for exceptions (to mutual trust) (Brouwer, 2013).

Through the harmonisation narrative the EC proposes a more restrictive and state-centred approach to asylum. For example, the proposal for the Asylum Procedures Regulation declares that applicants’ failure to comply with obligations may lead to an application being rejected as abandoned in accordance with the procedure for implicit withdrawal. The Asylum Procedures Regulation further reinforces sanctioning instruments, such as those for abusive behaviour of applicants, secondary movements and ‘manifestly unfounded claims’. The restrictive measures also materialise in the Recital of the proposal for the recast of the Reception Conditions Directive. This includes provisions concerning the withdrawal of material reception conditions, restricting an applicant’s freedom of movement and imposing reporting obligations. The aim of these measures is to reduce secondary movements of applicants. These measures are state-centred and the result of the MS stakeholder consultations. The state-centred approach is taken on the grounds that “applicants are seeking international protection/fleeing persecution and that, therefore, they should not be provided excessive room for choosing the final country of asylum” (European Commission, 2016f, p. 16). NGOs, on the other hand, pleaded for incentivised methods that take the applicant’s needs and wishes into account in view of integration prospects and reduction of secondary movements. Additionally, the evaluation of the Dublin III Regulation pointed out that: “the hierarchy of criteria do not sufficiently take into account the interests/needs of applications, which is partly why secondary movement and the lodging of multiple applications remain an issue” (European Commission, 2016e). Yet, through the implementation of increasingly restrictive measures the EC reinforces a system of coercion in which applicants have no control with the objective to reduce secondary movements. Multiple scholars have asserted that as long as the asylum *acquis* ignores applicant’s interests secondary movements will remain reality.

Another interesting result of the evaluation of Dublin III concerns the issue of transfer. The evaluation found that the impact of distribution, i.e. the *de facto* and legal shifting of responsibility of an applicant from one MS to another, is limited as net transfers under Dublin procedures is close to zero. Only 13% of the total number of asylum applications in the EU resulted in triggering the transfer mechanism under Dublin procedures.

Moreover, only 8% of the accepted take back and take charge requests actually resulted in physical transfers. Additionally, most MS receive and transfer similar numbers of applicants to other MS and thus, the incoming and outgoing requests cancel each other out. Therefore, on a whole, there is no or very little redistribution under the Dublin Regulation. Despite the (in)effectiveness of the Dublin Regulation, the proposal for Dublin IV asserts it is (still) a cornerstone of the EU asylum *acquis* and that its objectives remain valid. However, it becomes clear that this assertion is based on the rationale that there is no better alternative to Dublin.

Additionally, according to its evaluation, Dublin III was not designed to deal with situations of mass influx, which severely reduced its relevance in the current context and has undermined achieving its objectives. Moreover, it was not designed “to ensure fair sharing of responsibility and [it] does not effectively address the disproportionate distribution of applications for international protection” (European Commission, 2016e, p. 4) as well as indicating that the hierarchy of criteria for the allocation of responsibility does not take into account MS’ capacity to provide protection. In order to mitigate this, a notable content change has been made; the removal of Article 33 and the insertion of the ‘automatic corrective mechanism’. Recital 22 and Article 33 of Dublin III concern the process for early warning, preparedness and management of asylum crises, which serves to prevent deterioration in, or the collapse of, asylum systems. Recital 21 notes that such deficiencies in asylum systems lead to risks of human rights violations. As mentioned in the literature review, it does not provide any clarity or concretisation with regards to how ‘burdens’ should be shared. Indeed, this article has never been triggered, and proved to be useless in the migrant crisis. The proposal of Dublin IV indicates that the absence of clear criteria and indicators to measure pressure made it difficult to reach political agreement on triggering the mechanism as well as it being lengthy and complex. Therefore, is the rationale, it has been removed from Dublin IV. The Communication regarding the CEAS reform identifies two short/medium-term options and one long-term perspective regarding ‘a sustainable and fair system for determining the MS responsible for examining asylum claims’. The two short/medium term options have been combined for Article 33’s replacement: the automatic corrective mechanism (Chapter VII). This mechanism is triggered automatically when the number of applications for international protection (incl. resettled persons) exceeds 150% of the reference key. The reference key is based on two criteria with equal weighting: the size of the population and the GDP of MS. Through this mechanism the EC has managed to concretely implement a solidarity mechanism – at least, in theory. If this reference key would have been applied to the migrant crisis in 2015 and 2016 countries such as Germany, Sweden, Hungary, Malta, Austria and Finland (2015) would have been eligible for this mechanism. Spain, Italy and Greece, on the other hand, have taken less than indicated by their reference key.

These results, in combination with the events that unfolded during the migrant crisis, lead to questions regarding both the suitability and applicability of the reference key and how migration is perceived in the EU by bureaucrats, academics and the general public alike. Here it must be noted that 2015 and 2016 do not *per se* provide a holistic account of asylum migration to the EU. The complete table of calculations can be found in appendix 3.

The proposal for the recasting of the Reception Conditions Directive provides insight into the rationale behind Dublin IV' automatic corrective mechanism:

“Reception conditions continue to vary considerably between Member States both in terms of how the reception system is organised and in terms of the standards provided to applicants. The persistent problems in ensuring adherence to the reception standards required for a dignified treatment of applicants in some Member States has contributed to a disproportionate burden falling on a few Member States with generally high reception standards which are then under pressure to reduce their standards. More equal reception standards set at an appropriate level across all Member States will contribute to a more dignified treatment and fairer distribution of applicants across the EU.” (Recital 5)

Here, it is apparent that the large secondary movements of asylum seekers to countries with better reception conditions have led to the automatic corrective system. Additionally, the EC indirectly blames these secondary movements for MS lowering standards. Lastly, this excerpt communicates that equal reception conditions will lead to a more dignified treatment and fairer distribution. Yet, the stakeholder consultation in the proposal for the recasting of the Reception Conditions Directive (again) reiterates the importance of the principle of subsidiarity, stating:

“All stakeholders agreed that Member States need to be allowed to grant more favourable conditions to applicants than those provided for under the Reception Conditions Directive. One particular challenge that was identified was the ambiguity as to what 'dignified standards of living' means in the Reception Conditions Directive. In this respect, the operational standards and indicators on reception conditions in the EU, which EASO has started to develop at the Commission's initiative, were widely supported, together with the need for further monitoring, enforcement and contingency planning.”
(European Commission, 2016d, p. 7)

The above excerpt also reveals that MS have recognised the ambiguity of 'dignified standard of living'. While the proposal states that this will be provided through standards and indicators produced by the EASO, the legislation itself does not define 'dignified', only that MS shall provide it (Article 17(2)), with all the consequences this involves, as already detailed in the previous paragraph.

Recital 32 of the recast Reception Conditions Directive proposal does clarify that reception conditions have to adhere to the Geneva Convention and the Charter of Fundamental Rights (of the EU), revealing the humanitarian basis of the policy. However, the outcome of the monitoring of the current policy reveals that this clarification does not ensure the implementation of these universal human rights. Lastly, the previously identified legal vagueness is still very much present in the CEAS reform proposals. Qualifying for international protection is still vague ('genuine effort to substantiate application', etcetera). While 'well-founded fear' is still not defined, it has been defined *sur place*; that is to say that the 'well-founded fear of persecution' can now also apply to events taken place since the applicant left the country of origin. Further, no amendments have been made as regards to the health care and education provisions in the proposal for the recasting of the Reception Conditions Directive.

The previous identified vague adjectives have not been defined and are also still dominant in the whole of the proposed reform; 'effective(ly)' and 'appropriate(ly)' each appear 72 times, 'necessary' is used 82 times and 'adequate(ly)' occurs 46 times. Where changes have been made one vague adjective has been replaced for another; appropriate replacing necessary and/or adequate, and vice versa.

Regarding unquantifiable time indicators significant progress has been made, with only a small percentage of time left in ambiguity. Most notably, the proposal of the Asylum Procedures Regulation now stipulates that applicants have to be able to lodge an application within 10 working days (Article 28(1)), rather than 'as soon as possible'. Article 28(3) stipulates that when MS are facing a 'disproportionate number of applicants' the maximum time-limit is set to one month. While the evaluation of Dublin III recognises the ambiguity of 'disproportionate', the one month time-limit is arguably still significant progress and could half the time asylum applicants are currently facing in Greece.

6.3 Summary

Policies are normative and provide a collective view about certain end-states and preferred behaviour which reflect an overriding set of rules and values of their environment. The findings of the *ex post* policy analysis reinforce previous studies' conclusions: the CEAS is a securitised policy with a humanitarian basis. Securitisation can be found in the exclusionary and state-centred nature of the Articles. Further, by stating that the purpose of the CEAS is to limit secondary movements the EU reinforces arguments concerning the unfairness of burden-sharing. While the research of Polese & D'Avanzo (2010) was conducted on the older versions of the Qualification, Asylum Procedures and Reception Conditions Directives it is evident that their initial findings are still accurate and very relevant. The participant observation in this study provided accounts regarding to the consequences of legal vagueness at the individual (micro) level as well as demonstrating that Greece neither complies nor implements the CEAS.

From the proposals to reform the CEAS it is clear how and why, according to the EC, the asylum *acquis* failed in light of the migrant crisis: lack of harmonisation and the secondary movements of asylum seekers. Scholars have asserted that the diverging practices between MS in combination with the coerciveness of the system led to secondary movements. From the stakeholder consultations it becomes clear that the UNHCR and NGOs agree with this assertion and attempt to promote a system in which applicants' needs and wishes are taken into account. Despite this, the EC proposes to reduce secondary movements by making the *acquis* even more coercive by expanding the restrictive measures. Additionally, the EC proposes to reduce secondary movements through further harmonisation. Paradoxically, the principle of subsidiarity is maintained and reinforced, thus negating the desired outcomes of harmonisation. Lastly, legal vagueness is still prevalent in the proposals of the reformed CEAS measures and thus, the violations of universal human rights are still facilitated through EU legislation.

7. DISCUSSION AND CONCLUSION

The moral shock and horror of the Second World War, and in particular the atrocities of the Holocaust, outraged the conscience of mankind. The result of this collective Western social imagination was the creation of the Universal Declaration of Human Rights (UDHR). This modern account of human rights embodies a distinct ideological position of Western philosophy and politics – it has all the elements of political liberal theory. The universality of these human rights are derived from the belief that human sociability should be expressed through rights language, and that these rights should be the moral norms by which human behaviour is judged and evaluated (Goodhart, 2013). This also applies to the ECHR and the CEAS as the Geneva Convention forms the foundation of these laws and policies. As such, human rights and human rights based laws and policies are normative. Opposing normative theory is legal positivism, which asserts that law is separate from considerations of morality and justice. By definition this risks equating, or reducing, human rights solely to legal rights. Consequently, this implies that human rights do not exist if absent in legislation. However, the modern account of human rights exists because of the doctrine that rights exist as moral demands, which in turn has been translated into legislation to allow effective protection and policing (Goodhart, 2013). As such, human rights circumscribe a universalistic morality which has been translated into a form of coercive law (Habermas, 2012). This translation of human rights into law has given rise to a legal duty to achieve exacting moral requirements which have become engraved in the collective memory of humanity. However, it becomes problematic when the ambiguity of attempts to promote a human rights based world order brings the moral standards themselves into disrepute. Consequently, the use of human rights policies as a mere fig leaf and vehicle for imposing major power interests reinforces suspicions that human rights consist in its imperialist misuse (Habermas, 2012).

The process of claiming and enforcing rights has seldom been a peaceful matter. Indeed, modern human rights are the product of violent times. In 2015, the mainstream media reported the ‘sudden mass’ influx of refugees arriving in Greece, who subsequently travelled via the Balkan route into northern Europe. The media detailed the deadly travel routes and the inhumane conditions. Both the Schengen and the asylum *acquis* came close to collapsing like a house of cards. The closure of the borders left thousands of people trapped in Greece and neighbouring (non-)EU countries, while the EU money-for-migration deal with Turkey reduced the inflow into Greece significantly. Yet, the reports of 2015 paint a false picture. Greece has long since had a limited and unsuited asylum system, which ultimately led to its suspension under the Dublin Regulation in 2011. Consequently, asylum applicants could not be transferred back to Greece which, in combination with the already coercive asylum system, incentivised asylum applicants to travel further. Concurrently, the Arab Spring unfolded, the war in Syria worsened and the number of atrocities grew every day in both Syria and Iraq.

While many sought refuge in the region, the quickly disappearing outlook of peace and rebuilding of the nation-state meant it was inevitable that Europe would see a rise in its asylum applications. The influx of refugees to Greece was not sudden, it was predictable. Moreover, while the inflow of people may have been higher than previous years, it cannot be described as 'mass'. Between 2011 and 2016 the number of asylum applications in the EU totalled just over 4 million, of which 2.6 million in 2015 and 2016 (Eurostat). These numbers represent only a fraction of the total EU population (510 million in 2016). Additionally, the short-term macro-economic effect of the migrant crisis is expected to be modest, with a minor GDP increase reflecting the fiscal expansion associated with supporting asylum seekers and consequently, the entering of the labour market by the newcomers. The medium and long-term impact depends on their integration to the labour market: the sooner refugees gain employment, the more they will contribute to public finances. Furthermore, successful labour market integration will counter the adverse fiscal effects of population aging. Europe's population is predicted to age rapidly over the coming decades, thus lowering potential growth and burdening public finances through pensions, benefits and healthcare provisions (International Monetary Fund, 2016). Yet, this influx had a huge political and polarising impact on the Union. Furthermore, it increased the existing tension between respecting and implementing universal human rights and the desire to deter (potential) asylum applicants.

One issue the mass media have accurately described is the conditions under which asylum applicants live in Greece. The CEAS is an exclusionary, coercive, state-centred and securitised policy in which the humanitarian basis is used as a fig leaf. Furthermore, the legal vagueness in the Directives and Regulation facilitates the non-compliance, and sometimes violation, of universal human rights. From the proposals to reform the CEAS it is clear how and why, according to the EC, the asylum *acquis* failed in light of the migrant crisis: lack of harmonisation and the secondary movements of asylum seekers. To remedy this, the EC has proposed an even more coercive and exclusionary CEAS as well as insisting on further harmonisation. Paradoxically, the principle of subsidiarity is maintained and reinforced, thus negating the desired outcomes of further harmonisation. By imposing more restrictive and exclusionary provisions the EC arguably incentivises the secondary movement of asylum applicants even more. Lastly, ambiguity gives rise to non-compliance (Cole, 2015). Thus, the prognosis of respecting and implementing universal human rights in the form of asylum qualification, procedures and reception conditions in the EU is bleak, due to the prevalence of legal vagueness in the CEAS reform. While the UNHCR, NGOs and scholars have warned the EC about the consequences of the current asylum *acquis*, the CEAS reform proposals do not demonstrate any significant advancement.

More worryingly, the EP's current proposed amendments do not show any signs of improvement, even though a study commissioned by the LIBE Committee asserts that as long as the system is based on coercion against asylum seekers, it cannot serve as an effective tool (Guild, Costello, Garlick, Moreno-Lax, & Carrera, 2015). Consequently, these findings reinforce the assertion that states are both the primary violators and the foremost defenders of human rights. Human rights, while thought to exist in all individuals regardless of citizenship, continue to depend on states for their realisation (Cole, 2015). Cole (2015) states that non-compliance is facilitated by low level (self-)enforcement mechanisms. The CEAS is subject to such an internal evaluation. Based on the evaluation of Dublin III it transpires that this self-enforced mechanism works. However, the proposal for Dublin IV demonstrates that the EC uses the evaluation selectively, thus producing an inconsistent and illogical reform. Human rights-based treaties, laws and policies create legal obligations to respect, protect and fulfil the rights specified (Cole, 2015). However, the complex constellation of EU actors aids the existence of a complicated relation between legal norms and their reality (Habermas, 2012). In addition, the causes of refugee movements can differ in their effects on direction, duration and size of population displacements. Most contemporary exoduses have occurred when political violence is of a generalised nature, such as the intrastate conflict in Syria, rather than direct individual threat. The UNHCR has recognised this particular reality and, in practice, has broadened its protective umbrella beyond the Geneva Convention. The West, however, has strongly resisted this pragmatic expansion and still focuses on individuals and persecution. This is used for resettlement and asylum purposes, while individuals facing generalised violence in their country of origin are often given temporary protection (Goodhart, 2013).

Human rights studies involve both normative and empirical approaches. Normative primarily concerns the philosophical and policy questions, whereas the empirical approach focuses on the understanding of how human rights work in the world (Goodhart, 2013). In the refugee camp context, the presence of human rights is found through the status-bound idea of human dignity. Human dignity preserves the connotation of self-respect based on social recognition and thus it requires the anchoring of social status (Habermas, 2012). However, residents of refugee camps are liminal figures in an extra-territorial space which exists between permanence and transience. Additionally, the provision of aid is *ipso facto* not dignified, equal or fair as well as it being securitised (to a certain extent). Accordingly, social status is mainly shaped by relations between residents and the (inter)subjectivities of the label refugee. As such, human rights are the product of social interaction. However, it is not reasonable to assume that this account of rights is necessarily beneficial to the rights holders (Goodhart, 2013).

Governance is fluid and dynamic, which makes legal integrity a complex process. Internal and external factors influence the norms of any social, political or legal system (Riach & James, 2016). In the past the refugee label encompassed inclusion, exploration of distributional consequences, altruism and charity as well as a focus on rights and entitlements. Nowadays, the label includes exclusion, marginalisation, bureaucracy and notions of identity and belonging. Globalisation has re-shaped the formulation of the refugee label, shifting the locus of the refugee regime to the global North and the distribution the refugee status through government agency and pre-carved legal categories. Accordingly, the refugee label becomes a negotiation of constructs between institutionalised processes and identity. The shift to state agency dominance and the incorporation of notions of identity and citizenship have consequently re-shaped the refugee label between the state and its citizens (Zetter, 2007), which in turn has threatened the universal principles of human rights. It becomes evident that the Union's systematic use of a coercive policy, in which exclusion, marginalisation and bureaucracy feature prominently, is the product of its own construction of the refugee label. The label is based on the belief that asylum seekers are individuals escaping persecution, and that they should therefore not care where they seek refuge. Ultimately, it is the Union's characterisation of the refugee label that led to the undoing of its own policy. Consequently, the migrant crisis resulted from the EU's asylum *acquis*. Or in other words, it is the unintended consequence of earlier decisions.

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APPENDICES

Appendix 1: Diary Volunteering Refugee Support

7 March

- C.: J. elbowed his way into the camp; he came the first day the refugees were here and the military would not let him in, he convinced them to let him in and he just handed out the water. The refugees were just in tents then. Everything on camp is down to the NGO. The military does nothing. They get food once a day from the military; that's it.
- S.: Third time here. Seen lots of progress. The first time they came the refugees were in tents, the kids had scurvy.
- A.: If I'd be a refugee I'd want to live in this camp (A.: been in Calais and Malawi)

8 March

- Two UNHCR ISO boxes
- Communal toilets and showers
- Women's space (IRC)
- All residents live in ISO boxes, which we call caravans. It looks like a container with a window.
- People left yesterday, new ones came today. -> C., about yesterday: people coming in to get suitcases, but were not on the list the UNHCR gave of people leaving. Though to explain to these people they are not leaving, because they thought they were (leaving). It was tough, lots of women wailing, saying goodbye to their friends.
- Two buses arrived. The bus luggage hold is filled to the brim, with suitcases but also pots, pans and even bikes. Four Greek police officers are also standing about, I am assuming they escorted the two buses. One young resident is walking to a white small car, smiling from ear to ear: I am going to Germany, I am going to Germany!!! He was literally bursting from happiness.
- Boutique system is interesting: go around the blocks to give out tickets to the target audience of the boutique (one week its women's, then children, then men etc). But not every box has a women or child in it, very awkward conversation and very inefficient.
- In sum: seems like everything 'extra' in the camp is organised by RS. The military do the one meal (we do the evening meal). And I assume that the UNHCR sorted the ISO boxes. Education, shop, clothing all done by RS. Maybe they thought RS would sort it in the end? Or they literally just do nothing? What would the refugees do without RS??

10 March

- K.: finds that most of his day is spent in meetings rather than teaching children. He teaches them English in the morning, and then the kids go to the local school in the afternoon for English and Greek. The school bus picks them up from the camp and they go to the local school. This is because Greek children only have school in the mornings. K. seemed annoyed with UNHCR and especially IRC meetings. IRC says they are responsible for women and children (self-declared) and therefore RS may not teach the kids, because they are then not under their protection. The IRC has been saying that they'll open up a school for 6 months, RS did it in 2 weeks. IRC is pulling out of the camp, plus each worker gets paid. Because they get paid they have to show their results, potentially to keep their job with the IRC. Therefore, the IRC tried to stop them teaching the kids (according to K.). Also problems came up with the local school, some children stopped going to it because they went in the mornings at the camp. Most parents are at the moment keeping their kids out of normal school because they are expecting a phone call telling them they will move. For now it has been agreed that the camp school is secondary to the local school, which is totally fine and understandable of course. K. also has meetings with the UNHCR and the parents.
- Th. talked about people being extremely poor here and most the young Greeks have left.

- In the warehouse the clothes are sorted through (quality check). The left over clothes deemed not good enough are put on the street and the locals take them. The lady across the road from the warehouse gave us some eggs because she was thankful for it.
- All the locals know the RS team and happy to have 'our' business (food + drinks)
- People should really think more about what they donate!!

11 March

- Military is responsible for the camp. The Moustache guy [Babis] in charge also runs the helicopter base up the road, so doesn't spend much time in the camp. He did in the very beginning. The local municipality are not involved with the camp whatsoever, it has been decided that this is completely up to the ministry of defence. In the beginning the military sometimes asked RS to pay for small things (like 200-300 euros) because they (claimed) not to have the funds. They are supposed to have a lot of money, but they are not transparent about where it goes (P.)
- Everything in camp organised (shop, boutique, etc) is thought about beforehand so that we can distribute as fairly as possible; otherwise tensions arise.

12 March

- Meeting this morning, T. is off and P. just came, so P. did it. First the normal stuff like where we are at with certain projects (shop, boutique etc). After all that was discussed P. said that J. always talks on Sundays about RS's history. He wanted to keep it short. I can't really remember exactly what he said (it's been an exhausting day). I know the camp started up in April of last year (2016) and since then a lot has happened. P. met J. in Calais, and he told the story about how clothes were distributed there. So that's where the whole focus on aid with dignity comes from. Through the shop & points system plus the boutique we are giving people a sense of normalcy. P. got emotional at the end. S. gave him a hug.
- Oh yes, there were apparently traffickers located on site. This is the message C. put on the Whatsapp: The army has just escorted a couple offsite who stayed last night. They were recognised from another camp in Thessaloniki as traffickers. He is early 20s very short, thin Syrian, she is Algerian and has a problem with her neck (very obvious apparently). They have a variety of stories as to where they have come from. Last night she stayed in A19 and he was in B11. Make the army aware immediately if seen on camp. Police are aware of the problem. I leave soon so Tony worth mentioning tomorrow morning for those not on the group. Nothing to stress about but keep your eyes open...

13 March

- Walked around the camp with T. It was a sunny afternoon. Camp was quiet. Some of the new arrivals were building a small area in front of their containers with wood. T. says they buy the wood locally. Apparently they get 90 euros a month from the Greek government. Should double check that.
- Was in the shop this morning. It was lovely seeing people doing food shopping. It creates a sense of normalcy for them, I guess. It is shoe week in the boutique, the men were today. Photos look good.
- Saw a women cry today outside of the UNHCR container, silently. It looked like a helpless, tired, sad and frustrated cry. No hysteria. There was another UNHCR woman with her. But they were not talking.
- Also saw Metaspoon (GR) [Metapraxis] around. Need to look them up to see what they do.
- It is very clear to me after my first 6 days that being a volunteer makes me part of a sub-community in the camp. We help them. It creates and enforces a certain relationship between us and them.
- Talked to a young new arrival outside the shop. His English was good. He wants to go to the Netherlands. He even knew what was happening with Turkey at the moment and that we have

general elections coming up. He asked me what I study. He is from Hama. Interesting angle to explore concerning Turkey/NL-EU relations -> the Readmission versus Erdogan's exceedingly 'risky' statements???

- D. was going to start with German lessons today (just women and girls), tomorrow men. Should ask her how it went.
- Women across the road from the warehouse gave the warehouse team today hard boiled eggs, as a thank you for chicken feed (which were scraps from the kitchen).
- There is a film crew around. Haven't seen them film something. Not sure where they are from and what they are doing here. P. seems to know them.
- There were three buses this morning on camp. People leaving. The UNHCR promised to give us up to date lists so that we can continue distributing stuff fairly and efficiently. We don't have the list. It was promised last week. The rumour is that there will be new people arriving either tomorrow or Wednesday. We don't know how many, or where they come from.

14 March

- S. on shop before: bags of food and essentials were given (alternating sometimes between items, so one week coffee, the other tea)
- Fridges came in new boxes for the ISO boxes. They've only had electricity for a few weeks.
- The UNHCR is not formally allowed to give us lists of the people, but it's imperative for fair distribution.
- Women came in (was in the shop this morning). Difficult communication. Her baby got hot water over herself, had to go in the ambulance, and threw it out. But we need the old kettle to exchange for a new one for fair distribution.
- People don't always want the poncho's because it reminds them from when they had to sleep in the rain.
- IOM supervises the kids to school (14:00-18:00)

15 March

- Issue of eating food from the kitchen out in the open: 6 months ago it would have led to issues in the camp because it was unclear what RS did for the refugees.
- There are currently some tensions in the camp. There are always rumours going around, mainly also because they have nothing else to do. Currently they think that because of the suspension lift of Dublin the asylum seekers who haven't processed in the other MS will get sent back to Greece and that the camp will get flooded with new residents. They also think the relocation scheme is closing down. So the mood is not good.
- There are too many young single women here with children. This is one of the things that makes ticketing a problem.
- BBC exodus is here. Also staying in the hotel. Talked to them this morning. They are filming the follow up on the first series.
- D's German lesson update: (nearly) no one speaks English so don't know Latin letters. ATM only a dozen people come (it's day two).
- During the morning meeting P. talked about Greece and cronyism and that that's the problem. We can see it back on camp when it comes to food etc. We?!

Reflection - 15 March/7th day

- I am referring to We/Us -> so I definitely see myself as a part of a sub-community in the camp.
- Somehow I sometimes find myself not realising that I am working with/helping refugees. I don't know why either. I have also been making an excessive amount of jokes, which is a coping mechanism for me. I don't find it tough, emotionally, but maybe it's just such a bizarre experience? I don't know. It's weird.

- It's a weird mix of feeling extremely sad, angry and happy all at the same time.
- I have almost completely forgotten about my thesis. Well, not forgotten. But I am definitely a volunteer first and that just consumes me most of the day. I feel like what I am seeing here I can use for my thesis in a new/original way, but I just can't put my finger on it.
- I think one of the reasons why I am not focusing on so much on my thesis, is because the macro and the micro are so far apart. Numbers have faces. Asylum applicants have faces. Adequate reception conditions has context. I never really thought Greece was the issue, but maybe it is. Maybe it is Greece and corruption. But still, the conversation with Th., well, people are poor. This is a poor place. The Greek government is poor.
- One thing is clear: Alexandria is a relocation camp. At least, according to their camp ids. People here are in limbo. Some people have been here since the beginning, 10 months ago. Limbo.
- Maybe it's because we don't really go into the camp. The Shop, Boutique and Kitchen are all at the beginning of the camp. We hardly ever go into the camp itself, where the residents are. Maybe that's it.
- It's not right. People who flee a war shouldn't be treated like this.

16 March

- IRC is still being difficult about the school, but not trying to shut it down anymore. They are still worrying about their job, because they are downsizing. RS school attracts way more people than the IRC one.
- M. isn't vaccinated so she isn't allowed to go to school (well that's the story).
- Alexandria is relocation camp -> either through family reunification or through the scheme. But the latter means that MS can choose who they want, so some families could stay here indefinitely. P. and J. worried it might turn into a ghetto.
- Cleaned caravans today. Left stuff out 'by accident' so that residents can take what they want/need.

17 March

- NGOs on camp: DRC comes twice a week to give legal advice. NRC is building the new classroom. IRC built the toilet and shower blocks, educational activities, pumped out the water when the camp flooded. IRC is responsible for WASH (hygiene) women and child protection. Praxis provide socio-psycho support. MetaPraxis are the official translators. They are only allowed to translate from Greek to Arabic and vice versa. IOM does the school runs.
- Kids have new backpacks with IOM logo, but some also have the UNHCR logo. Stickers everywhere (stating: funded by the humanitarian aid EU)
- 90 new arrivals today. In morning meeting it was said there might be Africans between them so that this could change the camp atmosphere. But by lunch time it was clear it was Syrians and Iraqis. Probably from the islands.
- UNHCR work 9-5 here. After 5 they are straight out. Sometimes they ask us to do something for them (e.g. clean containers and new arrival distribution)
- Distribution of blankets and foams and mats. There were not enough mats so we couldn't hand out what they needed. Very frustrating. Home at 20:15. Doing UNHCR work basically. It was a chaotic mess. Some caravans didn't have working electricity. J. had to give the UNHCR his credit card to go out and buy some lamps. New arrivals seem to have come from Chios. Left at 8am there, took the ferry to Athens, 9 hour bus trip to here. It was a very disorganised affair. Army did registration with Zoe from UNHCR. UNHCR walked them to their caravans. We did the distribution. Last time it was worse though, since it was pissing with rain and the UNHCR pissed off after 5 (Ei.).
- Caravans have fridges and hotplates (UNHCR) and gas heaters (RS)
- UNHCR is paying for the electricity. 1,000 euros a day that costs.
- J. thinks the camp is stay for at least another 2 years.

- Still 100 people arriving at the islands per day (according to J.)
- NetHope guy: Nethope came in as first to set up the wifi so the NGOs could get started. This is the 5th camp he is visiting on this trip. This camp is by far the best. Some camps still in tents. One is on an airstrip.

18 March

- J. this morning: was at Idomeni. Worse than Calais. He came here just to look what was happening. Recognised faces from Idomeni. Nobody was allowed into the camp. J. stood there persistently for hours just waving. Military was wearing masks; not out of military policy, but personal choice because they didn't know what diseases these people were bringing with them. Army finally let him in and he handed out water and biscuits. Terrible conditions.
- Distribution yesterday was just purely helping the UNHCR out. We have no authority over the stuff. UNHCR is officially responsible for what they call infrastructure management.
- Rumours are that the Greek government is trying to clear out all the islands before spring.
- Since January the residents are getting money from the government. So military is stopping their food distribution (sloppy mess lunch and water and packaged croissants in the evening). Also stopping it because their money is running out. They wanted to stop in January already but it was too cold. People would've died otherwise. Same with gas heaters which Santa (aka J.) provided. Army turned a blind eye. It was the medical team who warned RS over the heating situation.
- Medical team is from a Slovak university hospital. Since they came it has been a huge relief for RS. Before RS was bringing people to the hospital. Slovak team also provided an ambulance; there are only two in this whole region of Greece. They also bring in regularly other medical teams, such as dentists and vaccinators.
- XL men's clothes are being put outside the warehouse for local people. Most male residents are size S. Oh, the irony.
- In the afternoon we did distribution of the RS stuff; Tupperware for dinner, coffee, tea and sugar. List we got from J. was incorrect. Also they hadn't gotten kitchen set so they couldn't actually use our stuff ("why are you handing out coffee when we have no cups to drink it from"). After distribution we had to continue with organising the UNHCR warehouse and I noticed the kitchen sets. We decided to distribute them.
- L. came today, he was here last May and June. Camp has changed a lot since then. He only recognised a few children. Said that they had a few long days. Especially when it rained and camp was flooded. They couldn't distribute clothing because they'd just get wet again. Even their mattresses were soaking wet.
- The reality of a refugee camp is starting to hit me.
- I am really, really irritated tonight. Maybe privatizing would make conditions better???? The NGO organisational culture might be the crux.

19 March

- Just remembered that during distribution a woman called someone so that he could translate. Turned out to be her husband. He asked me when his wife could join him in Germany.
- L. talked about the asylum procedures when he was first here. Now everyone in the camp has been registered. Before, people were trying to get the Skype interviews to do it. People were trying all day long. The only thing you could hear here was the Skype connecting sound. Except for during lunch time, because then the office was closed. The problem was that every family had to be in the tent during this interview. So when it connected but your child was playing outside or someone went to toilet they couldn't do the interview. It took a while, but the government realised soon enough that it would be easier if they just went by all the camps to do the registration.
- J. spoke to a new female arrival. She lost her unborn baby during the winter in Chios.

20 March

- Iraqi family, new, spent 10 months in Chios, came into Shoetique today for kids. First reaction: "wow this really looks like a normal shop" In Chios: no heating, not a lot of food, everyone in tents, etc. Very bad. "This looks like a normal place"
- New arrivals seem especially very grateful for boutique (shoe week)
- Yesterday during the school outing it was very different to camp. The residents were taking lots of photos, whole photo shoots, also with us. Some people who never want their photo taken did now. Think it might be a pride/dignity thing.
- Tonight it was Newroz (Kurdish new year). Very special. Very humbling. We were allowed to dance with them. They also thanked us publically. Also asked the Arabs to join them. Very special.
- M.'s grandmother is in hospital. I wonder who is looking after her and her brothers. It was actually M.'s grandmother (together with MN the white helmet, I gathered) BBC exodus was filming.
- The kitchen budget is 500 euros a week, and 1200 for the shop.
- The community has started building a barbershop in one of the derelict buildings.
- Some of the new arrivals have scabies. The medical team is on it.

22 March

- They are inventing the wheel again, this time with the shop. They are going to do a stock take again. S., I., Ds. and I did it last week, when Ds. implemented the easier system. KK and ET now made a whole new system and doing stock take again. This organisational culture is definitely not good for the sustainability and enhancement of RS's activities.
- Kids today in community room said they'd just come from Lesbos. They said every Saturday there was dancing: "Afghani, Syrian, African, Holland, Portugal, everything"

23 March

- Lots of petty theft. Wasn't such a problem before, but now it is. Petty theft among each other and from us. Ultimately our stuff is for them, but it's annoying because it's for all of them: fair distribution. Even in a refugee camp fairness is really difficult to achieve.
- Donations: people who donate a lot tend to be more specific on how their money is spent, e.g. footballs & charity management. Whereas the shop is more imperative to daily life as a refugee rather than a one-off event.
- Had my first kitchen shift today. Both O. and A. had their last interview 3 months ago. They've been in Greece now for a bit more than a year. A few weeks ago A. was so fed up with waiting he packed his bag and to Thessaloniki to go back to Istanbul. O. called him and convinced him to come back.

24 March

- Kh. is paid/employed by the NRC.
- Had interesting conversation with D. on way back from camp. We talked about Idomeni where D. volunteered for a few days last year. Idomeni (deep hope about the borders opening) -> Alexandreia (asylum limbo) -> petty theft, maybe? She also had an interesting take on fairness and equality -> "equality eliminates individuality"
- K. -> competition on money spending for school. NRC bringing in people from outside, rather than involving community
- Fillipiada, C.: food from army + no school + super strict security.

26 March

- IRC useless (first time round, R.): "No sorry I am on my lunch break". Also R.: Shop before and the kiwi fruit incident.
- Army food (R.): either pasta or rice with sauce
- Saw IRC and Zoe get kids biking off the busy road -> no security (police just watches TV all day)

- Continuity must be a big problem for RS
- Asylum limbo -> some people will stay here indefinitely. Competition of spending money -> inefficiency.
- Voluntoerists
- Susi: Policy to micro -> what's the fucking point of policy?

27 March

- They're trying to push the capacity to 620. Nobody in camp wants that. Babis is trying to keep the number as it is now.

29 March

- Fed up now [second dip]

30 March

- El.: Filipiada is much stricter -> no photo's on camp. Military very strict. But more space and smaller population.

31 March

- Red Cross food parcels came today. According to J. this is the only camp which gets them (??)
- It costs 20,000 euros a month to operate both the camps. Expected 30,000 when Katsikas opens.
- 8 volunteers from community which help out in the school -> recruited by Kh. -> central figure in the community. (K.)
- 3 communities on camp: Kurds, Arabs and single men. Single men tend to be isolated. Communities have leaders, leaders tend to be older, stereotypical good family & tend to talk a lot. (K.)
- Giving responsibility to the women would be a bad idea (K.). Examples, women who got beat up for helping out in shop (spent 2 days in hospital). There also have been stabbings.
- Networking is seen as getting special favours (K.) -> leads to tensions
- Kurds & Arabs relationship used to be good -> now tensions because of power politic play of new dominant female Kurd -> seems to be resolved now.
- Babis -> must be the key figure in camp and determined how the camp is now. Both Zoe & Babis -> it helps them to have good relationships with the residents. But Zoe has now a lot of problems because of it -> she is seen as been giving special favours -> English is a very powerful tool.
- Attachment vs. Distance is very complicated and complex layered issue.
- Huge culture clash in refugee camp
- Example: renovation shop -> was it really aid with dignity? Same with the towel distribution -> they don't need towels, they need skills and activities (which are useful) -> saviour-victim relationship???
- J. has no idea what is going on in the camp. None of us do. Not really. It is the known unknown.
- Us vs. Them
- Macro & Micro -> policing and securitising practices; it's a fine balance. You need rules but it enforces and creates the us and them and establishes a particular relationship between volunteers and residents.

1 April

- Day off, went to Idomeni with D. who had volunteered there a year ago. D.: "people are equal in their rights, but not in their needs"

2 April

- Shit hit the fan with children's boutique this morning. Community leader wife of the Arabs influenced the whole thing. She didn't even let her kids get the gift boxes from the school in Devon. They even started to gang up on I. and E., 6 women shouted at them in Arabic, while I was getting A. (he was translating) and J. After A. and J. talked to the women they were a bit happier. We showed them all the crates we have are just more of the same. J. also explained how we get the clothes and that we [volunteers] don't get paid (they seem to think we do). I think maybe the new clothes in the gift boxes, plus families going to the bazar the day previously may have triggered this situation. The feeling of unfairness creates tensions, so therefore we have to implement the strict (and securitising) system. This episode was definitely an example for other volunteers that we have to employ such a system. Some [volunteers] were close to tears.
- E. told me about what happened at Katarina's Thursday after lunch. Some women (who I know, and have kids) were bullying Katarina into taking their groceries to Thessaloniki to another refugee based there. She said yes, because she couldn't deal with the bullying. Friday E. went to see her to give her a hug. Turns out she didn't go to Thessaloniki in the end, which is very good because apparently the shopping bags were full of drugs and illegal cigarettes. The kids of this single mother in question are playing in front of me while I am writing this down. Some people here are very grateful, some aren't, some abuse the system, some don't. Suppose it's like normal society; there are always good eggs and bad eggs mixed together. It's just such a shame that the good eggs suffer because of it.
- O. talked a bit about the drug situation on camp. The Roma camp has been supplying it. There was a bad batch and a resident got paranoid and snatched a girl. O. said that this happened in Thessaloniki as well and the person stabbed and killed a woman because of it.
- O. also said he lost 15kgs while here, "because of the thinking". Physiological effects of the asylum limbo.
- N. also had her interview 3 months ago.

4 April

- Dutch border control checked passports straight off the plane. Dad said same thing happened when they flew back from Corfu through Thessaloniki.

Appendix 2: Visuals of Refugee Camp Alexandreia



Images 2 & 3 (above): Information boards at camp entrance

Image 4 (right): Alexandreia site plan

Image 5 (below): Child playing with kite in front of field hospital (left) and army quarters (right)





Images 6-9: Camp impressions



Image 10 (above left): RS Warehouse

Image 11 (above, right): Outside the Mini Market

Image 12 (right): Inside the Boutique

Image 13 (below): Inside the Mini Market





Image 14: RS kitchen



Image 15: RS school

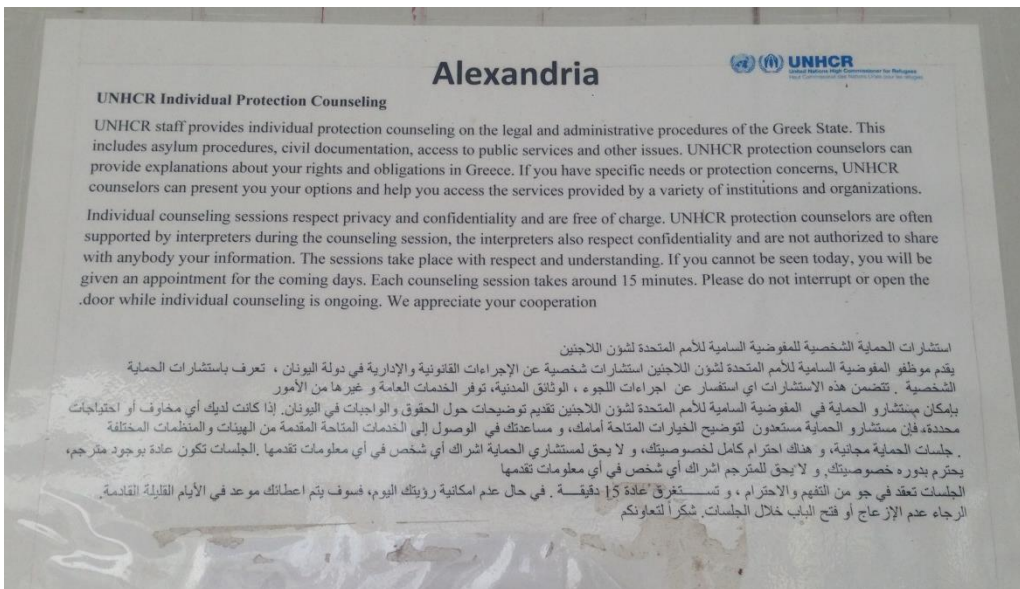


Image 16: Information in front of UNHCR 'office'



Images 17 & 18 (above): Inside the caravans

Image 19 (left): Back garden of a caravan

Appendix 3: Dublin IV's Automatic Corrective Mechanism¹¹

Table 2: Dublin IV's Automatic Corrective Mechanism – 2015¹²

Member State	Asylum Applications ¹³	In %	Population	in %	GDP	In %	Reference Key	Difference	Trigger threshold	Triggered?
EU (28 countries)	1,322,825	100.0%	508,504,320	100.0%	14,715,116.8	100.0%				
Germany	476,510	36.0%	81,197,537	16.0%	3,032,820.0	20.6%	18.3%	17.7%	27.4%	Y
Hungary	177,135	13.4%	9,855,571	1.9%	109,674.2	0.7%	1.3%	12.0%	2.0%	Y
Sweden	162,450	12.3%	9,747,355	1.9%	447,009.5	3.0%	2.5%	9.8%	3.7%	Y
Austria	88,160	6.7%	8,576,261	1.7%	339,896.0	2.3%	2.0%	4.7%	3.0%	Y
Italy	83,540	6.3%	60,795,612	12.0%	1,645,439.4	11.2%	11.6%	-5.3%	17.4%	
France	76,165	5.8%	66,488,186	13.1%	2,181,064.0	14.8%	13.9%	-8.2%	20.9%	
Netherlands	44,970	3.4%	16,900,726	3.3%	676,531.0	4.6%	4.0%	-0.6%	5.9%	
Belgium	44,660	3.4%	11,237,274	2.2%	410,351.0	2.8%	2.5%	0.9%	3.7%	
United Kingdom	40,160	3.0%	64,875,165	12.8%	2,580,064.5	17.5%	15.1%	-12.1%	22.7%	
Finland	32,345	2.4%	5,471,753	1.1%	209,511.0	1.4%	1.2%	1.2%	1.9%	Y
Denmark	20,935	1.6%	5,659,715	1.1%	271,786.1	1.8%	1.5%	0.1%	2.2%	

¹¹ These tables has been calculated with EU-28 data and not EU-25 to provide a holistic account

¹² Asylum applications, population and GDP data all originate from Eurostat.

¹³ This data does not include the number of resettled refugees as up-to-date data is not available.

Bulgaria	20,365	1.5%	7,202,198	1.4%	45,286.5	0.3%	0.9%	0.7%	1.3%	Y
Spain	14,780	1.1%	46,449,565	9.1%	1,075,639.0	7.3%	8.2%	-7.1%	12.3%	
Greece	13,205	1.0%	10,858,018	2.1%	175,697.4	1.2%	1.7%	-0.7%	2.5%	
Poland	12,190	0.9%	38,005,614	7.5%	429,794.2	2.9%	5.2%	-4.3%	7.8%	
Ireland	3,275	0.2%	4,628,949	0.9%	255,815.1	1.7%	1.3%	-1.1%	2.0%	
Luxembourg	2,505	0.2%	562,958	0.1%	52,339.7	0.4%	0.2%	0.0%	0.3%	
Cyprus	2,265	0.2%	847,008	0.2%	17,637.2	0.1%	0.1%	0.0%	0.2%	
Malta	1,845	0.1%	429,344	0.1%	9,275.8	0.1%	0.1%	0.1%	0.1%	Y
Czech Republic	1,515	0.1%	10,538,275	2.1%	166,964.1	1.1%	1.6%	-1.5%	2.4%	
Romania	1,260	0.1%	19,870,647	3.9%	159,963.7	1.1%	2.5%	-2.4%	3.7%	
Portugal	895	0.1%	10,374,822	2.0%	179,504.3	1.2%	1.6%	-1.6%	2.4%	
Latvia	330	0.0%	1,986,096	0.4%	24,368.3	0.2%	0.3%	-0.3%	0.4%	
Slovakia	330	0.0%	5,421,349	1.1%	78,685.6	0.5%	0.8%	-0.8%	1.2%	
Lithuania	315	0.0%	2,921,262	0.6%	37,330.5	0.3%	0.4%	-0.4%	0.6%	
Slovenia	275	0.0%	2,062,874	0.4%	38,570.0	0.3%	0.3%	-0.3%	0.5%	
Estonia	230	0.0%	1,314,870	0.3%	20,251.7	0.1%	0.2%	-0.2%	0.3%	

Croatia	210	0.0%	4,225,316	0.8%	43,846.9	0.3%	0.6%	-0.5%	0.8%	
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Table 3: Dublin IV's Automatic Corrective Mechanism – 2016¹²

Member State	Asylum Applications ¹³	In %	Population	in %	GDP	In %	Reference Key	Difference	Trigger threshold	Triggered?
EU (28 countries)	1,258,865	100.0%	510,284,430	100.0%	14,820,476.0	100.0%				
Germany	745,155	59.2%	82,175,684	16.1%	3,132,670.0	21.1%	18.6%	40.6%	27.9%	Y
Hungary	122,960	9.8%	9,830,485	1.9%	112,398.7	0.8%	1.3%	8.4%	2.0%	Y
Sweden	83,485	6.6%	9,851,017	1.9%	462,416.8	3.1%	2.5%	4.1%	3.8%	Y
Austria	51,110	4.1%	8,690,076	1.7%	349,493.0	2.4%	2.0%	2.0%	3.0%	Y
Italy	41,950	3.3%	60,665,551	11.9%	1,672,438.3	11.3%	11.6%	-8.3%	17.4%	
France	38,785	3.1%	66,759,950	13.1%	2,225,260.0	15.0%	14.0%	-11.0%	21.1%	
Netherlands	29,430	2.3%	16,979,120	3.3%	697,219.0	4.7%	4.0%	-1.7%	6.0%	
Belgium	28,790	2.3%	11,311,117	2.2%	421,974.0	2.8%	2.5%	-0.2%	3.8%	
United Kingdom	27,140	2.2%	65,382,556	12.8%	2,366,911.9	16.0%	14.4%	-12.2%	21.6%	
Finland	19,420	1.5%	5,487,308	1.1%	214,062.0	1.4%	1.3%	0.3%	1.9%	
Denmark	15,755	1.3%	5,707,251	1.1%	276,804.9	1.9%	1.5%	-0.2%	2.2%	
Bulgaria	12,305	1.0%	7,153,784	1.4%	47,364.1	0.3%	0.9%	0.1%	1.3%	
Spain	6,180	0.5%	46,445,828	9.1%	1,113,851.0	7.5%	8.3%	-7.8%	12.5%	

Greece	5,605	0.4%	10,783,748	2.1%	175,887.9	1.2%	1.7%	-1.2%	2.5%	
Poland	3,485	0.3%	37,967,209	7.4%	424,581.3	2.9%	5.2%	-4.9%	7.7%	
Ireland	2,940	0.2%	4,724,720	0.9%	265,834.8	1.8%	1.4%	-1.1%	2.0%	
Luxembourg	2,245	0.2%	576,249	0.1%	54,194.9	0.4%	0.2%	-0.1%	0.4%	
Cyprus	2,225	0.2%	848,319	0.2%	17,901.4	0.1%	0.1%	0.0%	0.2%	
Malta	2,160	0.2%	434,403	0.1%	9,898.0	0.1%	0.1%	0.1%	0.1%	Y
Czech Republic	1,930	0.2%	10,553,843	2.1%	174,412.3	1.2%	1.6%	-1.5%	2.4%	
Romania	1,880	0.1%	19,760,314	3.9%	169,578.1	1.1%	2.5%	-2.4%	3.8%	
Portugal	1,475	0.1%	10,341,330	2.0%	184,931.1	1.2%	1.6%	-1.5%	2.5%	
Latvia	1,310	0.1%	1,968,957	0.4%	25,021.3	0.2%	0.3%	-0.2%	0.4%	
Slovakia	1,125	0.1%	5,426,252	1.1%	80,958.0	0.5%	0.8%	-0.7%	1.2%	
Lithuania	425	0.0%	2,888,558	0.6%	38,631.0	0.3%	0.4%	-0.4%	0.6%	
Slovenia	350	0.0%	2,064,188	0.4%	39,769.1	0.3%	0.3%	-0.3%	0.5%	
Estonia	175	0.0%	1,315,944	0.3%	20,916.4	0.1%	0.2%	-0.2%	0.3%	
Croatia	145	0.0%	4,190,669	0.8%	45,557.0	0.3%	0.6%	-0.6%	0.8%	