Borders and Boundaries on the *Balkan Route*

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The Underlying Reasons for the Governing
of Protection-Seekers during the *Refugee Crisis*

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Abstract

In 2014 and 2015, over 1.000.000 asylum seekers travelled along the *Balkan Route* from Greece through Macedonia, Serbia, Hungary, Croatia and Slovenia to Austria, Germany and beyond. Faced with such an increased arrival of asylum seekers, Greece and the EU countries along the Balkan Route abandoned common EU asylum legislation that prohibits asylum seekers' Secondary Movement, and instead facilitated their journey onwards. This caused tension within the EU and heated political debates on how to restore order to what was deemed a management crisis. Eventually, the Balkan Route was closed in March 2016. The EU member states agreed to instead directly relocate 160.000 people from Italy and Greece to other member states. However, by the aspired end of the *Emergency Relocation Scheme* in September 2017, only 29.144 people had been relocated.

Through a qualitative analysis of textual data derived from the public debate on the so-called *refugee crisis* on the Balkan Route, this research uncovers the underlying values and interests prevalent on EU and Nation State level, that explain this disfunctional and deprecative way of governing those who came to seek protection. Taking on a mainly social constructivist perspective, and drawing on theoretical concepts originating from Political Science (Greed and Grievance debate), International Relations (Collective Action Problem), Anthropology (The idea of the Nation State) and Linguistics (Analysis of Metaphors and Categories), the research identifies three main underlying aspects which are deemed to have impacted the governing of the Balkan Route. Firstly, Europe and specifically the EU is assumed to be characterised by christian values which are at odds with the values the mainly muslim asylum seekers are perceived to have. Therefore, their arrival is seen as an existential threat to the societal and state security of European Nation States. The right to sovereignty and the construction of asylum seekers as non-belonging legitimise harsh policies to respond to this alleged threat. Secondly, the seemingly universally prevalent distinction between *real refugees* and *economic migrants* and the perception that the asylum seekers on the route are the latter, fosters a hostile stance towards them and justifies restrictive policy responses. Lastly, the EU's values and interests are based on the ideal of achieving the prosperity and security of EU citizens through deep political integration and open internal borders, whereas Nation States seek to preserve

their sovereignty especially in the context of migration. This tension became highly visible during the so-called refugee crisis on the Balkan Route, which saw Nation States act according to their own interest and the EU struggle to achieve a common policy approach.

Due to their negative impact, the researcher advocates questioning and deconstructing common categories such as *economic migrant*, or the naturalised dominance of the right to state sovereignty over the right to asylum.

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List of Acronyms and Abbreviations

AFD	=	Alternative für Deutschland [engl. Alternative for Germany]
CDU	=	Christlich Demokratische Union [engl. Christian Democratic Union]
CEAS	=	Common European Asylum System
CISA	=	Convention Implementing the Schengen Agreement
CDU	=	Christlich-Demokratische Union Deutschlands [engl. Christian Democratic Union of Germany]
CSU	=	Christlich-Soziale Union in Bayern [engl. Christian-Social Union in Bavaria]
DF	=	Dansk Folkeparti [engl. Danish Peoples Party]
DG	=	Directorate-General
EASO	=	European Asylum Support Office
ECSC	=	European Coal and Steel Community
EEC	=	European Economic Community
EU	=	European Union
EURODAC	=	European Dactyloscopy [European Fingerprint Database for Asylum Seekers and Refugees]
EUROPOL	=	European Union Agency for Law Enforcement Cooperation
FPÖ	=	Freiheitliche Partei Österreichs [engl. Freedom Party Austria]
FRONTEX	=	Frontières Extérieures [European Boarder and Coast Guard Agency]
FYROM	=	Former Yugoslav Republic of Macedonia
IOM	=	International Organisation for Migration
LSAP	=	Lëtzebuerger Sozialistesch Aarbechterpartei [engl.

Luxembourg Socialist Workers' Party]

NGO	=	Non-Governmental Organisation
ÖFP	=	Österreichische Volkspartei [engl. Austrian Peoples Party]
PiS	=	Prawo i Sprawiedliwość [engl. Law and Justice]
SPÖ	=	Sozialdemokratische Partei Österreichs [engl. Social Democratic Party of Austria]
TFEU	=	Treaty on the Functioning of the European Union
UNHCR	=	United Nations High Commissioner for Refugees
VVD	=	Volkspartij voor Vrijheid en Democratie [engl. People's Party for Freedom and Democracy]

1. Introduction

> The plan was to go to Sweden […] When we reached Idomeni[1], we found that the borders were closed for most of the nationalities. Only around 3 nationalities were allowed to cross […] That was when I lost everything. I can't go back, I can't go in front. We are waiting. Everything was like a mess.
> (Prezo, asylum seeker in Thessaloniki, Greece)

With these words, Prezo, 22 years old and from Uganda, recalls his memories of attempting to travel on the Balkan Route to Sweden. We met in November 2017 in Thessaloniki, almost two years after his journey to seek protection in Sweden was forcefully ended at the Greek-Macedonian border, and he became stuck in Greece instead of reaching his destination. What had happened, and why?

In 2014 and 2015, at the height of the so-called *refugee crisis*, over 1.000.000 prospective asylum seekers travelled on the Balkan peninsula towards their Northern European destination countries (Arsenijevic et al. 2017). The *Balkan Route* started in Greece, where people arrived on dingy boats from Turkey. They then travelled onwards through Macedonia, Serbia, Hungary, Croatia and Slovenia – depending on border closures – and to Austria, Germany or beyond (Arsenijevic et al. 2017).

Visual 1: The Balkan Route (Source: ABC News 2016, amended by researcher)

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1 Greek town close to the Macedonian border and Greece's largest refugee camp in 2016, housing more than 14.000 people in March 2016 (Al Jazeera 2016)

The policy responses to this situation ranged from granting relatively open, yet contested and temporary interrupted passage through these countries in order to get rid of asylum seekers, to the closing of the route in March 2016. After much debate, the EU set up an ambitious relocation scheme for asylum seekers left in Greece, but member states failed to implement it sufficiently. This research seeks to uncover the underlying values and interests prevalent in the EU and its member states that account for this seemingly messy and hostile way of governing through a qualitative analysis of textual data.

Faced with an increased number of arrivals in 2014 and 2015, and in fear of people staying, Greece and the countries on the Balkan Route initially mostly let people travel onwards; even facilitated their journey with buses and trains, only interrupted by occasional border closures. This policy implied disregarding common EU asylum law, which would have seen Greece responsible for examining the asylum claims of all arrivals. In light of its policy's failure, the EU member states debated on how to restore order to what was deemed a management crisis of a dangerous migratory influx. Finally, after having closed the route to everyone except Syrian, Iraqi and Afghan asylum seekers, a cap on asylum applications introdcued by Austria, and an agreement with Turkey to contain asylum seekers from crossing to Greece, led to the Balkan Route's closure in March 2016. Prezo and thousands of other asylum seekers became stuck in Greece, waiting seemingly indefinitely for decisions on their applications for asylum of transfer to another country.

In the spirit of EU solidarity, seeing the asylum seekers left in Greece as a burden, the EU member states agreed to relocate 160.000 people from Greece and Italy to other member states within a two-year period. By September 2017 however, only 29.144 people had been relocated. In addition, legal ways for Secondary Movement such as Family Reunification required disproportionate waiting times, which further hindered and discouraged any ambitions to move onwards.

It seems like the EU and its member states, despite claiming to have the highest standards on asylum worldwide (European Commission 2015a), first neglected the asylum seekers travelling on the route, and then abandoned those left in Greece after the route's closure. This harmful treatment of people who came to seek protection is in contrast to the humanist tone of the EU's approach to asylum

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(European Council 1999). Recognising this contradiction and its negative effects, this research seeks to give an account of the governing of the Balkan Route and its travellers, and to explore what underlying structures led to this situation. The research is guided by the following Problem Formulation:

Why did the EU and its member states neglect and abandon asylum seekers on the Balkan Route and in Greece during the so-called refugee crisis?

    1. How did the EU and the Balkan States govern Secondary Movement on the Balkan Route during the so-called refugee crisis?

    2. How did the EU and its member states deal with the asylum seekers left in Greece?

    3. What values and interests of and in the Nation States shaped these policies?

    4. What values and interests on EU level shaped these policies?

The research aims to answer these questions through a qualitative analysis of textual data related to the governing of the Balkan Route and its travellers during the so-called refugee crisis. The data derives from the public and scientific debate of the *crisis*, as well as migration and asylum in general; and is supported by information obtained during a four-month-long participant observation in a Greek NGO. The study seeks to answer *how* the Balkan Route and its travellers were governed by the EU and its member states, both while the route was open, and after its closure. Furthermore, and more significantly, the study seeks to uncover the underlying values and interests that constituted – and therefore *explain* – this way of governing. This is done by analysing the policy measurements, as well as the discourse on them and on asylum (seekers) in general. It includes analysing the framing of certain events and of the travelling migrants, for example through metaphors and categories, and how discourse is used to legitimise the policy responses on EU level and the level of Nation States. In doing so, the research mainly takes a social constructivist approach. It utilises theoretical concepts derived from Political Science, International Relations, Anthropology and Linguistics to approach the case at hand from different, complementary angles.

This introduction concludes with a presentation of the main concepts used in this

report. Chapter 2 then presents the methods employed for this research. It consists of a clarification of design and paradigm, data sampling, the strategy for the analysis, a quality discussion as well as limitations and ethical considerations. In order to guarantee the understanding of this case in its context, chapter 3 provides information on the European Union, its legislative structure and its common asylum policy. Chapter 4 answers the first two sub-questions by presenting the governing of the Balkan Route, and illustrating how the asylum seekers left in Greece were governed in terms of Secondary Movement. Chapter 5 then provides the theoretical framework for the analysis. This includes the concept of the *Nation State*, the Nation State's interests in asylum governance and both motivations and obstacles to interstate cooperation. Furthermore, it provides concepts for the analysis of discourse by introducing theories of framing, namely *Problematisation* and *Securitisation*. It also presents theoretical framework for the analysis of *metaphors* and *categories*. Chapter 6, the analysis, reveals the underlying values and interests responsible for the governing of the Balkan Route, which are related to the perceived christian nature of Europe, the practice of denoting the majority of asylum seekers as economic migrants, and tensions between the EU and its member states. This is followed by a discussion and conclusion in chapter 7.

Main Concepts

In order to further clarify the scope and aim of this research, the main concepts used in this paper will be introduced. The definitions are to be understood as technical ones, used in asylum governance and discourse. Further clarification on how this research views and uses categories in light of its social constructivist approach can be found in chapter 5.

This research looks at how the movement of **asylum seekers** on the Balkan Route and their situation is Greece was governed. According to IOM, an asylum seeker is "a person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments" (IOM 2011). The lengthy bureaucratic asylum process accounts for many applicants staying asylum seekers for a long time, hence remaining in a legal limbo in which they do not know whether they will become a rejected asylum seeker, or a recognised

refugee.

In accordance with the 1951 Geneva Convention Relating to the Status of Refugees and the 1967 Protocol, which the EU member states signed, the IOM defines a **refugee** as

> a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (IOM 2011).

An asylum seeker can become a recognised refugee once his or her claim for asylum has been accepted. As the definition laid down by the Geneva Convention leaves room for interpretation, every country decides on its own terms who is regarded a refugee, and who is rejected. EU countries are guided in this process by the criteria in the EU's Qualification Directive.

The increased arrival of asylum seekers to Europe following the Arab Spring in 2011[2] is often termed as the **refugee crisis**. An exact starting point is hard to pinpoint and may vary based on the context. For the purpose of this research, which focuses on the Balkan Route, we define the refugee crisis as having started in 2015. Though 2014 was the year in which the first significant increase of border crossings in this region occured, the analysis focuses on the years 2015 to 2017, as the main policy measures were undertaken in this timespan: From a practically open route in 2015, to the official closure in early 2016, and the end of the two-year long Emergency Relocation Scheme of the EU in September 2017. In this study the term refugee crisis is used to delimitate the time span of interest. Its use is not without downsides however, as the term is highly politicised. Labelling the situation of increased arrivals a *crisis* can be interpreted as justifying the failure of the EU and its member states to respond in a more humanitarian and effective way.

When analysing the governing of the Balkan Route and the asylum seekers in Greece, we look at the values and interests both of and in Nation States, as well as on EU level. Values and interests as intersubjective social constructs are recognised as the underlying force driving Nation States' and the EU's governing of migration (Betts 2011a, Burchill 2005). Using Zaiottis (2011) concept of *background assumptions,* **Values** are defined as prevalent intersubjective

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2   The Arab Spring caused political instability in several Arab countries which resulted in a significant rise in arrivals (58.000 people) to the EU's Southern shores (Langford 2013)

cognitive structures concerning migration and its impact, the identity of asylum seekers, and its relation to the identity of Europe, the EU and its member states. Policy makers, interest groups and individuals rely on these perceptions to interpret reality and act upon this interpretation. **Interests** are what drives Nation States and the EU to act; they are a key indicator of state behaviour. A salient interest for Nation States is national security, a concept that describes the protection of a state's existence through defence of sovereignty and territory. Generally, interests are seen as socially constructed in relation to values. Dominant groups in a state's society and government have the power of defining this construction. In the context of this study, values are often connected to concepts of identity. Therefore, perceived threats to national interests and identity are especially relevant in the analysis (Burchill 2005; Weldes 2011). In this paper, the concept of interest will be invoked causally to explain policy measures on the Balkan Route. In doing so, values and interests are not seen as objective or given, but rather social constructions negotiated and contested through public discourse between for example NGO's, interest groups and the media (Betts 2011a; Burchill 2005, Weldes 2011). The concept of national interest also has a normative function: Political leaders ought to act in the best interest of the Nation. Therefore, it can serve as a powerful rhetorical tool to legitimise policies (Weldes 2011).

2. Methodology

The following pages explicate the methods deemed adequate to explore the topic at hand and to answer the previously posed research questions. First, the general design and underlying scientific paradigm are introduced. This is followed by a description of the data used and an explanation of the strategy employed to analyse it. The fourth sub-chapter discusses reliability and validity. Lastly, limitations and ethical considerations are outlined.

2.1 Design and Paradigm

This research is a qualitative analysis of the governing of the Balkan Route and its travellers during the so-called refugee crisis. As the study focuses on one specific case, it can be termed a case study (Hammersley 2004; Stake 2005). Drawing on Denzin and Lincoln (2005), the researcher understands her work as studying the case in order to interpret it in terms of its meanings. In this case, the underlying structures in the form of values and interests that account for the governing of the Balkan Route are of interest.

By gathering and evaluating legal documents and textual data deriving from the public debate of the so-called crisis and migration and asylum in general; and supported by information obtained during a four-month-long participant observation in a Greek NGO, the study seeks to answer how the Balkan Route was governed by the EU and its member states and which underlying values and interests constituted – and therefore explain – this way of governing.

Policy measures and discourse regarding asylum are interconnected parts of asylum governance as socially constructed reality, which is why the researcher attempts to examine both (Fairclough 2006). The reality of migration governance, including on the Balkan Route, is characterised by borders and boundaries. While borders are of material nature, and serve as the place were the constructed illegality of migration becomes highly visible (De Genova 2013), boundaries can be bureaucratic restrictions that asylum seekers face, or discoursive practices to reinforce and justify borders and bureaucratic boundaries, such as categories of allegedly undeserving migrants (Dijstelbloem 2015; Jansen, Celikates & de Bloois 2015; Sicurella 2017).

Discourse is understood to be a particular way of representing certain aspects of the social world. It is socially constructed and therefore subject to the

transformative or reproductive potential of human agency. Public discourse as an element of social processes, practices and events has the power to create and shape approaches to migration governance (Fairclough 2005; 2006). Apart from migration policy itself, discourse can therefore reveal underlying values and interests. The presentation and analysis of these elements with adequate theoretical tools reveals how the Balkan Route and its travellers were governed, and what underlying values and interests account for this.

The study's scientific philosophical approach combines aspects of Social Constructivism and Critical Realism, with a stronger focus on Social Constructivism. According to Social Constructivism, the social and political world solely exists as inter-subjective awareness among people of a certain group. Naturally, this means phenomena of the social world such as migration and especially asylum, are socially constructed. Values, with their constitutive effect on interests as defined in chapter 1, are crucial in the construction of social reality (Burchill 2005). In line with Social Constructivism, this paper regards the concept of migration in general, the perception that it needs governing, as well as the values and interests that determine this governing, as socially constructed. In this process of constructing and maintaining reality through "collective human action, thought, discourse or other social practices" (p.895), linguistic structures are regarded as especially powerful and therefore, among other aspects, relevant for this analysis (Collin 2013).

The researcher draws on Critical Realism by acknowledging that measurements employed to govern migration – though socially constructed – present those affected by them with severe restrictions to act according to their own human agency. Asylum seekers travelling to and through Europe on the Balkan Route were confronted with a pre-constructed world of migration governance (the domain of *actual* in Critical Realism), which itself was influenced by underlying causal structures (the *causal* or *real*). By drawing on pre-existing structures and practices, certain powerful actors have the ability to either reproduce or transform them (Fairclough 2005; 2006; Houston 2014). As this research seeks to uncover the underlying reasons for the way the Balkan Route and its travellers were governed, it acknowledges Critical Realism's stratified view of reality.

In the process of the analysis, the researcher engaged with the data and theoretical material through a coding process in an abductive way, inspired by

Grounded Theory. That meant moving back and forth between data, observations and theoretical concepts while establishing connections that can provide a deeper insight into underlying constructed ideas and interests, and their impact (Dey 2004).

2.2 Data

The study analysed textual data concerning the refugee crisis on the Balkan Route. Drawing on Blommaert and Verschueren (1998), the study sees "the debate as the empirically observable side of the processes constituting public opinion, policy making and legitimation" (p.4). Hence, this kind of data can provide information on the concrete policy measures, as well as their discussion and legitimisation in public.

The data set included online and print news articles published by news outlets from different, mostly European, countries. The articles consist of information on developments on the Balkan Route and the situation of asylum seekers in Greece, statements and interviews with politicians, as well as opinion pieces and analyses by journalists and policy experts. Furthermore, EU documents such as legislative documents, press releases and speeches were analysed. In addition, the researcher incorporated the websites of institutions for migration and asylum governance of Nation States and the EU. This included the DG for Migration and Home Affairs of the EU, which task is to build a common EU migration policy based on solidarity and responsibility (European Commission – DG Migration and Home Affairs 2018a). Lastly, studies on asylum seekers' situation on the Balkan Route were incorporated in the data set. As the research is specifically concerned with the governing of the Balkan Route and its travellers from 2015 to 2017, the majority of data derives from that timespan. However, the research seeks to uncover underlying values and interests of this governance. Therefore, the study profited from including data originating from the ongoing public debates on migration, asylum and identity in general. Such sources helped to recognise the generally prevalent values and interests. Due to language proficiency limitations, the researcher mainly used sources in English and German, but made an effort to incorporate sources originally published in other languages, if trustworthy translations were accessible.

Inspired by thoughts attributed to Grounded Theory (Dey 2004), the researcher did

not define or confine the data set prior to the analysis. The process of acquiring data likened "theoretical sampling of successive sites and source, selected to test or refine new ideas as these emerge from the data" (Dey 2004, p.81).

The data gathered was amended by experiences and information obtained during a four-month participant observation in a Greek NGO working with young asylum seekers in Thessaloniki. This NGO runs shelters for unaccompanied minor asylum seekers and social apartments for asylum seekers aged 18-25. Apart from providing food and shelter, the social workers and lawyers active in this NGO assist the beneficiaries with psychological and legal support, as well as social and educational activities. The researcher took on the roles of a teacher and social worker and engaged both in educational and free time activities alike. Working and conversing with employees and beneficiaries not only inspired this research, but provided a better understanding of the Balkan Route's governing in practice and its effect on asylum seekers. This was specifically applicable in the case of understanding the EU's and its member states' governing of asylum seekers left in Greece, who were waiting for a decision on their claim for asylum, or waiting for a decision on applications for relocation or Family Reunification.

2.3 Analysis

The first and second sub-question of this research are of descriptive nature, as they ask *how* the EU and its member states governed Secondary Movement on the Balkan Route, and *how* the asylum seekers left in Greece after the route's closure were dealt with.

Hence, the researcher identified the main events, policy responses and aspects of the Balkan Route's governing during the so-called refugee crisis. Aspects and events were classified as important if they seemed to have received wide media coverage, had an influence on the developments on the Balkan Route or the asylum seekers' situation in Greece, or were a change or explicit perpetuation of a Nation State's or the EU's position towards the governing of the route. Employing this strategy, the researcher aimed to give a thorough account of the relevant developments on the Balkan Route and the governing of asylum seekers left in Greece. Information obtained during the participant observation mentioned above amended the findings.

The third and fourth sub-question are of analytical nature. By answering them, the

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research attempts to uncover the underlying reasons on both Nation State and EU level, that are accountable for this way of governing.

As the Problem Formulation presupposes, this research takes the stance that underlying values and corresponding interests in migration governance do exist; and that they were the main force behind the EU's and its member states' governing of the Balkan Route. As their name suggests, underlying values and interests in migration governance are not communicated explicitly. Instead, they reveal themselves in certain measurements, in a contradiction between rhetoric and practice, or are implicitly communicated through a certain way of arguing, including the use of metaphors and categories. The analysis therefore put emphasis on all these aspects and attempted to establish connections between them.

Guided by the research questions and drawing on the theoretical framework presented in chapter 5, the researcher identified main themes in a process of coding inspired by Grounded Theory (Dey 2004). Aspects of the data were labelled with conceptual codes and examined for their connection with each other, and for possible belonging to overarching values and interests. Conflicting aspects were weighed against each other and the scientific material available in this field. As themes emerged, the collection of further data was necessary to include in the analysis in order to assess the relevance of themes. Likewise, emerging aspects inspired the inclusion of certain theoretical concepts to approach them in a circular process that drew connections between this research and existing studies and theories in this field. This approach was employed to ensure "openness towards who and what is studied [and] understanding a subject's or a field's structure rather than of projecting a structure into what is studied" (Flick 2007a, p.14).

2.4 Quality Discussion

This section addresses the quality of this study in terms of reliability and validity. As the commonly used quality criteria reliability and validity originally derive from quantitative research, they tend to be conceptualised in ways of standardisation of the research situation and are – in their traditional understanding – partly unfit for qualitative research (Flick 2007b). This is why this research utilises a qualitative understanding of reliability and validity.

The qualitative case study design of this research does not satisfy a traditional

understanding of reliability, which concerns the replicability of the study with the same results. Due to the constructed and therefore possibly evolving nature of social phenomena, the data sampling process being subjective, as well as the participant observation which influenced the researcher, it is not possible to recreate the same study setting. However, the qualitative study design enabled a comprehensive exploration of the topic of interest, and accounts for findings which a quantitative design would not have been able to uncover. By laying open and describing the methods chosen, as well as the implications of each methodological and theoretical paradigm, this study seeks to ensure its reliability (Flick 2007b).

Internal validity concerns "the extent to which causal propositions are supported in a study of a particular setting" (Seale 2010, p.102) and can be argued to be a strength of this research. The researcher selected and analysed data which was not produced for the purpose of analysis, but an aspect of the social phenomenon at hand. This fostered a high degree of coherence between the phenomenon and the findings. In line with the social constructivist perspective of this study, the researcher acknowledges that by analysing and presenting underlying values and interests of the EU and Nation States as explanation for the governing of the Balkan Route, she herself engaged in constructing a certain version of social reality, which might be challenged by differing perceptions. This does not affect the validity of this study, but emphasises the understanding of reality as a product of construction. Concerning external validity, the extent to which the study's findings can be generalised across social settings, and according to Seale (2007) the study's "relevance to practical and political projects, its consequences, uses and overall purpose" (p.380), the researcher believes that the findings partly have the potential to be tested for their applicability to other cases in the context of studying migration governance, due to the study's focus on underlying structures (Stake 2005). As the research uncovers underlying structures accountable for the governing of the Balkan Route, the assumption of these structures' existence in other cases of migration governance seems likely. However, due to this study exploring one specific case, transfer of findings can only be partial and requires careful consideration.

2.5 Limitations and Ethical Considerations

This study focuses on the Balkan Route during the so-called refugee crisis, and on

the situation of asylum seekers in Greece after its closure. Limiting the focus to a specific geographic location and time-span allows for the detailed examination of a particular case with meaningful results. Though partial transfer of the findings might be possible in selected cases, the researcher does not seek to or claim to reach a universal conclusion. Furthermore, though data sampling was done as carefully and thoroughly as possible in order to identify the main aspects of interest, it presents only a fraction of the data available in relation to the governance of the so-called refugee crisis on the Balkan Route. Moreover, the researcher included data from different EU member states, but was mainly limited to data which was published in English or German due to language proficiency limitations.

Glick-Schiller (2007) points out how by normalising the distinction between migrants and non-migrants, the academic discipline of Migration Studies has contributed to the understanding of migration as abnormal phenomenon. This perception of migration as outside of the norm is partly responsible for restrictive migration policies. Therefore, denoting asylum seekers on the Balkan Route and in Greece as group of people distinct from the prior population of Europe as done in this research can be seen as ethically questionable. Furthermore, when describing and analysing the EU's and its member states' governing of the Balkan Route and its travellers, this study uses categories like *(real) refugee, asylum seeker*, and *economic* or *irregular migrant* as research on migration frequently does*. It is vital to recognise these categories as potentially harmful, as chapter 5.2 explicates, and using them in research means the reproduction of such questionable distinctions and simplifications (Mezzadra 2015). However, the use of these categories seems inevitable in order to reconstruct the governing of the Balkan Route and its travellers, and to uncover the EU's and its member states's strategies of justifying migration governance. In doing so, the use of these normalised categories serves the purpose of encouraging their partial deconstruction.

3. The European Union and Asylum

To ensure proper understanding of the analysis as well as to enable placing this study's finding within the context of the EU and its governance of migration and specifically asylum, this chapter provides the reader with information about the EU, the legislative process in the EU and lastly its legal framework on asylum, which had been in place prior to the refugee crisis.

3.1 The European Union

The European Union (EU), the key pillar of European integration today, is an economic and political union between 28 European countries (Bickerton & Zielonka 2011). While European integration was initially mainly driven by economic interests, it has evolved into a deep integration project covering a vast number of policy areas. As the DG Communication of the European Commission (2014) puts it, "the unique feature of the EU is that, although these are all sovereign, independent states, they have pooled some of their 'sovereignty' in order to gain strength and the benefits of size".

The beginning of European integration was marked by the creation of the ECSC in 1951 and the establishment of the EEC in 1957 (Gilbert 2011). Since then, it has grown from six members to 28 by 2015 (Wallace, Pollack & Young 2010), and progressed into an organisation which covers "policy areas from climate, environment and health to external relations and security, justice and migration" (European Union 2018). The most significant treaties in this process were the Treaty of Maastricht (signed 1992, came into force 1993), the Treaty of Amsterdam (signed 1997, came into force 1999) and the Treaty of Lisbon (signed 2007, came into force 2009).

The Maastricht Treaty instituted the European Union. It was given certain power and responsibilities, which were classified into three pillars. Apart from cooperation in the area of economy, the EU was supposed to define and implement a common foreign and security policy, as well as take common action on justice and home affairs, which included border control and rules on migration. The Amsterdam Treaty amended the Treaty of Maastricht and gave greater law making competence to the EU (Novak 2018). Today, the European Union rests on the Treaty of Lisbon, which abolished the three pillar system and clarified the powers of the Union (Panizza 2018). The EU is based on the values *human dignity,*

freedom, democracy, equality, rule of law and *human rights*, as named and defined in the Lisbon Treaty and the EU Charter of Fundamental Rights (European Union 2018).

In 2012, the EU was awarded the Nobel Peace Price for its contribution "to the advancement of peace and reconciliation, democracy and human rights in Europe" (The Norwegian Nobel Committee 2012).

A main achievement of the EU of not only ecnomic and practical, but also high symbolic value, is the freedom for its citizens to move and reside in any EU country they wish. Citizens of EU member states acquired this right with the Treaty of Maastricht, which gave them Union citizenship in addition to their national citizenship (Tomkin 2011). Freedom of movement is further facilitated by the Convention Implementing the Schengen Agreement (CISA), often referred to simply as the Schengen Convention. Originally developed independently of the EU and signed in 1990, it was integrated into EU framework with the Amsterdam Treaty in 1997 (Huybreghts 2015). The Schengen Convention guarantees the free movement of people legally present in the EU within its territory, and abolished internal border controls. EU members Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom are not part of the Schengen Convention, while non-EU member states Iceland, Norway, Switzerland and Liechtenstein are (European Commission – DG Migration and Home Affairs 2018b).

3.2 The Legislative Process in the European Union

Decision-making at EU level involves five institutions: the European Council (consists of the heads of EU member states), the European Commission (represents the interests of the EU as a whole), the European Parliament (represents the EU's citizens, by whom it is directly elected), the Council (represents the governments of EU member states), and the Court of Justice.

While the European Council defines the general political direction and priorities of the EU, it does not have legislative power. Instead, the legislative procedure involves the European Commission, which puts forward policy proposals, as well as the European Parliament and the Council, who both have the power to approve and adopt, or reject them.

The Commission consists of a college of 28 Commissioners, one from each member state. Supported by staff, they are leading different Directorate-Generals,

responsible for certain policy areas. The Commission puts forward policy proposals at invitation of EU bodies or EU citizens, or acts on its own initiative. Apart from proposing legislation, the Commission is responsible for managing and implementing EU policies and the budget, for enforcing European law (jointly with the Court of Justice) and represents the Union around the world.

Once a proposal has been put forward, it will be read and discussed by the European Parliament. The Parliament holds, together with the Council, the power to pass legislation. As a directly elected body, it helps to guarantee the democratic legitimacy of EU law. The Parliament supervises all EU institutions, including the Commission and the Commissioners, and has the right to censure the Commission. It shares with the Council the authority over the EU budget.

The other body which has to approve a law proposed by the Commission is the Council. The Council consists of one minister from each member state. The ministers are not just responsible for approving EU legislation, but also for coordinating the policies of member states, defining and implemeting the EU's common foreign and security policy, concluding international agreements, and – jointly with the Parliament – approving the budget.

The Court of Justice has judiciary power, its role is to enforce EU law.

Policy making in the EU involves balancing national interests with common EU interests and negotiate them with fellow member states and the EU.

Legislation on EU level comes in five different forms. A **Regulation** is a binding law that has to be applied directly by and in all member states. While national laws may have to be changed in order to not conflict with the regulation, there is no need to pass the regulation itself into national law. Unlike a regulation, a **Directive** is a law that commits member states to reach a certain goal. As a directive states the result which is to be achieved, the member states themselves decide how to realise it. Consequently, directives have to be translated into national law to become effective. A **Decision**, entirely binding, can be addressed to member states, groups of people, or individuals to decide on particular issues in question. Lastly, EU law can come in the form of **Recommendations** and **Opinions**. They have no binding force (European Commission - DG for Communication 2014).

3.3 The Common Europen Asylum System (CEAS)

With the abolition of internal borders and deeper European integration came the

need to cooperate on migration policy on an EU level to protect the external borders more strongly, something that had already been acknowledged in 1989 by the Council of the European Community's Palma document (Düvell 2017; Gallagher 2002; Jeřábek et al. 2018; Lambert 2010). The need for strong external border control has been successfully normalised in the public understanding and seems to be common sense (Huysmans 2000). While cooperation on migration policy in Europe dates back to the 1980s, it was mainly concerned with the movement of EU nationals. In order to also harmonise policies on asylum of third country nationals, the Council of European Union formally committed member states to develop a common policy on migration and asylum with the signing of the Tampere Statement in 1999 (European Commission – DG Justice and Home Affairs 2002). The Tampere Statement envisioned such a common policy to be achieved through a two-stage process. Immediate objectives were the development of a system for determining the responsible EU member state for assessing a claim for asylum, common standards for the asylum procedure, common minimum reception conditions, and the approximation of rules on recognition of refugee status and the content of it. The implementation of a common asylum procedure and to create an asylum status valid throughout the EU was formulated as a long term goal (Espinoza & Moraes 2012; Vedsted-Hansen 2011). While this goal has not yet been achieved, the short term goals were realised in the form of the CEAS. The CEAS consists of two Regulations and four Directives: The EURODAC Regulation, the Dublin Regulation, the Reception Conditions Directive, the Asylum Procedures Directive, the Qualification Directive, and the the Temporary Protection Directive.

While the EURODAC Regulation established an EU asylum fingerprint database, the Dublin Regulation defined which Member State is responsible for examining an asylum claim. The Reception Conditions Directive lined out common standards of reception conditions, including the aspects of housing, food, health care and employment for asylum applicants. Lastly, the Qualification Directive established common grounds to grant international protection (European Commission – DG Migration and Home Affairs 2015). In the case of a mass influx of asylum seekers to the EU, the Temporary Protection Directive allows for the Council to award temporary protection to groups of people deemed in need of protection. EU countries must comply and issue residence permits to the people in question.

Interestingly, the Temporary Protection Directive has so far never been triggered (Eur-Lex 2017).

Recognising the fact that all EU member states are signatories of the 1951 Geneva Convention relating to the Status of Refugees as well as the Protocol, the Tampere Statement stressed the need for the CEAS to fully implement refugees' rights as defined by the Convention and Protocol (Langford 2013). However, it is important to point out that the CEAS was not solely intended to serve as an instrument to protect asylum seekers' internationally recognised rights, but also to realise protectionist interests of the EU and its member states which will be further elaborated on in chapter 5. In line with that intention, its second main objective is to combat asylum seekers' **Secondary Movement** (Bauloz et al. 2015)**.** In a recent briefing paper, the European Parliament hears that "Secondary Movements occur when refugees or asylum-seekers move from the country in which they first arrived to seek protection or for permanent resettlement elsewhere" (Radjenovic 2017, p.1). As this kind of movement uncontrolled by state or EU authorities is linked to a range of negative aspects, such as security concerns or concerns for the abuse of the asylum system by filing several claims in different countries, the main objective of the CEAS is to prevent Secondary Movement from happening.

The CEAS is to counter Secondary Movement with a two-step strategy. The first step was the Dublin Regulation, in its first version established in 1990. The Dublin Regulation allocates responsibility for examining an application for asylum to the member state the asylum seeker first entered. If he or she moves to another country regardless, the member state who is the destination may return him or her to the member state that was entered first, and therefore is officially responsible. As the Dublin Regulation presupposed that asylum seekers were treated in a similar way in all member states; and to further decrease motivation for Secondary Movement, the EU attempted to harmonise asylum procedures and conditions through the Directives (Bauloz et al. 2015).

Due to the partly contradictory attempt to combine national protectionist interests with the protection of asylum seekers' rights, the CEAS in its first as well as recast version turned out to be an aggregation of various and dispersed rules instead of the thorough common standard that had been aimed for (Bauloz et al. 2015). This "patchwork asylum regime" (Langford 2013, p.1) functions only as a baseline of minimum standards with room for varying interpretations on how to realise them.

In addition, compliance with the Directives is not well monitored. As a result, every EU member state still has its own standards of asylum, a fact that, among other factors, might add to an asylum seeker's decision to travel to a certain country.

The EU agencies FRONTEX and EASO are to support member state's efforts in the area of migration. While the control of external EU borders is the responsibility of the member state with that border, the European Agency for the Management of Operational Cooperation at the External Borders, FRONTEX, can provide support with this task. EASO, the European Asylum Support Office, is to help member states fulfill their obligations as defined by the CEAS (European Commission – DG Migration and Home Affairs 2015).

4. Presenting the Case - The Refugee Crisis on the Balkan Route

In 2015, the Balkan Route became the main channel for migration into the EU and onwards to Northern and Western European countries. The increased number of people travelling through the Balkan countries prompted a political reaction on EU level as well as national reactions by member and non-member states of the EU. The following chapter gives an account of these policy responses during the so-called refugee crisis by first presenting the main events related to governing Secondary Movement on the Balkan Route until its closure in March 2016. This is followed by a display of how the EU and its member states dealt with asylum seekers stuck in Greece after the Balkan Route was closed.

4.1 How Did the EU and its Member States Govern Secondary Movement on the Balkan Route?

Although the Balkan Route had been used by migrants before, it was the year 2014 which saw the number of border crossings on the Balkan Route rise significantly for the first time. According to Frontex, 43.357 border crossings on the Balkan peninsula occured in 2014, compared to 19.950 in the year before. 2015 saw another, even more remarkable increase to 764.038 crossings detected by Frontex (2018a), and over 1.000.000 people reaching Western and Northern European countries via the Balkan Route (Arsenijevic et al. 2017). The heavy frequentation of the Balkan Route – by then the main migratory route in Europe – prompted heated political debates on how to manage the situation, widely covered by media. National strategies shifted from chanelling migrants onwards to increasingly restrictive border policies. Finally, an EU agreement with Turkey contained asylum seekers from reaching Greece. These confining national and EU policies eventually resulted in the complete closure of the Balkan Route for asylum seekers. Consequently, the number of border crossings sank to 130.261 in 2016, and only 12.178 in 2017 (Frontex 2018a).

In the beginning of 2015, it was foreseeable that the Balkan Route would become even more frequented than it had been in 2014. By then, the main route led asylum seekers from Greece trough Macedonia and Serbia – both EU-candidate countries and non-Schengen members – to Hungary. Greece's faulty asylum system was already overburdened with the number of asylum seekers in the country, and so Greece allowed newly arriving asylum seekers to leave its territory

and travel onwards (Evangelinidis 2016). The transit countries along the route did the same. As Hungary is both an EU member and signatory of the Schengen Convention, asylum seekers hoped to be able to easily travel to other EU countries from there. Though the Balkan Route was fairly open to asylum seekers, the journey can not be described as easy or safe. Reports about abuse by officials, the police or criminal gangs, death on railways the asylum seekers walked on for orientation, as well as occasional deportations to the last country if caught close to the border exemplify this (Arbutina & Sabljaković 2015; Arsenijevic et al. 2017).

On 17th June 2015, Hungary announced intentions to build a fence to neighbouring Serbia, in an attempt to stop asylum seekers from crossing into its territory.

In the wake of rising numbers of asylum seekers coming to Germany, conservative German chancellor Angela Merkel (CDU) expressed her faith into the countries capacities with the now famous quote "Wir schaffen das" [engl. We can do it] (DR 2018) on 31st August 2015. Her statement was widely regarded as an invite for asylum seekers to come to Germany (Cocco 2017), and would later be used by the chancellor's political opponents to mock her (Heißler 2016). On 04th September 2015, in line with that statement, Germany and Austria announced the joint decision to officially allow asylum seekers detained in Hungary, after it had stopped all international rail traffic to Western Europe a few days earlier, to cross into Austria and travel onwards to Germany if they wished to do so (Smale et al. 2015, Tagesschau 2015).

On 14th September 2015, the Hungarin border fence to Serbia was finished. As a result, the main Balkan Route shifted. People became stuck in Serbia first, and then chose to travel from Serbia to Croatia instead, and from there onwards to Slovenia and Austria. In the first two days after the border closure, approximately 15.000 people crossed into Croatia (Sicurella 2017).

Suddenly a part of the main Balkan Route, Croatia – an EU member but not part of the Schengen Convention – announced it would let asylum seekers enter to pass through its territory. Therefore, Croatia's Southern neighbour Serbia began to send asylum seekers with buses directly to the border with Croatia, and Croatia intended to facilitate state controlled transportation to its borders, an attempt that was only partly sucessful due to the large number of people travelling. Croatia then accused Serbia of not controlling its borders, a statement that sparked a

series of mutual accusations that at one point ended in a complete temporary border closure between Serbia and Croatia (Pavlović 2016).

By the end of September 2015, Greece, Macedonia, Serbia and Croatia all organised asylum seekers' journey through their territory by providing buses. Hungary had started erecting a fence to Croatia, as it feared becoming part of the Balkan Route again. One month later, in October 2015, Austria announced its intention to build what its then-chancellor Werner Faymann (SPÖ) called "a door with side parts" (Riss 2015), to better control migratory influx from Slovenia. Austria also transported asylum seekers on their way to Germany to the German border, were some of them were picked up by trains sent from Germany.

On 25th October 2015, President of the European Commission Jean-Claude Juncker summoned a meeting of the leaders of the EU countries Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Romania and Slovenia, and the non-EU countries Albania, Macedonia and Serbia to address what was called an emergency situation. The objective was to improve cooperation and replace national action with a common approach (European Commission 2015b). This was realised in the form of a 17-point action plan. The concrete efforts were grouped under the headings p*ermanent exchange of information, limiting secondary movements, supporting refugees and providing shelter and rest, managing the migration flows together, border management, tackling smuggling and trafficking,* and *information on the rights and obligations of refugees and migrants,* to be monitored by the Commission on a weekly basis (European Commission 2015c). Interestingly, the leaders agreed on the desire to fully restore EU and international border law and "avoid unilateral measures including de facto nationality- and destination-based entry conditions and fence constructions" (European Commission 2016).

November 2015 saw Sweden, one of the main destination countries for asylum seekers on the Balkan Route, introduce border controls. Slovenia built a fence to Croatia, while Macedonia built a fence to Greece.

Visual 2: Fences built on the Balkan Route (Source: Arsenijevic et al. 2017)

The building of more border fences, officially intended for a better control of migratory movements, was accompanied by the for the EU unexpected decision of Macedonia, Serbia and Croatia to only let Syrian, Iraqi and Afghan nationals cross the borders on the Balkan Route from now on – as opposed to the objectives of the 17-point action plan (Kaschel 2017).

In early 2016, Austria's then-foreign minister Sebastian Kurz (ÖVP) suggested a domino effect of EU internal border closures as a possible European solution to the so-called refugee crisis on the Balkan Route. In addition, the Visegrad states Poland, Czech Republic, Slovakia and Hungary demanded a stronger EU external border control. In accordance with Kurz' comments, Austria took the first step towards a domino effect of border closures by capping the number of asylum applications at 37.500 per year. In comparison, 90.000 asylum applications were filed in Austria in 2015 (BBC 2016). As a reaction to the cap, Macedonia closed its border to Greece for 48 hours. Afterwards, the countries of the Balkan Route only let Syrian, Iraqi and Afghan asylum seekers explicitly declaring to be on their way to Austria or Germany travel onwards (Kaschel 2017).

One month later, on 19th February 2016, Austria introduced a daily limit of 80 asylum applications, and 3.200 people to cross to Germany and onwards. This

was done regardless of EU Commissioner Avramopolous' warnings of Austria violating international and EU refugee law (Huggler 2016). Then-minister of the interior Johanna Mikl-Leitner (ÖVP) stressed again the desire to cause a domino effect, with other countries following the Austrian example. Meanwhile, Macedonia, Serbia, Croatia, Slovenia and Austria agreed to organise asylum seekers' journey in a more coordinated way, with the only registration required in Macedonia. The transportation was carried out by the national train companies. At a summit of its leaders however, the EU agreed that the policy of channeling asylum seekers onwards had to end (Deutsche Welle 2016a).

On 24th February 2016, Austria initiated a meeting of the countries along the Balkan Route, except Greece. As a reaction, Greece recalled her ambassador to Austria home. Greek prime minister Alexis Tsipras, leader of the left-wing *Syriza* party, called on his fellow EU countries to focus on the relocation programme (Smith & Traynor 2016). Following the meeting in Vienna, Macedonia excluded Afghan nationals from the group of people allowed to cross into its territory. As a further restriction, from 26th February onwards Macedonia, Serbia, Croatia, Slovenia and Austria only allowed 580 people each day onwards. This policy piqued Greece, as it resulted in 25.000 people being stuck in Greece just two days later. Acknowledging the Greek struggle, the European Commission suggested 700 Million Euro as a help to alleviate the refugee crisis (Deutsche Welle 2016b).

March 2016 marked the month of the Balkan Route's official final closure. In preparation of an EU summit on 7th March, President of the European Council Donald Tusk travelled to the countries on the Balkan Route as well as Turkey to advocate a joint European solution and prepare a cooperation agreement with Turkey (European Council 2016a). On 7th March, Turkey and the EU reached an agreement that saw Turkey prevent more asylum seekers from travelling to Greece, and taking back those that arrived after the 20th March, the day the agreement came into force. In return, the EU agreed to financially support Turkey, promised visa liberations and re-energised admission talks (European Council 2016b). On 8th March 2016, Slovenia, Serbia and Croatia closed their borders to all travellers without the proper papers, which included asylum seekers. On the 9th March, Macedonia followed. The Balkan Route was officially closed (Kaschel 2017).

4.2 How Did the EU and its Member States Govern the Asylum Seekers Left in Greece?

The closure of the Balkan Route on 8th and 9th March 2016 made 35.000 asylum seekers immediately become stuck in Greece with little chance to travel onwards. President of the European Council Donald Tusk praised the closure as a joint European measure; and Austria's then-minister of the interior Mikl-Leitner affirmed Austria's intention to keep the Balkan Route closed permanently. This was met with criticism by Greek prime minister Tsipras, who condemned the closure as an outcome of single Nation States' decisions rather than a joint EU measure (Deutsche Welle 2016c).

The possibilities for the asylum seekers stuck in Greece had been determined long before the Balkan Route was closed. After Secondary Movement via the Balkan Route was made impossible, asylum seekers who had wanted to travel onwards were left with three options: 1. Those who decided to stay in Greece instead could apply for asylum there. Those who were still willing to travel to other European countries could 2. apply for Family Reunification, or 3. apply for participation in the EU Emergency Relocation Scheme. While the options of applying for asylum in Greece and applying for Family Reunification are part of the regular legal migration framework of the EU, the Emergency Relocation Scheme was set up by EU countries as a response to the migratory influx to Italy and Greece.

In May 2015, while the Balkan Route was heavily frequented, the European Commission proposed a joint scheme for relocation of asylum seekers from Greece and Italy. The Commission justified the temporary deviation from the Dublin Regulation inherent in such a plan with Article 78(3) of the TFEU, which allows for such a deviation in the case of a heavy influx of third-country nationals into an EU country (European Parliament 2018a). Relocation is understood to be "the transfer process of persons who are in need of international protection from one EU Member State to another EU Member State" (Bucur 2016, p.157). A first proposal was adopted on 20th July 2015. After the Justice and Home Affairs Council meeting, Commissioner Avramopolous announced that the leaders of European member states had agreed to relocate 40.000 asylum seekers from Italy and Greece, and had so far pledged 32.256 places to realise this plan. While calling this a success, Avramopolous also addressed the difficult process of reaching this agreement. This was, according to Avramopolous, partly due to the

fact that a mandatory relocation key to distribute asylum seekers to the member states, as proposed by the Commission, was not adopted (European Commission 2015a). In September 2015, EU member states complied with the Commission's suggestion to expand the relocation scheme to 160.000 people in total, in the spirit of EU solidarity and burden sharing. Each participating state was assigned a number of mandatory relocations to realise (Carlsen 2016; European Parliament 2018b; Official Journal of the European Union 2015). While Italy and Greece were responsible for identifying eligible candidates, the receiving EU member states should communicate, every three months, the number of people they were willing to allow in. Italy and Greece then allocated the participants to the member states, who were able to refuse indiviuals on valid grounds. The EASO was to facilitate and coordinate this process, and member states were to be reimbursed by the EU with 6000€ per person (Bucur 2016). The decision for implementing the relocation scheme was made by a qualified majority, with the Czech Republic, Romania, Hungary and Slovakia voting against it. Hungary and Slovakia unsuccessfully turned to the Court of Justice of European Union in order to annul the decision in December 2015 (European Parliament 2018b). While Slovakia announced to accept the court's ruling, Hungarian prime minister Viktor Orbán, member of the national conservative and right-wing populist *Fidesz* party, pledged to not abide by it. In June 2017, the European Commission launched infringement procedures against the Czech Republic, Hungary and Poland for not complying with the relocation decisions (Nguyen 2017).

Participation in the relocation scheme and Family Reunification as official legal ways of Secondary Movement from Greece to other EU countries, were not open for all asylum seekers but required certain conditions or characteristics, as will be explained below.

As the Family Reunification Directive of EU Migration law explicitly does not apply to asylum seekers, there is no common EU law or practice on Family Reunification. Instead, every Member State has their own regulations. However, criteria such as who qualifies for Family Reunification tend to be strictly limited (Council of Europe 2017). Strict criteria for participation in legal channels as an obstacle to Secondary Movement apply to the Emergency Relocation Scheme, too. To be eligible, an applicant must come from a country for which the EU average rate of recognising an asylum claim is above 75%. Also, he or she must

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have entered Greece or Italy after the 16th September 2015. As the allocation to an EU member state lies with the Greek Migration Authorities, the participant cannot choose his or her destination country. Instead, the Greek Asylum Service decides based on vulnerability of the asylum seeker, family ties in a certain member state and the asylum seeker's language skills (Asylum Service 2017).

During her participant observation in a Greek NGO, the researcher noticed that in addition to restrictive and exlusive criteria for legal Secondary Movement, progress on these applications was very slow. Several months or even years could pass from filing an application to receiving a decision, or a date of departure. A 24-year old man from Sierra Leone stated to even have cancelled his application for relocation, as it was taking too long and the uncertainty resulted in great mental stress. At the time of writing, a 17 years old Syrian boy was still waiting to be reunited with his family, after having applied in 2016. The employees of the NGO the researcher was working with suspected the long waiting time for Family Reunification to be a deliberate measure, as especially the waiting time between receiving a positive decision and the departure was very long. The researcher's colleagues explained that it was easier to reject the asylum claim of an adult, hence the receiving countries waited for the minors to reach the legal age of adulthood. While this is a suspicion, the possible negative impacts of a long waiting time on the applicant are a fact, and have a repellent function as Andersson (2014) argues and the case of the cancelled application shows. Several researches reveal the negative impacts connected to long waiting times in the legal asylum system, including mental disorders, depression, anxiety, stress, and the perception that ones life was forcibly put on hold (Hainmueller, Hangartner & Lawrence 2016; Rotter 2016; Taylor & Rafferty-Brown 2010).

Long waiting times were the rule for Family Reunification, relocation and asylum in Greece alike. In December 2016, one year into the EU relocation scheme, 70.000 people were waiting in Greek refugee camps for a decision on their claims, relocation or deportation after an unsuccessful claim (Riegert 2016).

In addition, despite the ambitious goal of relocating 160.000 asylum seekers, only 47.905 places for relocation had been formally pledged by member states by the aspired end of the Emergency Relocation Scheme in September 2017, and only 29.144 people had actually been relocated. This was despite the EU Commission and Council having repeatedly called on member states to live up to their promises

(European Parliament 2018b). In the light of these shortcomings, human rights organisation Amnesty International and the UNHCR did not only call for the scheme to continue, but also to adjust the participation criteria in order for more people to become eligible (Amnesty International 2017; UN City Copenhagen 2017). Commissioner Dimitris Avramopolous, however, merely aspired to accomplish the relocation of those asylum seekers already identified and registered for relocation – approximately 2.000 in Greece at the time. Relocating a number of 160.000 was, according to Avramopolous, not necessary anymore, as numbers of arrivals to the EU had decreased (Riegert 2017).

Summary

As an overburdened Greece let most of the prospected asylum seekers travel onwards to Macedonia, Balkan countries reacted by allowing and even facilitating their journey onwards along the Balkan Route. Destination countries like Sweden, Germany and Austria allowed the travellers in. This process can not be seen as asylum-seeker friendly policy, as it was a mere reaction to the circumstances. The so-called *open-door* way of governing was highly contested and criticised, and countries accused each other of unloading *the burden* onto the neighbour. As a consequence, asylum seekers faced obstacles such as temporary border closures and selection mechanisms based on nationality. Finally, after Austria changed policies and capped the number of asylum seekers, the Balkan countries followed suit and closed their borders. In addition, the EU reached an agreement with Turkey that saw Turkey hindering asylum seekers from travelling to Greece. That marked the official closure of the Balkan Route.

The EU and several EU countries called on all member states to work towards a common solution in the wake of the CEAS's failure; to regain control over what was branded a *refugee crisis*. A prominent outcome was the Emergency Relocation Scheme that aimed to resettle 160.000 asylum seekers from Greece and Italy in the spirit of EU solidarity. However, member states failed to reach this goal despite EU institutions' repeated calls on them to live up to the agreement. Furthermore, asylum seekers stranded in Greece were faced with long waiting times for legal ways of Secondary Movement, as well as asylum claims in Greece. This further added to their struggle.

The governing of the Balkan Route and its travellers was characterised by

enforcing borders and bureaucratic boundaries in order to abandon and neglect asylum seekers. Interestingly, opening borders to asylum seekers willing to travel onwards was just as much a sign of unwillingness to receive them, as closed borders were. The table below shows the main developments concerning the governing of the Balkan Route and its travellers.

Date	Country / Institution	Measure
May 2015	EU Commission	Suggests relocation scheme
June 2015	Hungary	Announces fence to Serbia
July 2015	EU	Adopts 1st version of relocation scheme (40.000 people)
September 2015	EU Austria, Germany Croatia	Expands relocation scheme (160.000 people). Allow people detained in Hungary in. Becomes part of Balkan Route after Hungarian fence with Serbia is finished
October 2015	Austria EU and non-EU Balkan States	Intends building a fence to Slovenia Meet, adopt 17-point action plan
November 2015	Macedonia, Serbia, Croatia	Close borders for all but Syrian, Iraqi, Afghan nationals
December 2015	Hungary, Slovakia	Challenge relocation scheme at Court of Justice
January 2016	Austria	Caps number of asylum applications to 37.500 per year
February 2016	Austria	Caps number of asylum applications to 80 per day
March 2016	EU, Turkey Macedonia, Serbia, Croatia, Slovenia	Agree to prevent asylum seekers from travelling to Greece. Close borders
June 2017	EU Commission	Launches infringement procedures against Poland, Czech Republc, Hungary for not complying with relocation scheme
September 2017	EU and member states	End of relocation scheme. 29.144 people relocated.
Visual 3: The main events and measurements related to the governing of the Balkan Route and its travellers		

5. Theoretical Framework

This chapter introduces the theoretical framework for the analysis of underlying values and interests for the Balkan Routes' governing. As the refugee crisis on the Balkan Route has proven to be a rich, multi-causal phenomenon, the research utilises different middle range theories which provide distinct angles for approching the phenomenon at hand (Slaughter 2011).

First, the chapter explores Nation States and their relation to migration. This includes presenting the concept of *Nation State* and its implications, after which theoretical suggestions to reveal the interests of Nation States are introduced. Secondly, motivations for states to cooperate – especially in migration governance – are explained, as well as obstacles to successful cooperation and the solidarity the EU aspired to show. Lastly, the power of words, specifically metaphors and categories, in shaping beliefs and consequently action are highlighted, and tools for their analysis presented.

5.1 Nation States and Migration

The EU is an international and supranational institution consisting of 28 individual member states located on the European continent. While using the term *member state* emphasises the 28 countries' belonging to the EU, it is vital to stress the fact that these member states are individual Nation States. Nation States as discrete spatial partitionings are the basic principle to organise our world, and this system is seen as "the natural order of things" (Malkki 1992, p.26). Therefore, mentioning that the EU member states are individual Nation States seems redundant. Yet exactly in this state of normalisation – the perception of Nation States as a given, natural fact – lies its power, and the power of all ideas and values connected to it. Therefore, this chapter explicates this study's approach to the concept of *Nation State*, Nation States' interests in relation to migration, motivations and obstacles to state cooperation and how to approach and discuss these aspects on a theoretical level by utilising concepts stemming from the disciplines Political Science and Anthropology.

5.1.1 The Idea of the Nation State

The concept of *Nation State* is a combination of two terms which entail different implications: *Nation* and *State*. Uncovering their coaction is crucial for

understanding EU member states' governing of the Balkan Route.

According to Oxford Dictionary, a Nation is a group of people with a shared descent, history, culture or language that serve to recognise them as a distinct group. This group inhabits a particular territory (Oxford Dictionaries 2018a). Because the Nation is believed to be a culturally homogenous whole, it provides its members with a crucial aspect of their identity and a sense of belonging, as anthropologists Malkki (1992) and Glick-Schiller (2007) as well as political scientist Anderson (2006) point out. Understanding the Nation State as populated by a naturally homogenous community makes migration seem unnatural (Glick-Schiller 2007; Malkki 1995). The State, on the other hand, is a sovereign political community under one government, responsible for governing a certain, clearly delimited territory and the people living in it (Oxford Dictionaries 2018b).

The Nation State, which combines the implications of both of the forementioned concepts, provides its allegedly rightfully present inhabitants with certain rights and duties, and has the power and right to withhold them from others, who are perceived to be non-members of the imagined, homogenous community. The governance of people present on the Nation States' territory includes rules and restrictions on who can be present under what circumstances, and who can become a member through the official channels set up by the Nation State (Borland 2015; Bucur 2016; De Genova 2015; Schinkel 2014). Nation States' right to exercise this control is premised on state sovereignty. State sovereignty as constitutive norm in the international system as an accepted and naturalised concept, legitimised by the idea of the Nation being one culturally homogenous people, and the assumption of those people and their culture belonging to the soil of the state's territory (Glick-Schiller 2007; Malkki 1992). This link between people, culture and soil is revealed and reproduced through discursive practices, such as metaphors, which will be elaborated on in chapter 5.2. The understanding of the State governing a homogenous Nation naturally linked to a territory ensures the broad acceptance of the Nation State as law making authority and also shapes migration policies implemented by it.

State sovereignty creates an exclusive political community delimited by the instrument of citizenship, on which the idea of migration is premised. The Nation State as naturalised institution constructs not only migration as a social phenomenon, but also justifies enforcing its interests through policies governing -

and with that illegalising – certain forms of migration (Düvell 2011). The nature of these policies are based on ideas about migration and its influence on a state's interests (Banerjee 2010; Betts 2011a).

5.1.2 Nation States' Interests in Migration Governance

As defined in chapter 1, interests are the key indicator of state behaviour, as they drive Nation States and the EU to act, and determine the nature of those actions. Political Science defines the main overarching interest of states as preserving their existence through defence of territory and sovereignty, an interest which is called *national security* (Weldes 2011). In relation to national security, states formulate asylum policies with a focus on economic interests and interests related to intra-state politics. Policy outcomes are a trade-off between these areas of interest, and aspects related to interstate cooperation as will be explained further on.

The ideas about the effects migration and especially asylum has on security, economy and intra-state politics might differ from state to state, or change throughout time (Betts 2011a). Generally however, a negative image of migration and asylum in relation to security and economy was successfully implemented in media and political discourse by increasingly established right-wing actors (Huysmans 2000; Lazaridis & Tsagkroni 2016). Asylum seekers tend to be portrayed as a security risk due to their alleged non-belonging and/or violent and criminal nature and lack of solidarity to the host country. They are also presented as negative for the national economy and accused of fostering the growing disparity between rich and poor, the reduction of quality and availability of public services, education, health care and housing. All of this is based on the assumption that a Nation State and its migrants must be fundamentally different from each other and naturally incompatible (Glick-Schiller 2007). Adding to that is the fear of the consequences the arrival of the seemingly unfit might have: it is deemed a risk to the Nation States' very identity and existence (van Houtum & Pijpers 2007). The outcome is institutions and policies restricting human mobility, either through physical borders, or boundaries which can be of bureaucratic or discoursive nature (Groenendijk 2011; Huysmans 2000; Sicurella 2017). Even if these measures result in death, as in the case of drowned migrants trying to reach European shores, they are justified by the alleged threat asylum seekers present, as well as by the right to state sovereignty (Albahari 2006; Jansen, Celikates & de

Bloois 2015).

When exploring interests from the areas of security, economy and intra-state policies that are linked to the overarching interest of preserving the state, this analysis will utilise the concepts of greed and grievance as introduced by Political Science in research on civil war. The **Greed and Grievance** debate refers to two main arguments used to explore and explain the causes of rebellion which results in armed internal conflict or civil war (Zartmann 2011). Greed and grievance describe the main motivations rebel groups are perceived to have to engage in rebellion, with greed being an economic concept, and grievance a cultural one. Greed refers to an economic calculus. The costs of rebel recruitment and the relative military advantage are weighed against the government's ability to finance defence expenditure, and the scale of primary commodity exports which the rebels seek to control. Grievance, on the other hand, refers to motivations fuelled by ethnic and religious hatred, inequality between groups, oppression and historical vengeance (Collier & Hoeffler 2000).

This study extracts the concepts of greed and grievance from the context of rebel motivations in civil war in order to apply them to Nation States' and the EU's interests in the governance of the Balkan Route and its travellers. In this context, interests motivated by greed are understood to be related to a States' or the EU's economy or expenditures. For example, costs related to the accomodation and financial support of asylum seekers, or the fear of them becoming a burden to the welfare state due to unemployment can be classified as greed. For the concept of grievance, this research uses Collier's and Hoeffler's definition of *ethnic and religious hatred, inequality between groups, oppression* and *historical vengeance*, with a focus on ethnic and religious hatred, due to the fact that many advocates for restrictive policies on the Balkan Route argue with a perceived incompatibility of muslim asylum seekers with the alleged christian European society. However, it is important to note that many using this narrative are not religious christian believers themselves. Instead, they see Europe and its Nation States as shaped by certain values which are said to be rooted in Christianity, and which are seen to be in danger because of the arrival of muslim asylum seekers. Rejecting asylum seekers due to their religious or ethnic belonging, or the fear of incompatible cultures and values can be classified as grievance that influences the governing of the Balkan Route.

Scholars tend to favour one explanatory model over the other, with Paul Collier being recognised as a famous supporter of the greed argument, and Frances Stewart arguing in favour of the grievance model (Collier & Hoeffler 2000; 2004; Keen 2012). This research, however, does not seek to put the two models to the test and endorse one model. Instead, the concepts of greed and grievance as defined above will be used to approach the Nation States' and EU's interests in governing the Balkan Route from different angles, and also point out correlations between the two. It must also be noted that greed and especially grievance motivations are socially constructed. They might be instrumentalised to justify policies based on other motivations, for example by evoking fear of cultural difference.

5.1.3 Cooperation on Migration Governance – and the Obstacles

Nation States main interest is to preserve their existence through defence of their territory and sovereignty, something which can be termed national security. Migration is an especially sensitive topic in this context, and states generally seek to control who is entering their territory under what circumstances and conditions. However, with the signing of the Amsterdam Treaty in 1997, the EU member states agreed to give up parts of their sovereignty in the area of migration and asylum, in order to design common and binding rules on EU level. This included the admission and expulsion of migrants. The explanation for this move to be found in official policy documents was the establishment of the internal market and the abolishment of internal border controls through the Schengen Agreement (Groenendijk 2011, Lambert 2010). However, Groenendijk (2011) points out five other, additional reasons of which three are mentioned here: Firstly, the policy measures in relation to asylum taken by one state can have immediate effects on the other, as the governing of the Balkan Route has shown. Secondly, common action to regulate migration at the external borders and in the countries of origin might be more effective than action undertaken by single states. Lastly, and a main motivation for cooperation in the EU in general, are "the perceived advantages of the common rules" as they are "concrete, concentrated and highly visible" while "the costs or negative effects are often distributed over many persons or organisations and, thus, far less visible" (Groenendijk 2011 p.11). This enables member states to maximise the benefits and minimise the costs associated with

undesirable migration (Betts 2011b). In the context of the EU, cooperation also has the normative dimension of *solidarity*, which is mentioned frequently in EU policy documents. EU solidarity means helping those beyond one's own borders and boundaries (Coicaud & Wheeler 2008). It is supposed to be the baseline of the CEAS, as well as an emergency tool to relieve perceived migratory *pressure*. In the context of asylum governance, solidarity is framed as sharing the burden that asylum seekers are claimed to be (Mitsilegas 2015). The possible inconsistency of acts of solidarity with national interest however, keeps solidarity from being a universal imperative (Coicaud & Wheeler 2008). In addition, the normative dimension of solidarity in migration governance is limited to EU member states and does not mean solidarity towards individuals seeking asylum (Mitsilegas 2015), an approach which is certainly questionable.

Even though cooperation can increase the likelihood to achieve common goals, increases influence on the world stage, and has a normative dimension, it does not mean that collective action will occur, as there can be obstacles in the form of tension of interests which result in collective action problems. Generally speaking, **Collective Action Problems** describe a "disjuncture between a course of action that would be collectively rational […] and how actors behave when they consider their interests in isolation from one another" (Betts 2011a, p.7). National interests might be regarded as more important than the achievement of the common goal. One phenomenon that can occur is that of free riding. Free riding can take place in a situation in which all members of a group, for example member states of the EU, would benefit from the outcome of collective action, regardless of who contributed and who did not. Member states could decide to not contribute to the collective effort, and instead free ride on the effort of other member states. Despite the obvious unfairness, free riding hinders collective action in the sense that, if every member state behaved this way, collective action becomes impossible and the common interest might not be realised. A way of overcoming this problem is the implementation of an authority recognised by all members (Hindmoor 2011).

The mechanism of reaching agreements through a majority vote, and resolving issues through the Court of Justice are EU instruments to deal with the possible tensions between the common interest and national interests. However, this might not always offer a lasting solution as two incidents exemplify. One is the refusal of Poland and Hungary to comply with the Emergency Relocation Scheme as

presented in chapter 4. The relocation of asylum seekers from Greece and Italy was a binding measurement reached through a majority vote, and was to be realised by member states. However, several Eastern EU countries opposed the idea. Poland and Hungary refused to comply even after the Court of Justice dismissed the complaint submitted by Hungary and Slovakia. Another example was Italy's reaction to the adoption of the Dublin II regulation. Italy opposed the regulation due to the fact that it still saw Italy responsible for all arrivals to its territory (Eur-Lex 2011). The Dublin II regulation seemed to serve the interest of the Central and Northern member states, not those which were faced with arrivals to their territory. As a consequence, the Italian government entered in an agreement with Libya to return hundreds of asylum seekers who arrived by boat, back to Libyan territory (Langford 2013). As the analysis shows, the governing of the Balkan Route saw several incidents of Nation States acting according to their own national interest and abandoning common EU law and agreements. This did not only affect asylum seekers, but also the EU's legitimacy and credibility.

5.2 The Power of Words

Discourse, in the general sense understood to be "written or spoken communication or debate" (Oxford Dictionaries 2018c), holds immense power from the perspective of Social Constructivism. It is both socially constituted as well as socially constitutive. That means, public discourse on topics of political and societal importance shapes situations, institutions and practices. Those shape, in a reciprocal effect, discourse and can reinforce it. Discourse therefore has the potential to create, sustain or transform a social status quo (Hart & Cap 2014). Analysing discourse thus contributes to understanding the underlying values, which influenced the interests of Nation States and the EU regarding migration and asylum policies on the Balkan Route. Discourse on migration and asylum is often characterised by the framing of migrants as security, economic or cultural problem and the drawing of discursive boundaries between an in-group which is the Nation, and the asylum seekers as an out-group. Drawing on International Relations and Linguistics, the concepts Problematisation and Securitisation, Lakoff's and Johnson's theory on metaphors, and recognising the constructivist nature of categories serve as tools to analyse aspects of discourse connected to the governing of the Balkan Route and its travellers.

5.2.1 Problematisation and Securitisation

Problematisation, in the words of Schrover and Schinkel (2014), is "the process in which actors analyse a situation, define it as a problem, expand it by attaching issues to it or by exaggerating the number of people or the cost involved, and finally suggest a solution" (p.4). The process of Problematisation can often be observed in the discourse on migration issues. While conservative and right-wing actors focus on the problems migrants allegedly *create*, liberal actors tend to also highlight the problems that migrants *have*, often due to poverty, discrimination and repressive policies (Schrover & Schinkel 2014).

Bogdan et al. (2014) and Huysmans (2000) state that not only has migration become one of the most debated political issues in Europe, it has also been increasingly linked with issues such as social disturbances, crime and terrorism. As a result, migration and especially asylum have become part of debates about security in the process of Securitisation. **Securitisation** describes "the process by which a common political issue is modified through the act of speech and generates new threats to security" (Bogdan et al. 2014, p.116).

Drawing on the discipline of International Relations, theoretical instruments used for analysing the alleged link between asylum and security are the Copenhagen school's concepts of S*tate Security* and S*ocietal Security*, and Ole Wæver's theory of Securitisation. The ultimate criterion for State Security is sovereignty, as that guarantees the survival of the state. As noted before, sovereignty includes the right of a state to control and enforce who crosses its borders, and who does not.

Like State Security, Societal Security is a matter of survival. In this case, the survival of the society is the central criterion. As the society of a Nation State is often regarded as a culturally homogenous whole, concerns about identity are a crucial part of debates on Societal Security. The perceived cultural difference of asylum seekers is constructed as an existential threat: Through the increased arrival of asylum seekers, we will not be able to live as *us* anymore (Bogdan et al. 2014). Migration, including asylum, is frequently object of Securitisation efforts and framed as potential threat to state and society (Huysmans 2000). As a constructed speech act, successful Securitisation depends on the audience's willingness to accept the framing of a certain issue as a security threat. A successfully securitised issue however, legitimises the use of exceptional measures against the

alleged threat to State Security and Societal Security (Bourbeau 2014).

5.3.2 Metaphors and Categories

Metaphors, among other rhetorical devices, can aide the process of imagining the Nation as a homogenous whole (Anderson 2006), and the construction of migrants as the other and a possible problem or security risk.

Perhaps one of the most influential theoretical works on metaphors and their impact can be credited to linguist George Lakoff and linguist and philosopher Mark Johnson (1980a; 1980b). The use of metaphors is defined as "understanding and experiencing one kind of thing or experience in terms of another" (Lakoff & Johnson 1980a p.4). Instead of regarding the use of metaphors as mostly limited to poetry, Lakoff and Johnson argue that most of our everyday language and conceptual system is indeed structured and understood in metaphorical terms. As these metaphors are deeply ingrained in common use and understanding, we hardly ever recognise them as metaphors; a phenomenon which explains them being termed *conventional metaphors*. Therefore, we also fail to notice how these metaphors structure action, something that arguably makes them very powerful.

Lakoff and Johnson define different kinds of metaphors. Especially important in the context of this study is the *structural metaphor*. This kind of metaphor structures a concept from a certain domain in terms of another concept from a different domain through the transfer of characteristics (Lakoff & Johnson 1980b). An example of that is the metaphor "time is money". Certain characteristics ascribed to money are being transferred to time. For example, money is a valuable commodity. As a consequence of the metaphor "time is money", time must be a valuable commodity, too. Examples of this understanding are the commonly used expressions "investing time", "spending time" or "not worth the time". These metaphors are sub-categories or "entailments" that fit with the overall metaphor of "time is money". Together, they form a coherent system. Lakoff and Johnson highlight the power of this metaphorical system by pointing out how the metaphor of time as money is manifested in everyday and unquestioned practical concepts such as hourly wages or yearly budgets. Here, we see how metaphors, understanding and social practice are connected, and reinforce each other (Lakoff & Johnson 1980a; 1980b).

When analysing metaphors, it is important to note that the transfer of concepts

from one domain to another is partial. Not all characteristics are being transferred, as time does not really equal money in a literal sense. Moreover, understanding a concept through a structural metaphor automatically entails hiding certain aspects this concept might have, that do not fit with the characteristics of the concept from the source domain. The absence of those aspects in our understanding might manifest itself in action (Lakoff & Johnson 1980b).

Metaphors aide in constructing the members of a Nation as belonging to a state's territory, a cognitive structure that has a reciprocal effect on the perception of migration. *The soil*, *the country* or *the land* are used as synonyms for the Nation State. Moreover, the connection of the Nation to the land can be found in the names of some Nation States: Po*land* or Switzer*land* are examples of this (Malkki 1992). In addition, peoples' connection to territory is often expressed through metaphors deriving from the source domain of botanic. *Roots* are a frequently used word in connection to the Nation State one was born in. This makes ones belonging to a Nation and therefore to a specific place seem naturally given. Another widespread source domain is that of kinship: Speaking of *fatherland* or *motherland* establishes a biological and emotional attachment of the members of a Nation to its territory (Malkki 1992), which migrants seemingly do not have.

Studying media discourse on migration, both Boeke (1997) and Moullagaliev & Khismatullina (2017) found that many conventional metaphors deployed derive from the areas of natural disaster – especially related to water, such as floods – and war, which frames the arrival of migrants as a dangerous threat. In addition, the use of metaphors originating from trade and depicting migrants as commodities dehumanises them. If the arrival of asylum seekers is metaphorically structured by concepts that evoke fear and danger, this might hinder us from seeing the plight of those on such a dangerous journey. As this understanding is then translated into policies, we see the far-reaching effects metaphors can have on those affected by the policies. Lastly, even though there might always be alternative metaphors that highlight differing aspects of a concept, it is crucial to acknowledge the ability of people in powerful positions to not only establish their metaphor of choice as the dominant one in public discurse, but also to realise policies influenced, and justified, by them (Lakoff & Johnson 1980a).

The same is true for categories in public discourse and this study. As this study examines EU policy measurements and public discourse, use of the prevalent

concepts is necessary, especially of terms used to denote certain groups of migrants. However, the process of categorising people into different groups inevitably reduces the visibility of their individual personalities and experiences, while at the same time emphasising selected – possibly assumed – shared characteristics used as a criterion for applying the category. In doing so, categories like *refugee* or *asylum seeker* falsely suggest the existence of a common experience shared by all people who are labelled with that category. The characteristics associate with certain categories might differ with peoples' self perception, but nevertheless become naturalised in public discourse (Hervik 2003). In the case of asylum governance, using categories incongruent with peoples' self perception and thus withholding recognition of identity, can even be seen as a violent act (Babacan 2010). The labelling of people as economic migrants instead of refugees justifies restrictive policies and expulsion. Moreover, attention must be paid to the potential of categories to evoke different associations with different audiences; and the possibility of prevalent definitions varying in public and scholarly discourse. Consequently, it is crucial to analyse the use of categories as instruments in justification of migration governance.

6. Analysis

The following pages seek to uncover the underlying values and interests of the EU and its member states, that can account for the governing of Secondary Movement on the Balkan Route, as well as the governing of the asylum seekers left in Greece after the route's official closure in 2015.

During the so-called refugee crisis on the Balkan Route, the desire to prevent the as outsiders perceived asylum seekers from joining the societies of European Nation States resulted in channeling onwards of asylum seekers with occasional border closures whenever countries feared asylum seekers' departure to the next country was not secure. All this took place in dire humanitarian conditions with fatalities on the route. Finally, a cap on asylum applications introduced by Austria and an agreement between the EU and Turkey that reduced to number of new arrivals to Greece resulted in the closure of the Balkan Route. Even though the EU set up an Emergency Relocation Scheme that aimed to relocate 160.000 people from Italy and Greece to other member states, several countries openly opposed and legally challenged the plan, and all but three member states involved failed to realise the number of relocations they had been appointed. This way of governing was enabled by the insufficient international and EU refugee law, which is an expression of and legitimised by the underlying values and interests this chapter points out.

The research questions provide two distinct angles to approach the topic of interest: the values and interests on the level of the EU member states, and the values and interests on EU level. By exploring the topic from these two angles, the analysis aims to uncover values and interests shared by the EU and its member states, as well as tensions between differing values and interests. In the process of coding the data and further analysis, three main aspects were identified as especially significant structures responsible for the governing of the Balkan Route and its travellers. These were the assumption of *christian Europe as naturally given*, the idea of most asylum seekers fitting the category of *the economic migrant* and lastly *the tension between the EU and its member states.* The analysis is structured according to these aspects.

The first sub-chapter explores the idea of the EU as consisting of Nation States of a specific character influenced by Christianity, which is assumed to be naturally given. This idea is one of the main underlying values that shaped the governing of

the Balkan Route. The analysis highlights how the concept of the Nation State is connected to ideas of territory, people and culture, and how this serves as its naturalisation as well as legitimisation. Simultaneously, the analysis shows how this has a significant impact on the negative perception of migration and migration governance in terms of societal security in the EU in general as well as how these values show in action and in discourse related to the governing of the Balkan Route specifically. The values and interests presented in this section can be classified as mostly motivated by grievance, as they are connected to identity and belonging.

The second sub-chapter looks at the data from a perspective dominated by the concept of greed as motivation for state action on the Balkan Route. It highlights the consequences of the constructed idea of only a few asylum seekers being so-called *real refugees*, and the majority being labelled *economic migrants* that are seeking to exploit the EU and its member states. This value was widely instrumentalised to justify restrictive policies during the so-called refugee crisis on the Balkan Route.

Lastly, the tensions between interests on national level and EU level are being elaborated on. While the assumption of asylum seekers being unfit for integration into the alleged christian Europe and being exploitative of its generous welfare systems resulted in nationalist protectionist policy responses, the EU is based on values of (internal) openness and political integration. The third sub-chapter explicates on this tension, and how it influenced the governing of the Balkan Route.

6.1 Christian Europe as naturally given

"O dear country, O Belgium's soil, To you our hearts, our hands to you, To you our blood, O native land, We swear to you, O fatherland!"
(excerpt from the national anthem of Belgium[3])

The EU, like the rest of the world, consists of Nation States that connect the ideas of state, land and people. The Nation seems to be a specific people with a distinct, shared culture and a certain national territory. The French live in France, the

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3 This is the English translation of the German version. The French and Dutch versions differ slightly in choice of words.

Swedes live in Sweden, the Italians inhabit Italy and the Poles call Poland their home. The idea of such a natural link becomes obvious and is reproduced through discursive practices in everyday language. Liisa Malkki (1992) mentions *The soil, the country* or *the land* as synonyms for the Nation State, and points out that the peoples' connection to the territory is frequently spoken of in terms of botanics, such as *roots,* or in terms of kinship: Speaking of *fatherland* or *motherland* creates a biological and emotional link between members of a Nation and the state's territory. When analysing the response to asylum seekers' arrival to European Nation States, we first must look at prevalent values related to the Nation State and its citizens, as those have a reciprocal effect on the perception of migration, that underlies its governing. The national anthem of Belgium, cited above, is an example of the rhetorical link between state, people and territory. It expresses and reproduces the connection of these concepts, that hence seem natural and given. The anthem personalises the soil with *dear country*, thus enables an emotional link of the people to it. The use of the words *native* and *fatherland* further support this connection. As *native* derives from the latin *nativus* which means "produced by birth" (Online Etymology Dictionary 2018) it suggests, together with *fatherland*, a relation of kinship to the personalised soil. Belgium is not the only country to reveal and reproduce this underlying value in its anthem. Other examples of linking state, land and people are the official anthems of France and Germany which both refer to a *fatherland*, or the anthems of Denmark, Serbia and Norway which describe the features of the country, and suggest a link of belonging with the people living on the land.

The belonging of people to a certain Nation State, a legitimised connection as presented above, materialises in the instrument of citizenship. Citizenship of a Nation State is awarded to those people perceived to be part of the in-group of eligible citizens, either through birth on the state's territory, birth to parents that have citizenship or for newcomers after passing a test designed to prove their acquired belonging. As discourse on citizenship mentally binds us to a specific state and then gives us certain rights and duties which we share with our fellow citizens, this instrument certainly has an inclusionary effect. For this to be functioning, however, citizenship has to exclude, too. Those who do not have citizenship – assumed to have citizenship of and therefore belonging to another

state – are not part of the in-group. As a link between soil, people and state is presupposed, this exclusion does not seem inadequate at all. On the contrary, if the rootedness of people in soil is accepted as natural and given, the consequence is to understand leaving one's place of rootedness as unnatural and disturbing the order. People arriving from another country as asylum seekers are perceived to have left their natural territory behind. Hence, they seem unfit for the country they arrive in. This results in the perception of migration as a problem, and an issue that needs to be managed rather than as the simple fact of life that it is (Blommaert & Verschueren 1998). Consequently, there is an extensive legal framework worldwide aimed at governing peoples' mobility, often in a restrictive way especially for those kind of people deemed to be undesired arrivals to a Nation State as their potential to become part of the in-group is seen as low or non-existent due to cultural reasons, as will be explained later on. The interest that derives from the idea of natural in-groups and outsiders is the desire to keep those perceived as outsiders, out. With that interest of Nation States, asylum seekers are in a vulnerable position. They do not enjoy the rights that citizens have, and international refugee law and common EU law offer little legal guarantee of protection (Bauböck 2017; Borland 2015).

Right-wing discourse further justified the desire to keep the asylum seekers on the Balkan Route out, with the argument that the asylum seekers which are excluded from European countries' in-groups of citizens or legal residents, are part of natural in-groups somewhere else that they decided to leave. German far-right politician Björn Höcke (AFD) stated in September 2015: "The Syrian that comes to us has his Syria. The Afghan that comes to us has his Afghanistan. And the Senegalese that comes to us, has his Senegal" (Die Zeit 2017, own translation). Höcke assumes, therefore, that there is no responsibility for *us*, the members of the German in-group, to allow asylum seekers into the territory of the Nation State.

As noted above, the people of a Nation State are believed to share a history, language and most importantly, culture. Just like the people, the culture is perceived to be rooted in the soil, and therefore naturally part of a Nation State.
The entailments of the term culture are not easy to pinpoint, and to delimitate the culture of a country's population is arguably even harder and certainly questionable, as it is often used to construct *the other* from an outside perspective.

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In line with that, the arrival of many asylum seekers via the Balkan Route during the so-called refugee crisis was accompanied by worried, even outright hostile discussions about identity and belonging in a cultural sense. At the center of these discussions was the perceived tension, or clash, between what the speakers regarded as *our* culture and those of the newcomers, which is presumed to differ greatly from either a common European culture, or the culture of a specific Nation State. Discussions about a feared clash of cultures between the population of Europe and the newly arrived asylum seekers prominently feature the alleged contrast between Christianity and Islam as an object of Problematisation. The idea of migration as a problem did not arise during the refugee crisis on the Balkan Route, but has been underlying the understanding and therefore governing of migration since a long time. Indicator of that is for instance the concept of *integration*, a term often used in governance and public debate. It manifests itself in legal instruments aimed to ensure and measure integration, such as integration courses, integration tests or institutions to monitor the integration process (Schinkel 2014). Interestingly, integration is primarily understood to be a change of the migrant and his or her culture in order to fit society. In Denmark, which opted out of participation in the relocation scheme (The Local 2015), right-wing Party DF advises newcomers to attend church for christmas, regardless of their religion, in an effort to "become Danes" (Dearden 2017).

German right-wing populist party AFD, who went from being recognised for their anti-Euro stance to a successful anti-immigration party during the so-called refugee crisis and became the third-biggest party in the 2017 election, proudly declares on their website:

> The AFD avows itself to the German lead-culture [Leitkultur = main culture]. This [culture] is based on the values of christianity, antiquity, humanism and enlightenment. It encompasses, besides the German language, our customs and traditions, intellectual and cultural history. Closely connected to that is our liberal constitutional demcracy, our appreciation of education, art and science as well as the social market economy as expression of human creativity and productivity (AFD 2018a, own translation).

With their declaration, followed by a rejection of *multiculturalism* which is termed "non-culture" (AFD 2018a), AFD supports the value of the Nation – the people of Germany – to be a homogenous whole, who share one common culture. Just like the instrument of citizenship, this idea is inclusionary and exclusionary at the same

time. It creates two distinct groups: *Us*, the christian, civilised, educated and hard-working Germans; and *the others*, who do not have these characteristics and therefore are not only unfit to be members of society, but are a danger to societal security: The arrival of asylum seekers threatens the cultural achievements, society and state of Germany, as AFD predicts.

European soil is argued to be christian by nature. When discussing a possible EU membership of Turkey, a country with a mostly muslim population, Pope Benedict XVI opposed the idea because "Europe is a cultural continent, not a geographical one" (Gibson 2011), linking the soil to Christianity.

In October 2017, thousands of Polish catholics enacted this idea by joining a praying event at different points at the Polish border, begging God to save Poland from Islamisation through the asylum seekers. Krakow archbishop Marek Jedraszewski urged participants to pray "for the other European nations to make them understand it is necessary to return to Christian roots so that Europe would remain Europe". Nationalist catholic activist Marcin Dybowski declared that "a religious war between Christianity and Islam is once again underway in Europe, just like in the past [...] Poland is in danger" (PRI 2017).

Interestingly however, the self-proclaimed defenders of Europe's christian identity are not necessarily firm religious believers. Rather, the underlying value is that of "Christianity as a cultural, social, identity and moral platform" (Gibson 2011), that accounts for our civilisation which is threatened by the uncivilised and backwards nature of Islam (Rexhepi 2018; van Houtum & Pijpers 2007). An example of a prominent figure supporting such a discourse and campaigning against the perceived Islamisation of Europe despite defining herself as an atheist, was late Italian journalist Oriana Fallaci. Fallaci can be credited for the term *Eurabia* which denotes her prediction of a European continent taken over by Islam. Another example is Norwegian far-right terrorist Anders Behring Breivik who killed 77 people in Oslo and in a social democratic youth camp on the island of Utøya in 2011, in an attempt to fight those who were aiding the Islamisation of Europe (Gibson 2011; Moore 2012).

Expressions of the fear of specifically muslim migrants threatening to change Europe's christian identity were widespread in public debates on the refugee crisis and this idea can therefore be credited for having influenced the governing of the Balkan Route tremendously. For example, Hungarian Prime minister Viktor Orbán,

just like AFD, explained his rejection of the EU relocation scheme with seeing the very identity of Hungary threatened by the arrival of muslim asylum seekers (Staudenmaier 2018). "For us, Europe is a Christian continent, and this is how we want to keep it. Even though we may not be able to keep all of it Christian, at least we can do so for the segment that God has entrusted to the Hungarian people" Orbán said (McLaughlin 2017). In addition to rejecting the relocation scheme, his words were realised in the form of razor-wire fences to Hungary's neighbouring countries. Slovakia, which had sued the EU for the Emergency Relocation Scheme, defended its opposition to admitting asylum seekers from Greece with its alleged openness towards christian asylum seekers. Poland, which the EU had launched infringement procedures against for not complying with the relocation scheme, equally justified its unwelcoming stance towards muslim asylum seekers with being welcoming towards christian asylum seekers from Ukraine (Radio Poland 2017a; 2017b). Estonia, Czech Republic and Bulgaria argued in a similar way (Noack 2015; Werber 2015).

The arrival of muslim asylum seekers is perceived to be a threat to the Nation States' very existence, and the asylum seekers are framed as dangerous invaders. Hungary's Orbán declared: "Nations will cease to exist, the West will fall, while Europe won't even realise that it has been invaded" (Deutsche Welle 2018). The use of the metaphor *invaders* frames the so-called refugee crisis as a war-like situation, which compels the invaded nations to defend themselves against the seemingly aggressive attackers that asylum seekers are made out to be. Defending the Nation against such a threat is understood as a heroic sacrifice, benefitting both the Nation State and Europe as a whole. Orbán announces: "This is how fate and God have compelled Hungary to take the initiative, regardless of its size" (McLaughlin 2017).

The asylum seekers are not just deemed dangerous to the christian identity of European Nation States, but are also seen as potentially dangerous individuals with a higher chance to commit crimes or engage in terrorism than *native* Europeans. This rhetoric is prominently found in right-wing political parties and governments. While German AFD draws a link between migration control and inner security (AFD 2018b), Poland refused to take in any asylum seekers after the terrorist attack in Paris in November 2015, despite having initially agreed to

allow 4.500 people in (Eleftheriou-Smith 2015). Polish then-prime minister Beata Szydło (national-conservative party PiS) stated that migration policy and terrorism are inevitably linked (Radio Poland 2017c). But this assumption is not limited to right-wing discourse. We also find it as an underlying value in EU governance, for instance the EU regulation 603/2013, which amended the biometric database EURODAC to give access to law enforcement authorities and EUROPOL. Vavoula (2015) presents how this regulation means an increased exposure of asylum seekers to criminal investigations in comparison to other parts of society, hence suspecting them to have a higher potential of being criminals.

Supporting the claim of muslim migration and migrants to be dangerous and an existential threat is the use of natural disaster or war metaphors, both of which evoke fear by suggesting an extreme emergency requiring equally extreme responses. War and natural disaster metaphors are so common in asylum discourse, that we can call most of them conventional metaphors as defined by Lakoff and Johnson (1980a). They dominate the discourse as underlying values and influence governance. During the refugee crisis on the Balkan Route, asylum seekers were regularly likened to a *flood* threatening to pour into Europe, leaving behind destruction. For instance, Macedonia's President Djordje Ivanov justified Macedonia's border fence and the use of tear gas against refugees with the prospect of the country being "flooded with refugees" (Deutsche Welle 2016b).

Using war metaphors, asylum seekers are also likened to invaders that can make *the West* - the in-group of civilised Christians – fall, as mentioned above. Enemies in this asylum war are sometimes the smugglers, sometimes the asylum seekers themselves. Another prevalent example for war rhetoric is the use of *frontline states* to denote the EU member states with external borders such as Italy and Greece. *Frontline states* are directly exposed to the perceived *assault*[4] by asylum seekers trying to cross into the EU. This term can be found in EU documents (e.g. European Commission 2015d), is used by EU and national politicians (European Commission 2015a; Government of Hungary 2015; Scherer 2016), media (Lowen 2013) and academic literature (Bauböck 2017) alike, even if the latter argue in the favour af asylum seekers. Likening asylum seekers' arrival to war makes their suffering through governing measures seem inevitable, and restrictive policies

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4   Term used by former Italian Minister of the interior Giuseppe Pisanu to describe arrival of
    migrants (Carter & Merrill 2007)

adequate to *protect* the borders and Europe. Reporting on the situation on the Eastern Borders migration route, the EU border agency Frontex explains: "The situation eased in Norway in December. Migrants were deterred by worsening weather conditions [...]" (Frontex 2018b). Apparently, any circumstance hindering asylum seekers to arrive at their destination, even if it causes suffering, is to be seen as an advantage for Europe in the war on migration. However, the EU States along the Balkan Route did not simply rely on *favourable* conditions. The perceived threat to the Nation State's existence in an as war-like characterised situation justifies the measurements of indirect and direct violence as outlined in chapter 4: Detention through bureaucratic measurements on Secondary movement and the asylum application process, border closures and physical police violence. Equally strong or stronger reactions in the future are likely. For example, Hungary's Orbán and Austria's then-foreign minister and now-chancellor Sebastian Kurz advocated for detention camps for asylum seekers in Libya (Deutsche Welle 2016d; Wesel 2016), while German right-wing party AFD endorsed the use of guns against asylum seekers attempting to cross borders (Meisner & Schmidt 2016). It seems as in the war on the arrival of asylum seekers, the imagined protection of the state, culture and border is more important than that of human lives.

Summary

The idea of the Nation State as a naturally given institution with a common culture linked to its people and the soil underlies the anti-Islam rhetoric which was prevalent in public discourse during the refugee crisis. The idea of Europe being based on Christianity accounts for the framing of muslim asylum seekers as unfit to join the European State's societies, and as a threat to their existence. Consequently, the so-called refugee crisis was spoken of in terms of natural disaster or war, which together with the naturalised concept of the Nation State justified the unwelcoming or even hostile positions of European Nation States, realised in channeling asylum seekers onwards, closing borders to them, implementing bureaucratic boundaries for their Secondary Movement, and the in some cases complete rejection of, or in others insufficient implementation of the Emergency Relocation Scheme.

6.2 The Economic Migrant

As the previous sub-chapter has shown, values and interests related to non-belonging of asylum seekers to Europe, and them being seen as potentially dangerous due to alleged cultural difference are one main underlying reason for the parrying policies that were implemented to deal with the so-called refugee crisis on the Balkan Route. In highlighting this, the first sub-chapter concluded that asylum seekers are deemed to be inconsistent with national interests from a grievance perspective, and furthermore a threat to societal security. Building on that, this sub-chapter explores the data from the perspective of greed as a motivating factor for state action, and show how values and interests related to greed further supported a hostile stance towards asylum seekers on the Balkan Route. At the center of these values is the assumption of most travellers on the Balkan Route being so-called *economic migrants*, as opposed to what is deemed a genuine refugee. This distinction is both an underlying reason for, and an instrument of restrictive policies.

Motivations of greed and grievance both underly the interest to keep asylum seekers out of national territory. This interest poses a problem insofar as European Nation States define themselves as liberal states that respect and protect human rights. A commitment to fundamental human rights is a basic condition for liberal state's legitimacy (Bauböck 2017). The EU and its member states have committed themselves to respecting and protecting the rights of asylum seekers by signing the Geneva Convention and Protocol Relating to the Status of Refugees (Langford 2013), as well as establishing the right to asylum on European level in Article 18 of the Charter of Fundamental Rights of the European Union (Bucur 2016).

The CEAS, the EU's common approach to asylum, is characterised by the tension between the commitment to a humanist ideal and the alleged non-compliance of migration with national interests and the understanding of state and citizenship (Banerjee 2010; Groenendijk 2011; Nessel 2009). The Tampere Statement strikes a humanist tone with declaring that Europe's

> very existence acts as a draw to many others world-wide who cannot enjoy the freedom Union citizens take for granted. It would be in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory (European Council 1999).

The CEAS however was criticised by scholars as "communitarian protection

regime" (Bauloz et al. 2015), that was designed as a rampart to asylum seekers and leaves Nation States the option for poor asylum conditions and procedures (Bauböck 2017; Borland 2015; Langford 2013; Vedsted-Hansen 2011).

Policies aimed at making the seeking of asylum hard are justified with the implementation of the distinction between *real refugees* and irregular *economic migrants*. Whereas real refugees deserve protection in line with European ideals, economic migrants are accused of abusing that protective system and in doing so, harming the real refugees, the EU, and its member states alike. Their border crossing is seen as a crime. Hence, harsh policies and measurements designed to detect and stop those deemed irregular from entering EU territory seem adequate (Bigo 2015; Jansen 2015). In addition, this constructed distinction between real refugees and economic migants justifies the illegalisation of Secondary Movement for both so-called real refugees and economic migrants. Real refugees, as they are seeking protection, should not care which EU country to end up in, and economic migrants should not move as they are to be detected and leave the EU again anyway. The narrative of different, distinct categories of asylum seekers is deeply ingrained in EU governance. One indicator is the website of the Directorate-General Migration and Home Affairs of the European Commission, which informs readers on its policies in two clearly seperated chapters: *Legal Migration & Integration* and *Irregular Migration and Return* (European Commission – DG Migration and Home Affairs 2018c). Consequently, the distinction between real refugee and economic migrant was also prevalent during the refugee crisis on the Balkan Route, with especially – but not solely – right-wing actors suspecting most or all of the arrivals to be economic migrants. For instance, Viktor Orbán justified his country's hostile stance with the argument that arrivals to Hungary were not real refugees, as they had already passed through four European countries before, "which are not as rich as Germany, but which are stable. In those countries these people are no longer running for their lives" (Government of Hungary 2018). Mark Rutte, Prime Minister of the Netherlands and leader of the conservative-liberal party VVD called on European member states to end Secondary Movement, which he termed *asylum-shopping*. In Rutte's view, many asylum seekers were just trying to get to a wealthy country with generous asylum laws, something they should not be doing as so-called economic migrants

(Deutsche Welle 2015).

The government of Denmark decided to take a proactive step and placed advertisements in four Lebanese[5] newspapers in September 2015 to inform possible future asylum-seekers of the newly passed restrictions, which included a 50% cut on financial social assistance (Al Jazeera 2015), thus implying that the main reason for asylum seekers to come to Denmark must be the prospect of financial support which Denmark was not willing to provide to the undeserving. Secondly, as much as the adverts were directed at possible future asylum seekers, they can also be understood as directed to the Danish population as an assurance that the government is combatting economic migration and the abuse of the welfare state.

The framing of asylum seekers as economic problem by evoking fear of those coming to exploit Nation States financially is an idea clearly motivated by greed and contributed to Nation States on the Balkan Route channeling migrants onwards, and then closing their borders as the Austrian cap on asylum applications made countries fear asylum seekers might stay. It also explains the unwillingness to fully implement the relocation scheme, as all asylum seekers would have to be supported financially by a state until their applications are processed, and after that if they remain unemployed. Values connected to grievance that see asylum seekers as non-belonging to the Nation State and invaders, as presented in chater 6.1, further fuels the unwillingness to provide this financial support.

Possible future asylum seekers were also warned off explicitly on European level by European Council President Donald Tusk in 2016, who appealed to "all potential illegal economic migrants [...]. Do not come to Europe. Do not believe the smugglers. Do not risk your lives and your money. It is all for nothing" (Lewis 2016). With this statement, Tusk did not only imply that people classified by the EU and its member states as economic migrants must see themselves as such as well, he also branded them as *illegal*, which implies danger and crime from the side of the asylum seekers. The word *illegal* was also used by EU Commissioner Avramopolous, who announced the first achievement related to the Emergency Relocation Scheme in July 2015 by simultaneously promising more support for

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5   Lebanon hosts approximately 1 million to 1,5 million Syrian refugees (Human Rights Watch 2017)

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Frontex and member states on the "return of illegal migrants" (European Commission 2015a). On the occasion of the first flight from Italy to Sweden under the new scheme in October 2015, Avramopolous linked helping and protecting real refugees to expelling irregular migrants. According to Avramopolous, if one wants to assist those who are deemed deserving, expelling those who do not fit with the category of *real refugee* is without alternative:

> let's move ahead, let's address this issue, let's give hope to these people. But also: let's put rules, let's fight smuggling, let's start the project of returning all those who are irregularly in Europe, and provide with our support and help for those who are in need of our protection (Sputnik News 2015).

In line with his words, EU policies during the Balkan Route were designed with this distinction in mind. The relocation scheme, "the transfer process of persons who are in need of international protection from one EU Member State to another EU Member State" (Bucur 2016), was only open for people from specific countries as explained in chapter 4.2. This implied that others are most likely not in need of international protection and therefore not real refugees.

An instrument related to the efforts of minimising the number of asylum seekers by categorising some as economic migrants are the concepts of *safe third country* or *safe country of origin*. People coming from a country which an EU member state has declared to be a safe country still have their claims for asylum individually examined, but may be fast-tracked and returned quickly, as their origin makes them less likely to be a real refugee (European Commission – DG Migration and Home Affairs 2018d). The same principle underlies the concept of *safe third country* which sees people entering the EU from a country which is deemed safe as very likely not real refugees, as they could have stayed in the country they had already reached. During the so-called refugee crisis on the Balkan Route, EU member states proposed and discussed to lower the criteria for declaring countries safe, in order to expand the list of safe countries and lower the chances of asylum seekers to be granted protection in the EU (European Council on Refugees and Exile 2017).

The examples given are all rooted in the assumption that a clear distinction between real and economic migrants exists, and that it can be detected.

Furthermore, it serves as an instrument to justify policies that are also motivated by values of cultural difference and non-belonging. Even actors seeking to protect asylum seekers, such as the UNHCR, do not question the distinction between irregular economic migrants and real refugees (Castles & van Hear 2011; Düvell 2011), which is understandable seeing that the UNHCR relies on voluntary contributions from Nation States (Loescher & Milner 2011).

The Geneva Convention and the Protocol Relating to the Status of Refugees define a refugee as someone who

> owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (IOM 2011).

It does not mention economic reasons. This understanding of economic despair as not being a sufficient reason to seek asylum is an underlying value prevalent in the discourse and governance of migration. It can be seen as a "product of specific political–economic conditions and a legal, political, and social construct of the late twentieth century" (Düvell 2011), as it only serves the protectionist interest of nation states but does not take into account the possibly life-threatening impacts economic despair might have, and ignores the structural causes for the prevalence of poverty in certain countries which partly benefit the wealthier EU Nations (Castles & van Hear 2011).

Summary

In addition to interests motivated by grievance, greed influenced the governing of the Balkan Route as well. Hostile positions towards asylum seekers which resulted in channeling asylum seekers onwards, capping numbers of applications, closing borders to asylum seekers and rejecting the relocation scheme can be traced to the idea that there is a clear distinction between real refugees and economic migrants, and that the majority of arriving asylum seekers must belong to the latter as their desire to travel to Central and Northern EU member states is argued to prove. Refusing to accommodate asylum seekers is legitimised with the argument of so-called economic migrants being undeserving of the financial support a Nation State is to give asylum seekers. However, this narrative might also be employed as a seemingly rational alternative way of arguing in light of hostile sentiments

motivated by values presented in the first subchapter.

6.3 Tensions Between the EU and its Member States

The increased arrival of asylum seekers has prompted EU member states to abandon common EU asylum law, and in some cases hinder efforts to achieve a common policy response to the so-called refugee crisis. This endangered the EU's previous achievements in terms of political integration and cooperation and exemplified the underlying tension between values and interests on EU level, and values and interests prevalent on national level.

The arrival of an increased number of asylum seekers to Greece and their plan to subsequently travel onwards on the Balkan Route has led to the Nation States along the route initially allowing them in, as long as their departure to the next country on the route was secured. This practice of channeling asylum seekers onwards due to their alleged incompatibility with national interests as highlighted in the previous sub-chapters, involved both non-EU countries and EU members. With their participation in this strategy, EU member states along the route, including Greece, disregarded common EU asylum law in favour of their own national interests. Probably most significant was the overlooking of the Dublin Regulation, which would have seen Greece responsible for the asylum claims of all people who reached the EU by arriving to its territory. Though the failure of the CEAS was foreseeable due to its faulty nature (Bauloz et al. 2015), it can nevertheless be seen as a crisis of EU integration and credibility (Bauböck 2017).

Moreover, the process of allowing and facilitating asylum seekers' journey onwards resulted in frequent temporary border controls and closures whenever countries feared the asylum seekers' immediate departure was not ensured. Some countries, such as Hungary, even erected additional physical borders in the form of razor-wire fences (Kaschel 2017). Meanwhile, all main destination countries in Northern and Western Europe reintrodcued border controls, with only some allowing asylum seekers in. These national initiatives endangered the objectives of the Schengen Convention which had abolished internal EU border checks, and usually guarantees free movement of people and goods within the European Union.   Though temporary reintroduction of border controls is permitted under the Schengen Convention in the case of a member state facing a threat to its national security (Jeřábek et al. 2018), internal border controls are seen as unfavourable

for the EU itself. This was, for instance, exemplified by the European Commission's reluctance to grant Germany, Denmark, Norway and Sweden an extension of their border controls into 2017 (Nielsen 2016; 2017), and Commissioner Avramopolous calling on member states to return to a functioning, comprehensive implementation of the Schengen Convention (Kaschel 2017). This is due to the fact that the Schengen Convention is seen as one of the main achievements of the EU, as it is not just of economic and practical, but highly symbolic value. The Schengen Convention makes European integration visible. It can therefore be argued that a deficient implementation of the Schengen Convention does not only harm economic relations between EU countries (Alderman & Kanter 2016), but also endangers the European project itself, alongside the disregard of the CEAS and isolated national policy responses.

The heads of several EU member states repeatedly called on their counterparts to work towards a common policy response during the so-called refugee crisis on the Balkan Route. In doing so, they acknowledged the threat to the EU's very existence that a failure to achieve a common solution posed. German President Joachim Gauck stated that "It cannot be that the European Union dismantles itself, and the decades-long project of European integration shatters because of the refugee problem" (Deutsche Welle 2016e), while Luxembourg's foreign minister Jean Asselborn of the social democratic and pro-EU party LSAP saw the EU "heading into anarchy" (Baczynska & Bartunek 2016).

However, while the EU in theory provides an ideal context to jointly govern the Balkan Route and its travellers (Bauböck 2017), the outcome of the cooperation efforts can be seen as unsatisfactory from the perspective of EU solidarity, responsibility and common action. It can be termed a collective action problem, as national interests cumbered common EU interests. This is true for the governing of the route while it was still open, as well as the governing of the asylum seekers left in Greece. Even the closure of the route, although hailed by the president of the European Council Donald Tusk as an effective joint solution (Deutsche Welle 2016c), was in reality motivated by national interests. It was only after destination countries were less welcoming, especially Austria which capped the number of asylum seekers allowed to cross into its territory in February 2016, that Balkan countries closed their borders to asylum seekers from Greece due to fear of becoming a permanent home to the new arrivals (Despot et al. 2016). Likewise,

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the Emergency Relocation Scheme for EU-controlled Secondary Movement that followed the Balkan Route's closure was met with criticism by mainly Eastern EU countries due to its inconsistency with national interests, and a whole of 22 member states failed to realise the number of relocations they had been appointed[6]. At a meeting in Bratislava in September 2016, then-president of the European Parliament Martin Schulz admitted, that the mandatory relocation scheme had failed (Ardittis 2016).

The national responses to the migratory movements on the Balkan Route revealed the political instability of the EU (Cocco 2017) which is based on the dilemma of an underlying, seemingly ever-present tension: While the European Union rests on the vision of ensuring its citizens security and prosperity through open internal borders and deep political integration, Nation States tend to fear for their sovereignty which ultimately serves to preserve their existence. The idea of achieving security through protecting borders and keeping sovereignty in national hands, or even reversing supranational integration on EU level is a strategy at odds with the EU vision, yet was on the rise in many European Nation States throughout the past three decades and became an established position in the political debate (Tassinari 2016).

The tension between national interests, and the interest of the EU to advert the danger of national protectionist measures which endangered its project of political integration and open borders, became especially obvious through the vocal opposition of some member states to the Emergency Relocation Scheme. The scheme was implemented through a majority vote, with Slovakia and Hungary appealing against the decision at the European Court of Justice. It is important to note, however, that not just these Eastern EU members, but 22 member states in total failed to realise the full number of relocations they had been appointed. Still, anti-EU discourse in the context of the refugee crisis on the Balkan Route was especially prevalent in some Eastern member states.

Several public and political actors rhetorically constructed the EU in its current form as an enemy, especially but not solely in the context of the Emergency Relocation Scheme. Polish nationalist catholic activist Marcin Dybowski, for

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6   Only Malta, as well as Norway and Liechtenstein who voluntarily opted in, fulfilled their quota (Amnesty International 2017)

example, emphasised the need for Poles to defend themselves against the "EU liberals", which seek "to impose [on us the] de-Christianisation of our society" (PRI 2017). Hungarian Prime minister Viktor Orbán expressed similar sentiments. By accusing EU migration policies of violating Hungary's "sovereignty and cultural identity" (Staudenmaier 2018), he did not just explain his country's rejection of the relocation scheme, he also justified it by cause of a state's right to sovereignty being almost universally accepted as explicated in chapter 4. Hungary's foreign minister Péter Szijjártó (a member of Orbán's right-wing populist *Fidesz* party) further saw the EU's attempt to secure the scheme's realisation through a decision of the European Court of Justice as a violent and deeply abasing attack on Hungary, and therefore the EU's principles. "Politics has raped European law and values" (Staudenmaier 2018), he declared, presenting the EU as brutal and ruthless, and his government's response therefore as justified and appropriate defence. The Hungarian government was not the only one to see its sovereignty and therefore state security endangered by the EU decision for a mandatory relocation scheme. In the wake of infringement procedures launched by the European Commission against Poland, Hungary and the Czech Republic, Polish interior minister Mariusz Błaszczak (PiS) argued that the EU has overstepped its responsibilities and was interfering with sovereign powers in regard to security, integration and social issues. The European Commission, however, referred to the member state's legal obligations under binding EU law, and accused Poland, Hungary and the Czech Republic to fail in showing solidarity with Greece, Italy and other member states (Radio Poland 2017d).

The governments of the countries mentioned above used the narrative of defending the national interest of their countries against the European Union, which allegedly is intending to harm the Nation States and their citizens by allowing the influx of asylum seekers into the EU, and imposing their relocation on the member states. The defence of national interest, which most importantly is the upholding of national security, is presented as allowing for extreme measures. This includes disobedience to international law, EU law and Court decisions. In line with that, Poland's interior minister Mariusz Błaszczak stated to not fear prospective sanctions by the EU, as the acceptance of asylum seekers would "certainly be worse" (Radio Poland 2017e). Earlier, Croatia's social democratic interior minister Ranko Ostojić acknowledged, that the policy of only letting in asylum seekers

which signed a declaration stating they were seeking asylum in Austria or Germany, was against international conventions. However, "we will do it" (Rujević 2016). Austria, which capped the number of asylum seekers allowed to enter the country to 80 people per day in February 2016, seemed equally unafraid of a confrontation with the EU. Despite receiving a letter from the European Commission, which warned Austria that the measure was incompatible with the European Convention on Human Rights and the EU Charter of Fundamental Rights, as well as the Geneva Convention, Austria went ahead with the implementation of its policy. Austria's government justified this move with the absence of an alternative policing approach on EU level (Huggler 2016). Notably, even Macedonia as a non-EU member state, but candidate country, legitimised its country's border fence and use of tear gas against asylum seekers with the absence of a clear EU strategy which could involve Macedonia (Deutsche Welle 2016b). EU Commissioner Avramopolous contradicted these attempts at legitimisation of national protectionist strategies by blaming national action for the difficulties in reaching an agreement on common EU action: "To those who think that we need national solutions because a European approach is not working, I say: it is precisely national actions that are hindering a European approach" (The Sofia Globe 2016).

An interesting observation in the context of tensions between the interests of the EU and interests of its member states, are alliances between political actors of different member states, who share a hostile view on the EU in its current form. In early 2018, Hungary's Viktor Orbán spoke at a joint press conference with Horst Seehofer, the leader of Germany's conservative CSU party. Orbán called Seehofer – who had denied the belonging of Islam to Germany (Ataman 2018) – and the members of his party "our friends" (Schultheis 2018). Seehofer returned the favour by praising Orbán as the "guardian" of the external EU borders, and admiring how he "clearly respects the rule of law" (Schultheis 2018). Orbán claimed that EU migration policies were designed by a group of leaders of some Nation States, that were acting against the will of the European people, a claim he has made before (McLaughlin 2017). As noted earlier, the assertion to be acting according to national interest, especially *the will of the people*, is a strong rhetorical instrument to justify a governing politicians' stance, as it means living up to ones democratic

responsibilities. It also serves to denounce political opponents, who are accused of disregarding the people's will, as Orbán claims several EU leaders do. Interestingly attempting to speak for all European people and linking the arrival of asylum seekers to terrorism, Orbán declared that "Europeans have a clear will. They don't want to live under the threat of terrorism, they want security, they want their borders to be protected" (Schultheis 2018). By teaming up with politicians and parties in other EU member states that hold similar views, populist anti-migration parties seek to convey the image of not being against European cooperation, but only against the EU in its current form. The EU is presented as elitist institution that works in contradiction to what the parties declare as the European people's uniform will – security through excluding the potentially dangerous asylum seekers. The nationalist leaders or politicians thereby proclaim to attempt to govern Europe according to the people's will. That allegedly makes them, in contrast to the EU leaders, truly democratic.

The so-called refugee crisis and the ongoing success of right-wing populist parties seems intertwined. While the governing of the arrival of an increased number of asylum seekers was influenced by right-wing anti-migrant and anti-EU sentiments, it was also instrumentalised by these political actors to gain further support. The Securitisation of asylum seekers by linking them to the loss of economic welfare, public security or national identity is a successful instrument to gain political support (van Houtum & Pijpers 2007). The increased arrival of asylum seekers to the European external borders, and the absence of joint EU action in light of the CEAS's failure can therefore be seen as a situation beneficial for right-wing populists. For example, the arrival and presence of asylum seekers, with the subsequent insufficient common EU response due to nationalist sentiments was identified by several European newspapers as the reason for the great success of anti-EU and anti-migration parties in the Italian election in March 2018 (Nowoje Wremja 2018; Times of Malta 2018).

In light of the tension between EU values and interests, and the national interests of its member states, the reaction of Austria and Germany to the developments early during the so-called refugee crisis on the Balkan Route seems odd and unfit with these countries' national interests. As explicated in chapter 4, Austria and

Germany on 04th September 2015 announced the joint decision to officially allow asylum seekers detained in Hungarian camps after Hungary had stopped all international rail traffic to Western Europe a few days earlier, to travel to Austria and onwards to Germany (Smale et al. 2015, Tagesschau 2015).

An explanation for the policy to allow asylum seekers enter could be the motivation to prevent a further rift between member states, who were already arguing how to restore order to what was deemed a crisis of joint management and therefore EU integration. In weighing national protectionist interests related to the arrival of asylum seekers against the benefits of a functioning EU, the latter was deemed more important as it ultimately also helps national interests in other areas. Therefore, Austria's and Germany's reaction seemed to be a simple acknowlededment of the Dublin Regulation having failed, and an attempt to save the European project from collapsing – as several political actors such as Luxembourg's Asselborn and Germany's Gauck were fearing (Baczynska & Bartunek 2016; Deutsche Welle 2016e).

However, that came at a price. In Austria, the far-right populist party FPÖ steadily gained support among voters and celebrated great success in the presidential elections in April 2016. As a consequence, then-chancellor Faymann, who had tried to regain approval by tightening asylum policies, including the introduction of a cap on asylum applications which resulted in the closure of the Balkan Route, resigned (Hasselbach 2016). Germany's Merkel likewise lost the endorsement of a considerable amount of voters as polls suggested (Spiegel Online 2016). Therefore, she arguably also benefitted from the closure of the Balkan Route initiated by the Austrian cap on asylum applications (Hasselbach 2016). Additionally, Merkel was heavily engaged in externalisation of the EU borders through the EU-Turkey agreement in March 2016 as a strategy to regain control over movements on the Balkan Route.

As explicated, calling on member states to handle the so-called refugee crisis in the spirit of solidarity, including respecting and realising the relocation scheme, was of moderate success. More successful with regards to controlling movement on the Balkan Route was the EU agreement with Turkey in March 2016. The agreement saw Turkey preventing asylum seekers from crossing to Greece, in exchange for financial support, visa liberations and re-energised EU accession

talks (European Council 2016b). As a result, the number of new arrivals to Greece dropped significantly (Frontex 2018a). With the agreement, the EU transferred the task of border control and border enforcement to Turkey, hence externalised it. The strategy of externalisation of border control relegates the issue of people wanting to seek asylum to the margins until it is not deemed an EU problem anymore (Sicurella 2017). The strategy of externalisation of responsibilty is not new, as the EU already implemented similar agreements with Afghanistan or African countries, in an ethically questionable way realised by utilising power imbalances (Nessel 2009; Tagesschau 2017).

In the case of the refugee crisis on the Balkan Route, the externalisation of borders was an instrument to curb the arrival of asylum seekers in light of critical tensions between the EU and its member states concerning the governing of the route and its travellers.

Summary

The EU aims to achieve security and prosperity of its citizens through deep politcal integration and open internal borders. National responses to the so-called refugee crisis on the Balkan Route such as border closures and refusal of the relocation scheme therefore contradicted its ideals and endangered its achievements. Populist anti-migration and anti-EU actors constructed and attempted to delegitimise the EU as an enemy that is acting against the will of the people. Austria's and Germany's initial openness to refugees who became stuck in Hungary can be seen as an acknowledgement of the crisis of EU integration, which the reaction of these countries seeked to alleviate. In addition to calling on its members to act in spirit of solidarity instead of national interests, the EU reached an agreement with Turkey that meant externalising its borders as an instrument to cope with its inner conflicts.

6. Discussion and Conclusion

By analysing textual data deriving from the public debate of the so-called refugee crisis on the Balkan Route, the reseach gave an account of the route's governing as well as the governing of the asylum seekers left in Greece, and revealed the underlying structures accounting for this way of governing on EU and Nation State level.

The study benefitted from a relatively open approach, with sampling and analysis inspired by Grounded Theory and the use of theoretical concepts and approaches from different disciplines, namely Political Science, International Relations, Anthropology and Linguistics. The selection of theoretical concepts has proven useful for approaching the case at hand and has resulted in findings that support and connect results and thoughts from previous scientific work across the disciplines mentioned.

The report demonstrated how the EU member states' interest of not receiving asylum seekers led to disregard the common asylum system that had been in place before the start of the so-called refugee crisis, especially the Dublin Regulation that had seen Greece responsible for all asylum claims of people who arrived to its territory. Instead, Balkan countries engaged in the channeling onwards of asylum seekers to destination countries like Austria, Germany and Sweden among others. This practice created tension between the Balkan countries as well as other EU member states who were to receive the travellers. Therefore, the practice of chanelling asylum seekers onwards was alternated with temporary border closures and exclusion of certain nationalities, whenever Balkan states suspected that the asylum seekers' departure to the next country was not secured. Destination countries like Austria, Germany and Sweden all introduced border controls. In addition, Nation States erected fences in preparation for border closures, with Hungary being the first country to forcefully hinder asylum seekers completely from entering. The temporary and long term border controls and closures endangered the practice of open internal EU borders realised through the Schengen Convention, one of the EU's proudest achievements. Reacting to the failure of the Dublin Regulation and the threats border controls and closures posed to the European project, Austria and Germany initially let people in, before a cap

on asylum applications introduced by Austria and an agreement between the EU and Turkey initiated the closure of the Balkan Route.

Throughout the so-called refugee crisis on the Balkan Route, the EU had called on member states to work towards a common solution in the spirit of its values of political integration and solidarity. An outcome of these efforts was the Emergency Relocation Scheme, which aimed to relocate 160.000 eligible asylum seekers from Greece and Italy to other member states. The succesful implementation of this measure turned into a collective action problem, in which member states hindered the success due to their own national interests. While some Eastern EU member states protested against the measure, which was adopted against their votes, all but three member states failed to live up to their commitments of relocating the amount of asylum seekers they had been allocated.

The analysis of data derived from the public debate, including news articles, EU documents and websites, and scientific articles, highlighted underlying reasons for the messy and hostile governing of the Balkan Route and its travellers.

Utilising the concepts grievance and greed originating from Political Science, two main underlying cognitive structures were identified as especially prevalent and powerful: Firstly, Europe and especially the EU is alleged to be characterised by christian values, which are in contrast to the values the mostly muslim asylum seekers are perceived to uphold. In this narrative, which is most prominently being evoked by national right-wing actors who are not necessarily firm religious Christians themselves, rhetorical strategies of Problematisation and Securitisation are employed to depict muslim asylum seekers are as a threat Europe's christian identity, hence the societal security of European member states. The success of this narrative can be credited to the prevalent image of Nation States as naturally culturally homogenous; and migration therefore being unnatural and disturbing the order. Secondly, the constructed distinction between so-called *real refugees* in opposition to *economic migrants* fuelled the hostile stance towards asylum seekers and was instrumentalised to justify harsh and restrictive asylum policies. In this narrative, the majority of asylum seekers is suspected to not have an acceptable reason for coming to Europe or wanting to travel onwards, as the official definition and prevalent public understanding of *refugee* does not include economic hardship as a reason to seek refuge. The asylum seekers are instead

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accused of wanting to exploit the EU member states' welfare systems.

The analysis of how asylum seekers are framed, which included the use of metaphors and categories, showed how the values and corresponding interests mentioned are deeply ingrained in the debate on asylum and migration in general. They are prevalent in political, media and scientific discourse alike, as the analysis pointed out. Their normalised state accounts for their power, as they are hardly ever questioned. Hence, they are the cause for protectionist and unfavourable policy measures that do not respect asylum seekers as human beings equal to Nation States' citizens.

The measures employed by Nation States, such as disregarding common EU asylum law or implementing border controls and closures, endangered the EU project that is based on the values of political integration and solidarity. The tensions between EU's and Nation States' general values and their interests during the so-called refugee crisis resulted in the EU calling on member states to strive for common policy responses and respect EU decisions to prevent damage to the European integration project. Moreover, an agreement with Turkey externalised the EU borders and alleviated tensions between member states. Populist anti-EU actors benefitted from the absence of a functioning EU strategy and constructed the EU as not only ineffective, but an enemy to the Nation State and peoples' will.

The study has shown that the governing of the Balkan Route and the asylum seekers left in Greece was influenced by underlying values and interests related to national identity and belonging that are naturalised through everyday discourse, including categories and metaphors. It has pointed out how these national values resulted in policies that conflict with EU values of cooperation and deep political integration. The outcome was insufficient protection of asylum seekers, which is especially critical when considering that internationally recognised rights of asylum seekers are sparse (Bauböck 2017; Borland 2015)

In light of these findings, the researcher suggests to theoretically challenge categories and concepts such as for example *economic migrant*, which justify the exclusion and mistreatment of asylum seekers and above all, do not adequately acknowledge the potential life-threatening impact poverty might have. An example of such an approach was presented by Liisa Malkki (2007), however, the analysis

has shown that the distinction between the so-called *real refugee* and the *economic migrant* prevails in political and even policy-critical scientific discourse alike, which the researcher sees as a deficit.

Likewise, the right of states to sovereignty above all is a problematic value in light of the effects this had on asylum seekers on the Balkan Route. The researcher therefore supports approaches by Banerjee (2010) and Bauböck (2017), whose work present arguments for the right to asylum to have a stronger normative and legislative standing.

As this study's data mostly derived from the debate of the so-called refugee crisis on the Balkan Route, possible future research could expand this study design to other cases, for example the governing of the Central Mediterranean route which leads from Libya to Italy and onwards (Frontex 2018c) and was heavily frequented and discussed as well. Widen the study of underlying values and interests of migration governance to other specific cases could provide a bigger picture and test the results of this study, which due to the case study design cannot be generalised.

Of interest are also aspects this research detected, but could not incorporate. This includes the relation between the EU and its candidate countries on the Balkan Route, Macedonia and Serbia. How can these countries' measurements be evaluated in consideration of their wish to join the EU? This aspect was touched upon by Pavlović (2016) but deserves more attention in light of recent developments such as the recent EU-Westbalkan summit in May 2018, which saw leaders agree to cooperate more strongly on migration (European Council 2018).

Furthermore, even though the Balkan Route was officially declared shut in March 2016, asylum seekers in Greece told the researcher that people were still travelling onwards on the route, or try to get from Greece to Italy by hiding in trucks. This claim is supported by news articles, that suggest the official closure of the Balkan Route forced asylum seekers to retreat to riskier ways of travelling (Deutsche Welle 2016f; Ehrbahn & Hybel 2018). Additionally, research indicates an increase in systematic physical police violence towards asylum seekers since the Balkan Route's official closure (Arsenijevic et al. 2017). A scientific study of this phenomenon, possibly including field work and interviews with asylum seekers involved would expand the understanding of the governing of the Balkan Route by

exemplifying consequences of the restrictive policies and their underlying reasons that were presented in this research paper.

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