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Security
Network

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Executive Summary

This report investigates European and national policy initiatives and public reactions to the influx of refugees into the European Union in the second half of 2015. Looking at the reactions to this situation demonstrates how a genuinely humanitarian problem is reframed as a problem of security and a threat to National welfare systems and cultural traditions. Investigating these reactions, it can be demonstrated how the idea of societal security is spelt out in a defensive way, i.e. public and publicized opinion and a significant number of national policy actors perceived of refugees from war torn crisis areas in the Middle East as a threat to the status quo, that had to be defended against outside intruders. As opposed to a reading of societal security, highlighting the resilience of democratic societies, honouring human rights, embracing multi-cultural and multi-ethnic diversity and providing support for those who urgently need it, hostile reactions and a politics of fear prevailed in national policy discourses. The events of 2015 and the often very badly coordinated reactions that followed provided the pretext for Euro-sceptic movements and political parties across the European Union to exploit public fears and xenophobic anxiety, fuelled by media. Policy initiatives at the European level addressed the situation of the refugees in a comprehensive and timely manner and developed suggestions and solutions for joint policies. However, the implementation of these measures was not sufficient and a lack of cooperation at the level of Member States proved as counter-productive. The influx of a significant number of refugees into the European Union triggered important debates about the status and the fundamental principles of Europe as a political actor. It at the same time clearly demonstrated the shortcomings of the present repertoire available to handle major crisis situations in a genuine European manner. There are a number of lessons to be learnt from the events in the second half of 2015 with regard to a strengthening of Europe's executive capabilities, having to develop a stronger and more robust set of tools and capacities to control its borders and to bring individual Member States to adhere to joint political strategies and initiatives.



1 Introduction

In October 2016, the New York Times published an article giving their readers a view of the current state of the European Union. The US with the upcoming presidential election on the horizon was living through a wave of populist and nationalist rhetoric with two candidates, entertaining an attitude of mutual hostility and launching personal attacks. The whole nation seemed to live through a political crisis and probably it was this dystopian lens that shaped the author's view:

“The E.U. is becoming more and more ungovernable,” said Mark Leonard, director of the European Council on Foreign Relations, a research institute. “The stakes internationally are higher and higher, but politics is becoming more and more parochial.” The scale of the trouble facing the European Union is hard to overstate. Across the Continent, populist, nationalist and far-right movements are upending traditional politics and promoting anti-Brussels sentiment. The effects of last year's huge wave of migration continue to roil Germany and many other countries. The bloc is struggling to maintain stability in the single currency zone. Most of all, Britain's vote in June to leave the European Union hangs over the entire European project, a reminder that decades of work in knitting together disparate nations can be reversed in a relative instant. (NYT Oct 21 2016)

This list of current crises facing Europe as a political union as seen from the outside observer perspective paints a grim picture of Europe and while it is tempting to join in and wait for the endgame of a crumbling European Union, a closer look reveals a different scenario. While it is true that populist, euro-sceptic movements have been on the rise for quite some time across Europe, and even managed to win the vote for the Brexit, and while these movements have gained popular support during last year's migration wave and conflicts over the right strategy to tackle the economic and fiscal problems of some Member States with a joint European approach have not produced a consensus, Europe as a historical project still creates remarkable political, cultural and economic momentum. Ensuing controversies over the right way to do things in Europe should not be interpreted as a sign of disintegration. The heated and controversial debates about the future of Europe also can be seen as a sign for active involvement of a significant share of European citizens. As long as Europe remains a contested concept fuelling debates it is too early to declare the failure of this project. Taking the events of the second half of 2015, labelled as “refugee crisis” as an example for the complex problems to be addressed in joint efforts by European and national policy makers and to be discussed in public discourse, it can be shown that Europe should not be reduced to a project of “knitting together disparate nations”. Rather it should be understood as a political-cultural-economic space of struggle for a Union based on mutual respect, still working towards the prospect of creating an area of freedom, justice and security and trying to give substance to these ideas. In the following pages, we will work along the concept of societal security, reconstructing the reactions to the recent migrant wave hitting Europe and trying to better understand how this has affected the politics and understanding of societal security in Europe.

1.1 Background

The Annual Societal Security Report (ASSR) is the main deliverable of WP 3 in SOURCE. Producing a thematic overview of relevant security issues, discourses and events on a regular basis the consecutive versions of the ASSR highlight the complex nature of societal security in Europe focussing on different areas each year. Due to the limited resources, available for producing the ASSR, data collection and primary research have to remain at the level of exemplary empirical evidence, investigating selected aspects of societal security. In the overall context of the SOURCE project, the research-based ASSR is linked to the other work packages and activities,



addressing societal security from their respective thematic perspectives to advance a broad societal debate about societal security.

The ASSR produced in the first year (SOURCE D3.4) was designed as critical review of a wide array of publicly accessible data sources and conceptual approaches to capture societal security and develop the basis for future versions to be produced during the lifetime of the SOURCE project. Screening the available empirical evidence, such as national and European surveys, addressing specific problems like feelings and perceptions of security, citizens' attitudes towards privacy and surveillance, and a wide array of socio-economic proxy indicators, deemed relevant for societal security, such as GDP, Gini-Indices, unemployment, poverty and crime rates, compiled by national and European bodies revealed a number of problems. Macro structural indicators (e.g. for economic growth or welfare spending) do not change significantly over the period of 12 months, so while they may be useful as general background information, they are of limited value for an analysis of dynamic processes in the field of societal security. Surveys addressing topics relevant for societal security often produce a snapshot valid for a given point in time, but very few are designed as panels, i.e. recurrently collecting data on a given topic. In the first year, we launched our own small-scale survey on societal security, trying to reach out to socially marginalized populations across Europe who often are not considered in survey research. Although this survey, made available online in a number of European and other languages did not produce statistically significant results during the first year, we hope to collect more responses, particularly from socially marginalised group during the lifetime of the SOURCE project. Online sources turned out as the most promising secondary data sources for the investigation of societal security. Looking at changing frequencies of traffic and search for relevant concepts and words on Wikipedia and Google, variations in public interest and concern can be identified. Combining these findings with an analysis of relevant events making headlines in major European mass media during the observation period (a kind of security "chronique scandaleuse") yielded a comprehensive tableau of topics, framings and perceptions of societal security in public discourse across Europe. Last not least, we decided to use our limited resources to conduct in-depth interviews with citizens in a number of European countries about their perceptions of security beyond the standard threat-based framings used in security research or crime victim surveys.

In the second edition of the ASSR we included Twitter as an additional source, harvesting more than 50 million tweets over a period of eight months and screening them for information about security topics and events receiving significant media coverage. This analysis produced important insights with regard to the usability of data taken from online sources. Furthermore, we ran a small survey and conducted a number of interviews with security experts from different fields (such as environmental, cyber and critical infrastructure security) to solicit their views and expertise in their respective fields. Combining the different types of data and linking them in a theoretically meaningful way for an empirically grounded analysis of societal security we used a heuristic model distinguishing between security in citizens' everyday perception, security in media discourse and experts' understanding of societal security problems. Using the different data sources this model turned out useful to capture not only the complexity of the concept of societal security but also to carve out the differences between these different ideas and notions of security.

This year's ASSR presented here builds on theoretical insights and empirical findings from previous work and takes our research a step further. Focussing on a single security problem, presently considered of high priority in Europe, we investigate in a number of case studies, covering six Member States, how the current refugee crisis (RC) is handled across Europe. The basic idea, informing this analysis is straightforward and simple: The so-called refugee crisis constitutes a global problem, affecting the European Union as a whole, but policy reactions to this problem emerge primarily at the national (if not local) level and show a number of xenophobic, populist and nationalist tendencies – detrimental for European integration. Hence the working title of this year's ASSR: Global threats – local fears.



1.2 Objectives

Restricting the ASSR to a single societal security problem, and investigating the unfolding RC starting with the massive influx of refugees from the Global South and particularly the MENA region in the second half of the year 2015 we address the interplay of European and national policy measures designed to curb and handle this problem, perceived in public and to some extent also in policy discourse as an exceptional threat to societal security. At the same time the events in the course of the unfolding crisis demonstrate how a global challenge fuels a politics of fear. Societal security covers a wide array of different objects and discourses, from financial security to securing the cultural identity of a society and the analysis of the RC can demonstrate how many of these dimensions are affected in one way or the other and also how the challenges are sometimes transformed and redefined in a bluntly short sighted manner to create added value for a euro-sceptic if not anti-European political discourse, weakening the institutional and political capacities of the European Union. So, the RC also sets the stage for a didactic play of structural problems of European integration to be observed in real time. Popular scenarios emerging in the RC perceive of migrants from non-European countries as a threat to the cultural heritage and identity of a Judeo-Christian Europe, refugees are declared as a burden to national welfare systems, flooding housing and labour markets. The RC triggered popular anxieties: since most of the refugees arriving in Europe come from Muslim countries, they can be labelled as potential Islamist terrorists and radical Jihadists, justifying a build-up of surveillance, control and internal security across Europe.

Highlighting external threats and pointing to enemies outside the community has been a standard and well-rehearsed political strategy used in political discourse to strengthen social cohesion, increase legitimacy for the existing institutional order and create support for political measures. This strategy was the overall organizing idea during the era of the bipolar world order after WWII. “We” in the “West” stood together against the Empire of Evil, to use Ronald Reagan’s phrase for the Communist World. Joining forces against Communism was one of the many motives supporting the political idea of a European Union, defining security as securing against the communist threat through building military strength. With the breakdown of the Soviet Union this scenario vanished. New enemies now emerged no longer from the East but rather from the South. Migration seems to have replaced Communism as the dominant threat to Europe. However, the scapegoating mechanism that worked so well during the Cold War, binding European nation states together under a common goal to fight a common enemy, posing a common threat, loses grip in the face of the migration waves from the South. This may have different reasons. First, while Islam figures as a prominent ideological frame to foster feelings of threat linked to migration, it lacks the crisp political form of communism as a seemingly tangible political ideology backed by a well-organized military power block. Secondly, the Iron Curtain, separating the West from the East had a clear and impenetrable physical presence as geo-political fact. Migration from the Global South, taking the form of massive unorganized movements of individuals cannot be treated like the army of an enemy that can be stopped by building up military defence along a territorial line. Last not least, economic migration to countries of Western Europe from the South, increased mobility and economic globalisation, leading to multi-cultural, multi-ethnic societies make it more difficult to maintain a political powerful semantic difference between “Us” and “Them” in the face of migration. This also makes the political idea of a territory protected by physical barriers against outside intruders obsolete. Nonetheless the cold war mind set is still lingering in European policy discourse. But it has lost its politically integrative force for the European project. The RC, while affecting Europe as a whole (and different European countries in different ways) has supported political movements and sentiments of a new euro-sceptic nationalism in Member States. This nationalism is ideologically sealed off, making broad and controversial debates about Europe as a political project increasingly difficult. Member States seem to be locked in a kind of prisoner’s dilemma, opting for seemingly safe bets, ignoring the added value of cooperative, joint European strategies to handle the RC.

The objective of this ASSR is to reconstruct in an exemplary fashion the complex constellation emerging under these conditions. We will look at how the current influx of refugees was transformed into a security problem at



the European level and then use case studies from a number of European countries to better understand how particular readings of societal security are shaping policies and producing a number of detrimental effects.

1.3 Structure

The first part of this deliverable will outline the concept of societal security as it is used in the ASSR. Against the background of this theoretical framework the present topic RC as a problem of societal security will be briefly described. As mentioned above, the basic idea is to understand how global problems are transformed into policies and how such reactions at the level of nations can have dis-integrative effects for the European project as a whole. The methodological approach of using exemplary case studies will be discussed and linked to the overall objective of RC. In the main part of the Deliverable key findings from the individual case studies will be presented and compared. These case studies follow a common approach and address the same questions for each country. Due to differential availability of information and specific situations in the countries involved the emphasis is different for each country. The findings from the country studies will be synthesised in a final chapter.

2 Theoretical Framework

2.1 Concept: Societal Security

Societal security is a key concept informing work in the SOURCE project. This concept can be spelt out in different dimensions and can be made operational for different disciplines. For the purpose of empirical investigation applying the concept societal security in the context of sociologically informed social theory we suggest to introduce a number of different analytical levels to better understand how security is defined and how it is used as a term and as a cognitive and psychological frame to understand and interpret the world.

Security as an individual and collective mental state displays a paradoxical nature and can be classified as one of the mental states which are necessarily by-products, i.e. security cannot be willed.¹ Security prevails as a mental state when it is *not* the object of conscious action and reflection. As soon as the categorical cognitive division security/insecurity is introduced a person begins to screen the world along the lines of this division and starts to develop feelings of insecurity. A second important and related aspect of security at the level of individual perception has been investigated by Anthony Giddens who uses the term “ontological security” referring to the general pre-reflexive feeling of living in a stable environment, where the future will reproduce the past and the present is rooted in traditions governing social interaction.² A loss of ontological security can be observed as one of the consequences of modernity, to use Giddens phrase. Niklas Luhmann has suggested to analyse contemporary discourses about security as a risk-based type of reasoning. While threats may come from outside and are not predictable, modern societies increasingly replace this thinking in terms of fate (i.e. threatening things can happen) through a new type of reflexive self-attribution. In any given situation, an actor is assessing the range of options or choices s/he has from the point of view of future effects a present decision might have. Under societal conditions of increasing complexity each choice/action/decision carries a risk of future damage or cost and hence measures are taken to minimize risks.³ Investigating perceptions of security at the level of the everyday world of individual actors against this background it seems that predictability, stability and continuity of the immediate social environment are at least as, if not more important for security perceived, than apparent security threats (like e.g. crime).

Looking at public security discourse as it unfolds in the media – from newspapers, through TV and new social media – reveals a different picture. Security as a news item and topic in the media tends to follow more a threat-based approach. Media are tied into a dynamic of scandalizing, novelty and arousal, reinforcing a feedback cycle in setting what could be called the societal security agenda. They compete as commercial enterprises for a limited share of voice to capture the attention of the public audience. Media can create so-called moral panics through over-reporting.⁴ This has effects for strategies of public policy and individual perceptions alike. Citizens may become susceptible to a media reinforced policy to address mundane security risks such as e.g. street crime, through repressive and tough measures, but will support alternative approaches, when the framing of the problem changes.⁵ Media reporting on security issues such as crime also can affect registered crime rates, since the majority of crimes known to the police are based on reports from the general population and public awareness of crime is primarily shaped by media reports (and media rely on information

¹ Elster, J. (2016). *Sour grapes*. Cambridge University Press.

² Giddens, A. (2013). *The consequences of modernity*. John Wiley & Sons.

³ Luhmann, N. (1993). *Communication and social order: risk: a sociological theory*. Transaction Publishers.

⁴ Cohen, S. (2002). *Folk devils and moral panics: The creation of the mods and rockers*. Psychology Press. Ditton, J., & Duffy, J. (1983). Bias in the newspaper reporting of crime news. *Brit. J. Criminology*, 23, 159.

⁵ Tyler, T.R. & Boeckmann, R.J. (1997). Three Strikes and You Are Out, but Why. The Psychology of Public Support for Punishing Rule Breakers. *Law & Society Review* 31 (2) 237-265



from police sources in their coverage of crime problems).⁶ While crime is one of the standard security problems addressed in media other issues like financial or environmental security can make headlines as well and of course topics like migration are perfect case for a media-reinforced security problem scoring high on the agenda of problems to be addressed through effective measures. From an analytical perspective, security discourse in media is closely linked to policy debates but affects mundane perceptions of security only temporarily, as the scores of European and national surveys nicely demonstrate, where more than 80 % of respondents express high or very high feelings of security over the last decades.

The discourse of professional security experts constitutes a third important analytical level where societal security can be investigated and where existing or emerging problems that often are invisible to the lay person, and create long-term effects at global levels are discussed. Scholarly analyses produce evidence for such problems and allow for a complex and balanced understanding beyond dramatizing media and policy interpretations. Research addressing societal security can be found across different disciplines from engineering to medicine and life sciences, climate research to social policy and demographics. Security risks identified here range from vulnerabilities of complex techno-infrastructure, to the spread of genetically modified organisms and new resistant bacteria and viruses or long term environmental and demographic changes affecting the social and fiscal stability of societies. In the overall analysis of societal security this knowledge can help to assess and balance popular and policy interpretations. At the same time a closer look at the links between public policy and scientific expertise sheds light on the learning capacities of contemporary societies and helps to better understand how research is governed and shaped by non-scientific forces. The latter aspect is of specific relevance when it comes to scholarly and research-based approaches to security issues.

Taken together these three levels provide a useful guide for a comprehensive, empirically grounded approach to societal security pursued in the ASSR. As entry point for an analysis of societal security in European societies media discourse seems to be the adequate choice. The security and threat landscape as it unfolds in public media can be contextualized from two sides via the two other analytical perspectives of mundane everyday perceptions and expert knowledge on security. With regard to the topic of migration and refugees the perspective of public policy reactions should be considered and also the controversies about these measures as they unfold in media discourse about the RC, since here it can be observed how this single, albeit complex problem branches out into a myriad of policy areas addressed under the heading of societal security.

2.2 Topic: Refugee Crisis in Europe

In the second half of 2015 the European Union was exposed to what for European standards seemed to be a massive and largely uncontrolled influx of refugees, mainly from the conflict zones in Syria but also from other countries. Frequently the situation was framed as “refugee crisis” underlining the need for urgent and exceptional policy measures. When introducing the term “crisis” it is important to clearly make a distinction between two different, albeit closely interrelated problems or crises. On the one hand, there is the *humanitarian crisis* unfolding in the war zone in the Middle East, triggering the move of civilians who become refugees seeking for shelter outside their war-torn country. On the other hand, there is the *political crisis* emerging in Europe being confronted with an unexpected large number of these refugees and in trying to find an adequate response transforming humanitarian misery abroad into a security threat at home. Policy responses to both of these crises demonstrated the limited capabilities of the European Union as a global political actor and fuelled a number of national policy responses often conflicting with the idea of a European

⁶ Barak, G. (1988). News making criminology: Reflections of the media, intellectuals, and crime. *Justice Quarterly*, 5(4), 565-587.



policy approach. In the following paper, we will use the term “refugee crisis” to refer primarily to the political crisis dimension of this complex problem constellation. We will not introduce the fine-grained differences of legal status and refrain from applying legal-bureaucratic categories to sort individuals seeking shelter in the European Union into administrative boxes, but uniformly consider all persons entering the territories of the European Union as refugees. Such differences as e.g. between economic, political, religious, or ecological motives as reasons for an individual’s decision to leave the home country may have an impact on the processing of this individual within national administrations, but they are from the theoretical perspective taken in this paper of minor relevance.

Europe as a political institutional construct has developed a system of decision-making that often puts a premium on nationalist strategies and institutionally mediated policies based on the NIMBY principle⁷. European policy responses to the recent increase of refugees migrating to Europe from MENA countries and beyond demonstrate the predicament of joint European policy initiatives in several respects. At a very basic level the simple question about the scope of migration in Europe is not easily answered⁸. Lacking a reliable and consented data base makes it difficult to assess and evaluate ideas and claims brought forward by different actors at the national and European level with regard to measures suggested to handle the current “crisis”.⁹

According to Euro Stat 1,255,640¹⁰ people sought refuge in the European Union in 2015. While these are only 0.2% of the EU's 508 Million inhabitants, Member States are in a disagreement about their distribution. Security threats play a prominent role in these controversies. Refugees are linked to increasing crime, ranging from petty crime, sexual offenses to terrorism by those unwilling to partake in the refugee quota system. This perception of refugees or unregulated migration in general as a security threat has surfaced recurrently in waves since the early 1990s.

Putting the current European situation and the political arousal created by the influx of refugees in a larger context of global flows and comparing it to the exposure of other, neighbouring countries in the crisis region, the problems the European Union has to handle look less dramatic and exceptional. To a large extent the flows of migrants remain within the area. Countries like Lebanon, Jordan, Iraq or Turkey took a substantially greater share of the burden compared to the European Union as the chart below clearly demonstrates.

⁷ Hubbard, P. (2005). Accommodating Otherness: anti-asylum centre protest and the maintenance of white privilege. *Transactions of the Institute of British Geographers*, 30(1), 52-65.

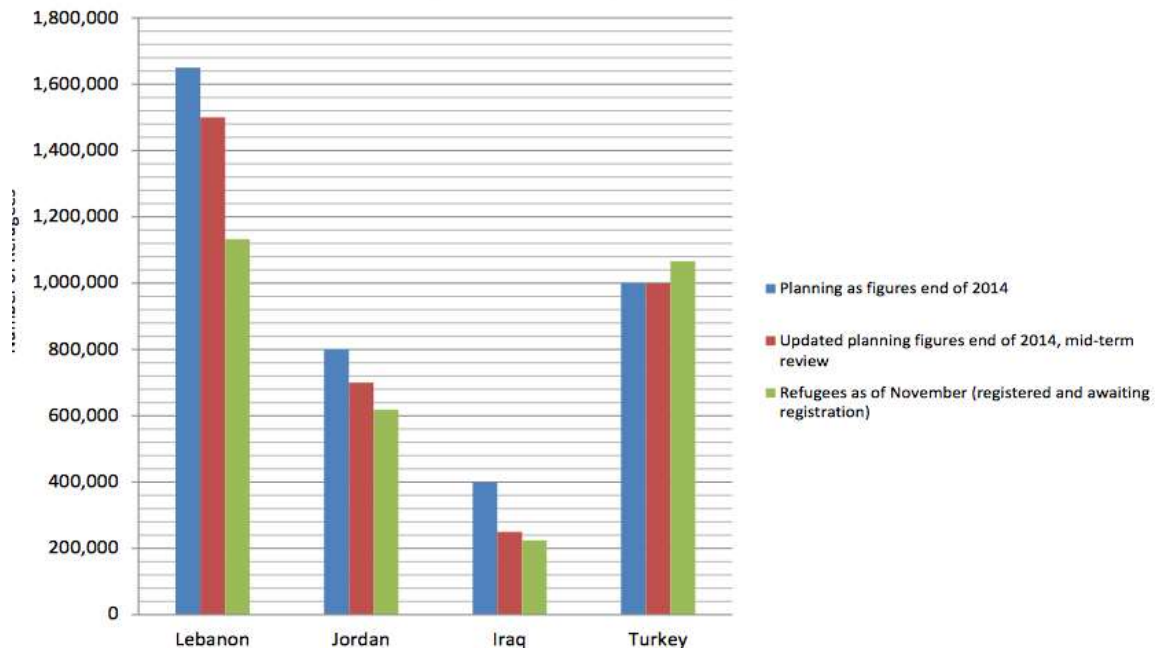
⁸ Abel, G. J., Sander, N. (2014). Quantifying global international migration flows. *Science*, 343(6178), 1520-1522.

⁹ Guild E. et al (2015) *The 2015 Refugee Crisis in the European Union*. CEPS Policy Brief No.332.

¹⁰ Asylum in the EU Member States: <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6> [23.09.2016]



Figure 1. Regional response plan (UNHCR)



Source: UNHCR, Regional Response Plan 6 and Mid-Term Review.

These countries also have to carry the financial burden created by the huge number of refugees in their territory. Based on estimates by the World Bank, the Syrian crisis produced costs of 7.5 billion USD for the Lebanese economy, leading to a drop of tax revenue of approximately 1.5 billion USD.¹¹ For Jordan and Turkey the figures are of similar magnitude. Attempts to control borders with Syria showed only limited effects. Refugees denied access use alternative, frequently more dangerous routes to find their way out of their country to seek shelter in neighbouring countries. Against this background and compared with the situation of the countries in the immediate neighbourhood of Syria not only European and international efforts to handle incoming refugees but also European concerns seem inadequate. “Of the more than three million refugees from Syria living in neighboring countries, UNHCR aims to support the resettlement of 130,000 people between 2014 and 2016. The total resettlement places pledged since late 2013 stands at approximately 50,000, less than half the number of refugees who fled to Turkey in just three days in September 2014. Lebanon is currently home to 36 percent of all registered Syrian refugees (1.12 million), yet only 4,528 of these have been allocated a place for potential resettlement, according to UNHCR. From the start of the Syrian conflict in March 2011 until August 2014, only 7,000 refugees were resettled worldwide through UNHCR-facilitated programs. ... To put it in perspective, the number of Syrian refugees in Lebanon is tantamount to the United States absorbing the entire population of Germany. Similarly, the situation in Jordan is equivalent to all of Denmark moving to the UK or France.”¹²

¹¹ These figures and the chart are taken from a Report drafted by the Norwegian Refugee Council. “No Escape. Civilians in Syria Struggle to Find Safety Across Borders” Nov. 2014, <https://www.flyktninghjelpen.no/globalassets/pdf/reports/no-escape---civilians-in-syria-struggle-to-find-safety-across-borders.pdf>

¹² See Norwegian Refugee Council op cit. p. 15 passim



While there is overall agreement about a significant rise in the figures of asylum seekers and applications for asylum in Europe the complex details are contested and open to debate and controversy.¹³ As a reaction to the rising number of asylum seekers national governments started to reintroduce border controls within the Schengen Area. The new regime of border controls working under the Schengen regime was justified with the deficiencies at the external border in Greece, as identified during an un-announced Schengen evaluation in this country in 2015.¹⁴ Leaving the power to deal with European problems primarily to national governments often strategically targeting national goals, while at the same time working towards a coordinated and joint European policy response has produced a counter-productive stalemate.¹⁵

Given the situation in late 2015 asylum seekers often were presented in a majority of national media and public discourse as a kind of lose canon, an undocumented mass of individuals roaming more or less freely and uncontrolled around Europe and creating a burden to the welfare and asylum systems of individual countries. To what extent public media discourse adequately mirrors positions held among the general population in a country is an open question. As we tried to demonstrate in last year's report on societal security, security concerns, threats and risks as they appear in newspaper headlines can be very different from the mundane, everyday security concerns of individual citizens. Also, an increase of spectacular acts of manifest aggression targeting refugees in a number of European countries may create the impression of widespread hostility towards this group, when making headlines. But at the same time there is evidence for many unspectacular acts of solidarity and support, of citizens offering help, donating time and getting involved in helping refugees on ground level. These activities though do not receive ample media coverage compared to often unidentified offenders laying fire on refugee shelters or groups of citizens taking their protest and anti-refugee sentiments to the street, as the for a short time rapidly growing PEGIDA movement in Germany.

Looking at the level of European policy responses to the situation in 2015, the available policy tools, primarily the Dublin regulations, proved insufficient to manage this situation. Had this regime been strictly applied, almost all refugees and asylum cases would have been processed in the Southern Member States of Greece and Italy as entry points to Europe. Lacking the administrative capacities (and to some extent probably also the political will) to conduct registration procedures at this scale properly, a substantial number of refugees, often without reliable documentation, started to move uncontrolled from Italy and Greece towards the northern countries.

In media reports these secondary movements of refugees were often presented and discussed as a threat to internal security or an unacceptable burden to the welfare systems of Member States. Refugees made headlines at the national and European level, fuelling fears linked to migration – from fear of terrorism to anticipated detrimental effects on housing and labour markets, from negative effects on national or European Judeo-Christian cultural heritage to internal security at large. The terror attacks in Madrid, London, Paris, and Bruxelles, together with smaller incidents in other countries all furthered the general suspicion towards Muslims and persons from the Greater Middle East.¹⁶ Occasional media reports and anecdotal evidence from security experts about terrorists entering Europe as refugees reinforced this public discourse of fear.

¹³ Guild E.; Carrera S. (2016) *Rethinking asylum distribution in the EU: Shall we start with the facts?* CEPS Commentary 17 June

¹⁴ DG for Internal Policies (2016) *Internal border controls in the Schengen area: Is Schengen crisis-proof?* Study for the LIBE Committee

¹⁵ While this state of affairs has frequently been acknowledged as empirical observation, a sound theoretical account in political science is still missing. See Aspinwall, M. D., & Schneider, G. (2000). Same menu, separate tables: The institutionalist turn in political science and the study of European integration. *European Journal of Political Research*, 38(1), 1-36.

¹⁶ This kind of terrorism, which has as a declared target the "West" as such and its culture of infidels as a whole, was new to Europe and the United States. While there have been terror attacks from nationalist groups like IRA or ETA, left extremists like RAF and Brigate Rosse or right wing groups like KKK and NSU, these attacks had very



Taking up the popular framing of refugees as a security threat, a number of studies have shown that crime rates of refugees and migrants do not support the image of the criminal migrant. Studies and government reports from Germany¹⁷, France¹⁸, Sweden¹⁹, the Netherlands²⁰ and United Kingdom²¹ found, that migrants have a similar crime rate as native groups. The impression that sometimes immigrants do in fact commit more crimes, as the study from the Netherlands suggests, can only be maintained when looking at absolute numbers, i.e. a rise in population size increases the absolute number of registered crimes, but not the crime rate. Looking at the figures from Germany, provided by the Federal Police, there was no increase in crime rate due to sudden influx of refugees. The study from the UK asserts, migrants are as likely to commit crimes as natives but most interesting are the results from the studies from France and Sweden. Both factor in the socio-economic situation of migrants, and in the Swedish study also the impact of discriminatory attitudes among law enforcement officials. Both studies conclude, that once the socio-economic gap between immigrants and natives closes, differences in crime rates vanish. Looking at crimes committed by migrants all studies come to the same results: migrants score higher on property crimes and, to a lesser degree, are more involved in street level drug trade. For violent crimes, homicide and sexual offenses their levels are often below rates for native citizens.

A similar point can be made with regard to the popular view of migrants and refugees as a burden to national welfare systems. A study on the fiscal impact of migration in the UK revealed, that between 1995 and 2011, immigrants from the European Economic Area had a more positive impact on the United Kingdom's state finances than natives.²² Hence, a rational policy response would lower thresholds for entry into the labour market for refugees and migrants.

The issue of migration was eagerly taken up by euro-sceptic political movements in Member States and used by populist parties to launch a critique of European policies at a very fundamental level. The popular slogan of the Brexit movement, claiming that Britain wants to "Take back control" from a hypostasised European super power is a good case for this strategy of populist political rhetoric, aiming at strengthening the nation state by fuelling fears of interventions from outside. "Migration" and "Brussels" both qualify as popular labels for imminent threats to national sovereignty and can be combined in populist political rhetoric calling for a closing (and ensuing cleaning) of national territory.

With regard to European policies this critique is based on a dual, contradictory standard: on the one hand, European policy actors are blamed for not taking adequate remedial action to curb the influx of asylum seekers, on the other hand the European Union is continuously criticised for taking political powers away from national institutions and move them to the European level.

These euro-sceptic initiatives promoting a return to more national sovereignty and a strengthening of national political bodies vis-à-vis European institutions call for symbolic measures and "solutions" to the refugee crises at the national level.²³ This policy approach of transforming global problems into local (national) fears not only narrows the range of genuine European policy options but at the same time sustains a flawed and narrow

specific targets. Even terrorists from the Middle East, like Black September during the attack on the 1972 Olympic Games in Munich targeted only the Israeli athletes, not the German people as such. A case can be made for Islamic terrorism posing an outside threat opposed to a threat from within from political extremists, leaving citizens more scared because they might become targets themselves. At the same time the image of the Jihadist terrorist is easily transformed into an image of a suitable enemy, being a radicalized individual of Islamic faith and background in the Greater Middle East.

17 <http://www.dw.com/en/report-refugees-have-not-increased-crime-rate-in-germany/a-18848890>

18 Aoki, Y. & Yasuki T. (2009). Are immigrants more likely to commit crimes? Evidence from France. *Applied Economics Letter* Vol 16. 1537-1541

19 Kardell, J. & Martens P.L. (2013) Are Children of Immigrants Born in Sweden More Law-Abiding Than Immigrants? A Reconsideration. *Race and Justice* vol. 3 no. 3, 167-189

20 https://web.archive.org/web/20130208101230/http://www.nisnews.nl/public/180309_1.htm

21 Banks, J. (2011). Foreign National Prisoners in the UK: Explanations and Implications. *The Howard Journal of Crime and Justice*. Vol 50 (2) 184-198

22 Dustmann Ch. & Frattini T. (2014) The fiscal effects of immigration to the UK. *The Economic Journal*, Doi: 10.1111/econj.12181

23 Countries like Austria or Hungary started to build "fences" along their borders to stop the movement of migrants into their territories along the so-called Balkan route and these actions created substantial media attention across Europe.



collective public interpretation of the overall problem of migration.²⁴ Presenting migration and refugees as a threat to a society within a national territory imagined as a homogeneous cultural space²⁵ is a strategy of scapegoating, creating what Nils Christie and others aptly called “suitable enemies”²⁶ turning citizens’ attention away from the wider global economic and geo-political processes that triggered these migratory movements in the first place. The ideological focus on the imagined community of the nation state stands in stark contrast to the political, economic and cultural status quo of present-day multi-ethnic, multi-cultural European societies where nation state and national policies are gradually marginalised if not reduced to a political phantasm.²⁷

Counter narratives to this neo-nationalism seem not resonate well with xenophobic public sentiments, presented in media reports as an attitude shared by a majority of citizens. While some contributions to public debates entertained a more positive attitude, based on humanitarian arguments, but also on demographic prognoses, seeing refugees as having a positive effect on aging societies and a shrinking labour force in European economies, populist rhetoric was unfolding across Europe along with the RC.

This may have different reasons. Putting the current wave of migration and asylums seekers in a human rights and global policy context, a strategy pursued by NGOs and a number of other stakeholders across Europe²⁸ does not address adequately popular grievances obviously entertained by a significant segment of the European population. Attempts to frame the current situation in more complex narratives, such as e.g. in the Brandt Report mentioned above, seem to fail last not least because such narratives would address also the historical legacy and past policy failures of Europe. Presenting a seemingly tangible “enemy” to be blamed for a situation perceived as problematic and negative, provides a storyline of heroes, villains and victims, easy to communicate in media discourse and creating added value for populists.

Taking a more analytical perspective, the specific way how the current “refugee crisis” is framed and discussed in the European and national public spheres probably is best accounted for in terms of broader socio-cultural processes and economic developments. Europe and the Member States are tied into global networks of finance, trade and production, affecting Europeans also in their daily lives in many different ways as consumers, members of the work force and citizens. The forces shaping and governing these global flows are not easily grasped and hard their workings are to understand and, what is more important, they are largely beyond the reach of national and European political control.²⁹ Citizens may perceive globalisation as a threat and while this may create feelings of disempowerment they at the same time are enjoying the amenities of global trade and freedom of movement³⁰ without taking into account the costs this may create in other parts of

²⁴ The issue of migration has been on the international political agenda for a long time and discussions addressing the problem in an adequately complex fashion can be found already in the 1980ies, see e.g. the famous Brandt Report published under the telling title “North-South: A Programme for Survival” that was later updated in 2001 by J.Q. Quilligan.

²⁵ Anderson, B. (2016). *Imagined communities: reflections on the origin and spread of nationalism*. London: Verso.

²⁶ Wacquant, L. (1999). Suitable enemies. *Punishment and Society*, 1(2), 215-22.

²⁷ On the complex and long debate about the future of Nation states in Europe and beyond see e.g. Lambert, J. (1991). Europe: the nation-state dies hard. *Capital & Class*, 15(1), 9-24. Hoffmann, S. (1966). Obstinate or obsolete? The fate of the nation-state and the case of Western Europe. *Daedalus*, 862-915. Slaughter, A. M. (1997). The real new world order. *Foreign affairs*, 183-197. Robinson, W. I. (2001). Social theory and globalization: The rise of a transnational state. *Theory and Society*, 30(2), 157-200.

²⁸ See e.g. Gallagher, A. (2002). Trafficking, smuggling and human rights: tricks and treaties. *Forced Migration Review*, 12(25), 8-36. Pécoud, A., & De Guchteneire, P. (2006). International migration, border controls and human rights: Assessing the relevance of a right to mobility. *Journal of Borderlands Studies*, 21(1), 69-86.

²⁹ See Coleman W.D. *Governing global finance: financial derivatives, liberal states, and transformative capacity*. In: Weiss, L.(ed) (2003). *States in the global economy: Bringing domestic institutions back in* (Vol. 86). Cambridge University Press.p,271-292

³⁰ See the seminal analysis by Urry, J. (2012). *Sociology beyond societies: Mobilities for the twenty-first century*. Routledge.



the world. Putting the reaction to the “refugee crisis” into this larger context a psychological dynamic of displacement can be observed: a number of popular grievances about the present state of European societies are obvious, evident and do have an empirical basis for many citizens in their daily lives, starting from a cutback on welfare spending, high economic inequality within and between societies, a growing risk of poverty for larger segments of society, an increase in precarious employment, regional disparities and a deterioration of many public infrastructures.³¹ The problem though is that populist political rhetoric, taking up these grievances is highlighting the wrong causes, suggesting remedies that lack sound substance. Blaming the lower classes (e.g. welfare fraud) or migrants (e.g. swamping the labour and housing markets) for the decline of the modern welfare state, the fiscal crisis of the state³² and the negative effects of globalisation is obviously targeting the wrong causes and a strategy of blaming the victims. Calling for a revival of nation states as policy actors to confront problems of globalisation also seems to be a rather short-sighted option. A more comprehensive and unbiased response to these developments would rather call for a strengthening of European governance capacities. Nonetheless the populist narrative developing around the present European refugee crisis, blaming migrants for societal problems and calling upon the nation (or national politics) as the cultural, political and economic power centre as the solution seems to find support from a significant part of the electorate, as the growth of populist nationalist parties across all European states suggests.

These parties exploit a strategy based on a politics of fear.³³ Fear, sometimes ironically praised as the last political virtue of democratic societies,³⁴ allows for the construction of a psychologically powerful threatening “Other” in a political discourse based on identity politics.³⁵ The political remedy offered for popular fears is the promise of “security” spelled out as a return to a nostalgic status quo ante of an ethnically and culturally homogenous sovereign nation state existing within a given territory and with borders controlled for migration. Activating such a nostalgic idea of the sovereign nation state typically involves a critique of European policies. Migration and the recent refugee crisis are dominant topics in a discourse on societal security in Europe that transforms global threats into local fears calling for local solutions. This can be investigated in policy, media and everyday lay framings of the many forms of the migration-security link.

While currently the idea of an ethnically homogenous nation state, united by shared cultural values, sustaining a distinct national identity is reintroduced as a frame of reference in policy debates, with migration in general and refugees in particular being perceived as threatening this imagined cultural and ethnic unity, a closer look at recent history reveals a different picture. Some countries like UK, France and The Netherlands have experienced migration from their former colonies and some degree of ethnic diversity can be seen as an element of their national cultures shaped by national traditions and producing different forms of practices, policies and discourses. Labour migration from southern countries, partly from Southern Europe to central and northern countries, during the era of the so-called guest workers in the 1960ies, changed the ethnic composition of many, mainly northern European societies as well, and ensuing political debates about the residential status of these labour migrants put issues of citizenship and ethnic and cultural homogeneity on the agenda in the receiving countries. Smaller “waves” of immigration were caused by global turmoil and regional conflicts in South America, Asia, and the conflicts during the break-up of former Yugoslavia over the last

³¹ Scharpf, F. W. (1996). Negative and positive integration in the political economy of European welfare states. *Governance in the European Union*, 15.

³² A term coined in a lucid analysis by O'Connor, J. (1979). *The fiscal crisis of the state*. Transaction Publishers.

³³ See Furedi, F. (2005). *Politics of fear*. A&C Black. Altheide, D. L. (2006). Terrorism and the Politics of Fear. *Cultural studies - critical methodologies*, 6(4), 415-439.

³⁴ A paradoxical phrase introduced by Jean-Marie Guéhenno in his book *La fin de la démocratie*, Flammarion, Paris 1993,

³⁵ Bernstein, M., & Taylor, V. (2013). Identity politics. *The Wiley-Blackwell Encyclopedia of Social and Political Movements*. Schöpflin, G. (2000). *Nations, identity, power: The new politics of Europe*. C. Hurst & Co. Publishers.



decades. And of course, with political and economic integration and enlargement of the European Union migration within the Schengen area also increased leading to demographic changes in European countries.

Putting the current situation into a wider historical context one finds a number of similar situations. The first mass influx of refugees after WWII and its immediate aftermath, happened in wake of the Hungarian Revolution of 1956. Given the political geographies of the time, Austria was the dominant destination for the Hungarians. Similar to the current situation, Austria was primarily a transition country, with only 10% of the approximately 200,000 refugees applying for asylum in the country. During this wave of refugees a similar unwillingness to accept an even distribution of these refugees emerged among the Western European Nations, mainly the ECCS³⁶ and the United Kingdom, which besides the United States, were the destinations sought by most of the Hungarian refugees. Nonetheless in the beginning Austria was left providing care and shelter for 200,000 Hungarians, while only receiving aid from Switzerland and the United Kingdom. In the beginning the Hungarian refugees were met with a wave of support, from government, media and the general public. However, in 1957 this changed, and refugees were more and more perceived as a burden to the Austrian welfare system and labour market – but there were no security concerns raised with regard to this group and they were not labelled as criminals. In fact, on an anecdotal basis, the only thing coming close to that, was an incident in rural Austria at the beginning of the crisis, when some refugees were mistaken for cattle rustlers by local farmers. Overall they were not met with suspicion towards the integrity or security of the society.³⁷ Similar were the reactions during subsequent surges of refugees arriving in (Western) Europe, for example during the Prague Spring of 1968 or the Balkan Wars of the early 1990s. Especially the second the case is interesting, for the Bosnians were largely Muslims, a fact that did not play any major role in public discussions at the time.

To some extent reactions to the current wave reveal a paradoxical constellation. The more Europe is gradually moving towards more integration, trying to harmonise national legislations and establish an institutional framework producing effective and coordinated European policies the more the deficits and shortcomings of the European Union as an autonomous political unit, capable of implementing a genuine European path of action become visible, when compared – wrongly – with the traditional concept of the sovereign nation state.

A lack of effective European policy initiatives can be seen not only with regard to the handling of refugees and their distribution within the Schengen Area but also in addressing the conflicts in the countries of origin, primarily Syria and Libya. European capacities in foreign policy may be limited due to a lack of policy instruments and global constraints that shape the conditions in these countries and are not at the disposal of a single political actor. The geopolitical problems increased in this region with the first American Gulf War³⁸ (1991 - Desert Storm) and the major turning points were the Wars fought in Afghanistan (2001 – Operation Enduring Freedom) and Iraq (2003 – Operation Iraqi Freedom), launched after the attacks on the World Trade Centre on September 11, 2001. The War on Terror, started by George W. Bush and encompassing both of these wars as well as other minor conflicts may have affected the perception of Muslims in general and those from Arab countries and Central Asia in particular. While the problems were building up in the regions of conflict, local refugee waves flooded neighbouring countries like Jordan, Lebanon and Turkey. International aid organisations and the UN stepped in and helped to build camps for the massive numbers of refugees. Funding also came from the European Union. But with a decline of international financial and logistical support to these countries conditions deteriorated and the movement towards Europe began creating the dramatic situation in the second half of 2015.

36 European Commission for Coal and Steel, founded in 1951 by France, Germany, Belgium, Luxembourg, Netherlands and Italy.

37 Rásky, B. (2011). FLÜCHTLINGE HABEN AUCH PFLICHTEN Österreich und die Ungarnflüchtlinge 1956, In: *kakanien-revisited*, <http://www.kakanien-revisited.at/beitr/fallstudie/BRasky1.pdf> [23.09.2016]

38 In contrast to the First Iran-Iraq Gulf War, which preceded this war.



Looking at policy responses (or the lack thereof) addressing the challenges within Europe not only reveals a textbook case of securitization of migration policy but also demonstrates how actions that might seem rational at the individual (national) policy actor's level can produce irrational outcomes at the collective (i.e. European) level. This rationality paradox can be studied at different scales looking at local, national and European policy actors and their responses to the refugee crisis. In most general terms policies that might seem rational at the individual level carry the risk of social and political disintegration as a consequence of conceiving refugees primarily as a security threat that has to be kept out of the local, regional, national territory – and consequently dumped on one's neighbour.

A strategy of scapegoating playing on the distinction between Us and Them, perceiving of refugees primarily as a threat to societal security and a social problem that has to be kept out of one's own territory may in the short run help to strengthen local feelings of unity and coherence. In the long term, it not only prevents an unbiased debate geared towards a common solution but at the same time erodes trust as a basis of joint policy initiatives and fuels feelings of being taken in by other players. Under these conditions pulling out of shared agreements and not honouring commitments can appear as a feasible strategy and this strategy finally supports (European) disintegration, creating most probably a lose-lose situation for all players. Promoting an authoritarian form of social and political integration using refugees as scapegoats and suitable enemy may work temporarily at local and national levels but is doomed to fail as a strategy for Europe.

2.3 Perspective: Europeanization

While the current heightened influx of irregular migrants is not the first wave for most European countries, it is the first to affect the European Union as a political actor. The first international conventions for protection of refugees were put into place after the Second World War with the formation of the United Nations. The Convention, approved during the 1951 special United Nations conference in Geneva aiming primarily at the protection of European refugees, is the starting point of a policy approach where European countries jointly agreed on human rights based treatment of refugees. The Roman Treaty, establishing free movement of persons between the signatory countries was applicable also to refugees, who, once they gained a legal status in one country, enjoyed the same freedom of movement as the citizens of Europe. Migration of refugees as a specific form of migratory movement evolved over time as a topic of European policy alongside with the overall political integration process. Global crises set in motion global migration and against the background of the situation in other areas of the world Europe as area of freedom, security and economic stability became a preferred target for migrants. In the present situation push and pull factors, global crises and violent conflicts outside and security and economic prosperity inside Europe combine, creating a challenge for the European Union that has to be met with adequate policies based on a shared and common European position to tackle this challenge.

The harmonizing of national laws within the European Union to further the process of political integration also affected national regulations for asylum. The Maastricht Treaty signed in 1992, specifically mentions asylum in the third pillar of the EU – Cooperation in the fields of justice and home affairs.³⁹ In 1997 the Dublin Regulation came into force. It has since been amended two times, often called Dublin II (2003) and III (2013) respectively. The Dublin regulations establish along with other provisions, a mechanism to allocate responsibilities for the examination of asylum applications among EU Member States. For most cases this responsibility is assigned to the Member State, where the respective asylum-seeker first entered EU soil. In the current RC, this system put disproportionate pressure on the southern Member States, since most refugees came across the

³⁹ http://www.europarl.europa.eu/ftu/pdf/en/FTU_1.1.3.pdf

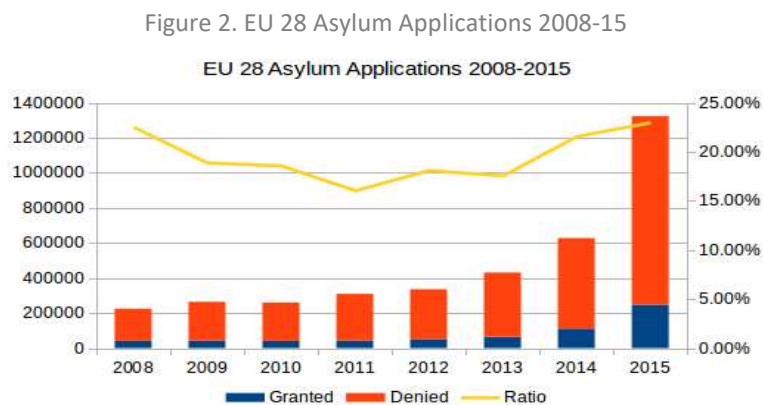


Mediterranean. Under these conditions, creating massive imbalances between Member States, a substantial reform of the European asylum system, leading towards a genuine Europeanization becomes a pressing issue.

2.3.1 Refugee Crisis in Europa – some key figures

According to the “Annual Report on the Situation of Asylum in the European Union 2015”⁴⁰, published by the European Asylum Support Office (EASO), 2015 was the year with the highest number of asylum applications within the EU-territory (including Switzerland and Norway) since data-collection began in 2008. A total number of 1 392 155 people have applied for international protection within the EU+ states, which corresponds to a 110 % increase compared to the previous year. The highest increase could be observed in the second half of 2015, reaching a peak in October 2015 with more than 185.000 applications in the EU+ countries. The data collected by the EASO show that Syrian citizens made up for the highest proportion among all asylum applicants (28%), followed by Western Balkan states⁴¹, Afghan and Iraq. In 2015, 383.710 Syrians applied for asylum within the EU+ countries, 201.405 applicants came from the countries of the Western Balkan and 196.170 from Afghanistan.⁴²

As the below graph illustrates, the numbers of refugees coming to Europe has increased steadily since 2011 when the revolutionary uprisings in Northern African countries during the “Arab Spring”, turned into bloody civil wars.



Asylum applications are unequally distributed within the EU 28. Comparing relative frequencies, some countries, most notably Hungary, Sweden and Austria, show a significantly greater proportional share of asylum applications compared to other Member States (see table EU Population 2015 and Asylum in Appendix).

⁴⁰ European Asylum Support Office (2016): “Annual Report on the Situation of Asylum in the European Union 2015.” (https://www.easo.europa.eu/sites/default/files/public/EN_%20Annual%20Report%202015_1.pdf, last access: 23.11.2016)

⁴¹ Encompassing: Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro and Serbia.

⁴² Cf. European Asylum Support Office (2016): “Annual Report on the Situation of Asylum in the European Union 2015.”, pp. 8 et seqq. (https://www.easo.europa.eu/sites/default/files/public/EN_%20Annual%20Report%202015_1.pdf, last access: 23.11.2016)



Included in the 35 Million or 6.8% Non-Citizens living in the European Union are migrants from developed countries like the United States, Canada or Japan as well as refugees. Both are distributed uneven across the EU. Countries with strong ties to former colonies tend to have more migrants, but not necessarily more refugees. Spain or Italy both with high numbers of migrants show low figures for asylum applications and granted asylum. Low in migrants, asylum applications and grants are the Eastern Member States Poland, Hungary and the Baltic States, who are also the most vocal opponents of a European refugee distribution system. Member States on the Balkan, including newest member Croatia, have small migrant communities and rather few asylum applicants, but a rather high rate of grants in the double digits. The highest rate of grants can be found in the United Kingdom and Denmark. While this can be explained through the small number of refugees coming into the country in the case of the United Kingdom, Denmark actually has both, above average number of applications and grants.

2.3.2 Policy initiatives and actions at EU level in the wake of the RC

As the most serious refugee crisis in Europe since the end of World War II, the RC was being given top priority in the Institutions' political agenda, especially in the previous two years when the humanitarian crisis in Syria intensified dramatically. Throughout 2015 and 2016 in particular, a large number of policy initiatives have been launched at EU level to tackle immediate and long-term challenges of the RC. The below table provides an exemplary overview of the most important (legislative) initiatives taken at EU level, with a particular focus on some of the main action fields outlined in the Commission's "European Agenda on Migration" (EAM).

Table 2. EU policy initiatives

May 13, 2015	Commission Communication on the "European Migration Agenda" ⁴³
May 18, 2016	Council Decision on a European Union military operation in the Southern Central Mediterranean (EUNAVOR Med) against human smuggling and trafficking networks in the Southern Central Mediterranean ⁴⁴
May 27, 2015	<p>First implementation package brought forward by the COM following the European Agenda on Migration, which entailed among others:</p> <ul style="list-style-type: none"> - Proposal for a Council Decision on provisional relocation measures for Italy and Greece;⁴⁵ - Commission Recommendation for the establishment of a European resettlement scheme;⁴⁶ - EU Action Plan against migrant smuggling;⁴⁷ - Commission Working Staff Document on the implementation of the existing EURODAC regulation on the obligation to take fingerprints of asylum applicant;⁴⁸
Sept 9, 2015	<p>Second implementation package brought forward by the COM following the European Agenda on Migration, which entailed among others:</p> <ul style="list-style-type: none"> - Proposal for a Council Decision emergency relocation of 120.000 persons "in clear need of international protection" from Greece, Hungary and Italy;⁴⁹ - Proposal for a Regulation to establish of a permanent crisis relocation mechanism under the Dublin system;⁵⁰

⁴³ COM(2015) 240 final

⁴⁴ COUNCIL DECISION (CFSP) 2015/778

⁴⁵ COM(2015) 286 final

⁴⁶ C(2015) 3560 final

⁴⁷ COM(2015) 285 final

⁴⁸ SWD(2015) 150 final

⁴⁹ COM(2015) 451 final

⁵⁰ COM(2015) 450 final



	<ul style="list-style-type: none"> - Proposal for a Regulation to establish an EU common list of safe countries of origin;⁵¹ - Commission Communication on “Action plan on return”;⁵² - Commission Recommendation establishing a common “Return Handbook”;⁵³
Sept 14, 2015	JHA Council Decision on the first „Emergency Relocation Mechanism“ concerning the temporary and exceptional relocation of 40.000 persons in clear need of international protection from Italy and Greece to other Member States ⁵⁴
Sept 22, 2016	JHA Council Decision on the second „Emergency Relocation Mechanism“ concerning the temporary and exceptional relocation of 120.000 persons in clear need of international protection from Italy and Greece to other Member States ⁵⁵
Dec 15, 2015	Third implementation package brought forward by the COM following the European Agenda on Migration, which entailed among others: <ul style="list-style-type: none"> - Proposal for a Regulation establishing a European Border and Coast Guard;⁵⁶ - Proposal for amending the Schengen Borders Code to introduce mandatory systematic checks of EU citizens at external borders;⁵⁷
March 18, 2016	EU-Turkey-Agreement to end irregular migration from Turkey to the EU
May 4, 2016	Commission brought forward a first set of legislative proposals to reform the Common European Asylum System (CEAS) , which entailed: <ul style="list-style-type: none"> - Proposal for recasting the “Dublin Regulation” to establish, among others, “corrective allocation mechanism” to be triggered automatically when a Member State is handling a disproportionate number of asylum applications;⁵⁸ - Proposal on the establishment of the European Union Agency for Asylum;⁵⁹ - Proposal for recasting the Regulation on the establishment of “Eurodac”;⁶⁰
May 12, 2016	Council Implementing Decision setting out a recommendation allowing for continuation of temporary internal border carried out in Austria, Germany, Denmark, Sweden and Norway for a maximum period of six months.
July 13, 2016	Commission came up with second set of proposals to reform the CEAS , which entailed: <ul style="list-style-type: none"> - Proposal for a new Asylum Procedures Regulation;⁶¹ - Proposal for a new Qualification Regulation;⁶² - Proposal to reform the Reception Conditions Directive;⁶³
Sept 14, 2016	Adoption of the Regulation establishing a European Border and Coast Guard, after a final approval has been given by the Council

⁵¹ COM(2015) 452 final

⁵² COM(2015) 453 final

⁵³ C(2015) 6250 final

⁵⁴ COUNCIL DECISION (EU) 2015/1523

⁵⁵ COUNCIL DECISION (EU) 2015/1601

⁵⁶ COM(2015) 671 final

⁵⁷ COM(2015) 671 final

⁵⁸ COM(2016) 270 final

⁵⁹ COM(2016) 271 final

⁶⁰ COM(2016) 272 final

⁶¹ COM(2016) 467 final

⁶² COM(2016) 466 final

⁶³ COM(2016) 465 final



While these initiatives provide food for intense discussion and analysis, we will only address the most important aspects of the core “milestones” of the EU’s policy approach toward the RC focussing on initiatives brought forward between June 2015 and June 2016. The Commission’s “European Agenda on Migration” (EAM), outlining the general policy framework for a European policy response towards the RC has been launched on May 13, 2015, and was intended to present both measures of “swift and determined”⁶⁴ response to the refugee crisis and the rising death toll in the Mediterranean Sea, as well as long-term strategies paving the way for a comprehensive and integrated European migration policy. In said policy document, the Commission came up with a mix of short- and medium term actions to tackle immediate challenges of the migratory pressures and long-term policy actions to be taken “to provide structural solutions for better managing migration in all its aspects.”⁶⁵ With regard to the immediate response to the refugee influx into the EU, the Commission’s EAM proposed, among others, to strengthen capacities and increase budget for the Joint border control and surveillance operations carried out by the EU’s External Border Agency (Frontex) in the Mediterranean, to combat human trafficking by vessel operators through possible Common Security and Defence Policy (CSDP) operations, to support “frontline” Member States through the provision of additional emergency funding and a new ‘hotspot’ approach and to establish a temporary emergency relocation mechanism to relocate asylum applicants from those countries most affected by the sudden refugee influx.⁶⁶ These immediate policy actions are complemented by long-term policy strategies to be subsumed under four key “pillars”: “reducing the incentives for irregular migration”, “border management – saving lives and securing external borders”, “a strong common asylum policy” and “a new policy on legal migration”.

Building upon the key policies outlined in the “European Agenda on Migration” (EAM), we will concentrate on some focal points of the EU’s policy response towards the RC. Particular attention will thus be devoted to the following core action areas: (1) mechanisms for the relocation of asylum applicants between EU Member States based on Art. 78(3) TFEU, (2) initiatives to reform the Common European Asylum System (CEAS), (3) the reintroduction of internal controls in certain Member States based on the corresponding enabling provisions provided for in Schengen Border Code, (4) measures to reinforce external border security and finally (5) the EU’s policy actions regarding the return of “irregular” migrants.

2.3.3 Relocation of asylum seekers among EU Member States

As a response to the EU Member States’ unequal exposure to the unprecedented inflow of persons in search of international protection resulting in disproportionate pressure placed on the asylum systems of some frontline Member States, the EU has launched measures to relocate asylum seekers from countries most affected to other MS. The most controversial initiative, heavily criticised by the Visegrád countries, was a proposal for a “temporary distribution scheme for persons in clear need for international protection”⁶⁷ by triggering the emergency response mechanism provided for in Art. 78(3) TFEU.⁶⁸ This Treaty provision provides a specific legal basis entrusting the Council, based upon a prior proposal of the Commission and after consulting the

⁶⁴ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, p. 3.

⁶⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_ep_and_council_establishing_a_crisis_relocation_mechanism_en.pdf, p. 2.

⁶⁶ Cf. Carrera, S. et al. (2015): “The EU’s Response to the Refugee Crisis. Taking Stock and Setting Policy Priorities.”, in: CEPS Essay, No. 20/16 December 2015, pp. 3 et seq.

⁶⁷ EAM, p. 4.

⁶⁸ Brussels, 13.5.2015 COM(2015) 240 final



European Parliament, with the adoption of provisional measures for the benefit of Member States “confronted by an emergency situation characterised by a sudden inflow of nationals of third countries.”⁶⁹ Intended to relieve pressure on the most affected Member States, *in casu* Italy and Greece, and to achieve a fairer balance between Member States in taking over responsibilities in the processing of asylum applications, the Commission’s proposals on the “Emergence Relocation Mechanism” seek to distribute among all Member States asylum applicants based on a distribution key that takes into account the respective size of population of the Member States, the GDP and the unemployment rate. Pursuant to prior proposals launched by European Commission, two respective initiatives have been taken up in September 2015 by the Justice and Home Affairs Council.⁷⁰ A first Council decision⁷¹ on the establishment of “temporary and exceptional relocation mechanism over two years” has been reached on September 14, 2015, which set out the relocation of 40.000 persons in clear need for international protection from Greece and Italy to other EU Member States according to a voluntary distribution key laid down in the resolution adopted by the Council in the following week. This has been complemented by a Council Decision on a second emergency relocation scheme, adopted on September 22, 2015, less than three weeks after the Commission launched a corresponding proposal, according to which an additional 120.000 applicants are to be relocated from Greece and Italy to other EU Member States on the basis of the mandatory distribution scheme. This second Council Decision has been taken by a qualified majority voting, outvoting four Eastern European countries⁷², which have expressed their disapproval to be subjected to mandatory resettlement quotas.⁷³ These temporary relocation mechanisms adopted by the Council in September 2015 pursuant to Art. 78(3) TFEU must be considered as “limited and temporary derogation”⁷⁴ from the core principles of the Dublin Regulation. As further emphasised by the Commission, this temporary relocation mechanisms do not undermine the general applicability of the Dublin Regulation, which, nevertheless, remains “valid as a general rule for all asylum applications lodged in the European Union.”⁷⁵

The implementation of the emergency relocation mechanism has so far shown, however, rather limited progress. As of October 2016, a total number 5871 person considered to be eligible have been relocated from Italy and Greece to other EU Member States.⁷⁶ In comparison to the total number of Asylum applicants to be resettled among Member States in accordance with the Council decisions referred to above, this figure indicates the sluggish implementation process and the resistance among certain Member States in fulfilling the agreed commitments under the Emergency Relocation Mechanisms.⁷⁷

As already underlined in the EAM by stressing the need “to provide for a mandatory and automatically-triggered relocation system to distribute those in clear need of international protection within the EU when a mass influx emerges”⁷⁸, the Commission delivered on this announcement and put forward, in September 2015,

⁶⁹ Art. 78(3) TFEU

⁷⁰ cf. [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/569018/EPRS_BRI\(2015\)569018_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/569018/EPRS_BRI(2015)569018_EN.pdf), p. 4.

⁷¹ http://www.consilium.europa.eu/en/meetings/jha/2015/09/st12098_en15_pdf/

⁷² While Poland ultimately decided to renounce its opposition previously expressed vis-à-vis the Commission’s proposal for the establishment of a legally binding relocation mechanism, its three fellow Visegrád countries, Czech Republic, Hungary and Slovakia, including Romania voted against this initiative.

⁷³ <http://www.politico.eu/article/eu-tries-to-unblock-refugee-migrants-relocation-deal-crisis/>;
<https://www.theguardian.com/world/2015/sep/22/eu-governments-divisive-quotas-deal-share-120000-refugees>

⁷⁴ http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm

⁷⁵ http://europa.eu/rapid/press-release_MEMO-15-5597_en.htm

⁷⁶ UN High Commissioner for Refugees (UNHCR), *EU Emergency Relocation Mechanism (As of 05 October 2016)*, 12 October 2016, available at: <http://www.refworld.org/docid/57fe309e4.html> [accessed 21 November 2016]

⁷⁷ Cf. Trauner, F. (2016): “Asylum policy: the EU’s ‘crisis’ and the looming policy regime failure.”, in: *Journal of European Integration*, 38:3, (pp. 311-325) p. 320.

⁷⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, p. 4.



a corresponding legislative proposal for the establishment of a permanent relocation mechanism for all Member States.⁷⁹ This proposal also responds to earlier requests from the European Parliament urging for the introduction of “coherent, voluntary permanent intra-EU relocation scheme”⁸⁰ to relieve pressure from Member States, especially at the southern Schengen Borders, confronted with significantly higher number of migrants. As opposed to the provisional relocation measures adopted on the basis of Article 78(3) TFEU, the proposal referred to here is based on Art. 78(2) lit. e TFEU and intended to introduce in the existing legal framework established by the “Dublin-regime” a permanent crisis relocation mechanism. The Commission’s proposal, which forms part of its second implementation package delivering on the EAM, follows the objective to establish „a robust crisis relocation mechanism to structurally deal with situations of crisis in the asylum area”⁸¹ experienced by any Member State that expose extreme pressure on its asylum systems.

2.3.4 Policy reforms towards a Common European Asylum System

The current RC has revealed many operational weaknesses and shortcomings of the existing institutional framework of the Common European Asylum System and the “Dublin-system” in particular. What has been pointed out in this respect is, first and foremost, that the European asylum system lacks a mechanism to ensure a fair sharing of responsibilities among the Member States, which has become most evident in cases of sudden influx of migrants into “frontline” Member States as experienced in the wake of the current RC. Overburdened by the sheer number of refugees entering the Schengen area, “frontline” Member States started to abstain from applying the “Dublin”-principles and let refugees move further within the Schengen area to file their asylum claims in their preferred county of destination.⁸² It has been claimed that this has put at risk the overall functioning of the CEAS, opened the door for the phenomenon of “Asylum shopping” and induced Member States to take measures restricting the free movement of persons within the Schengen area. The Commission therefore stressed both the need to review the existing “Dublin” regime⁸³ and to take the required reform steps to achieve a greater degree of harmonisation among EU Member States as regards the implementation of the CEAS.⁸⁴

As the current legal regime under the Common European Asylum System (CEAS) provides to a large extent only minimum standards and therefore leaves much discretion to Member States as to the treatment of asylum applications,⁸⁵ the Commission has critically remarked in its EAM that such a fragmented asylum system impairs mutual trust among Member States and creates further incentives for irregular secondary movement.

⁷⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_ep_and_council_establishing_a_crisis_relocation_mechanism_en.pdf

⁸⁰ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0276&language=EN&ring=A7-2014-0153>

⁸¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/proposal_for_regulation_of_ep_and_council_establishing_a_crisis_relocation_mechanism_en.pdf, p. 2.

⁸² Cf. Trauner, F. (2016): “Asylum policy: the EU’s ‘crisis’ and the looming policy regime failure.”, in: *Journal of European Integration*, 38:3, (pp. 311-325) p. 319.

⁸³ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, p. 13.

⁸⁴ http://europa.eu/rapid/press-release_MEMO-16-2436_en.htm

⁸⁵ Boeles P. et al. (2009): “European Migration Law.”, *Ius Communitatis Series Vol. 3*, intersentia: Antwerp – Oxford – Portland, p. 315.



In its Communication “Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe”⁸⁶, launched in April 2016, Commission therefore expressed its ambition to carry out a major structural reform of the current Common European Asylum System. To this end, the Commission came up with a number of legislative initiatives which aimed at either replacing or complementing the existing legislative instruments under the CEAS.

This reform agenda came in two waves. In May 2016, a first package of legislative proposals was presented, encompassing three initiatives. Most importantly, the Commission put forward a recast of the Dublin III Regulation, to provide for “a fairer, more efficient and more sustainable system for allocating asylum applications among Member States”⁸⁷. While the core principles of the Dublin regime remained unchanged, the Commission sought to ensure greater balance in the distribution of responsibilities among Member States by complementing the current system with the introduction of a “corrective allocation mechanism”⁸⁸. This “fairness mechanism”⁸⁹, as it is also referred to, would be triggered automatically should a Member State encounter a disproportionate number of asylum applications, with the effect that the responsibility of all new asylum applications is to be distributed among the other Member States. The threshold upon which disproportionate pressure is considered to be reached is to be determined on the basis of a reference key, which takes into account the size of the population and the total GDP of the Member States.

Furthermore, the Commission proposed, as part of this first reform package, a regulation aiming at reinforcing and expanding the scope of the existing EURODAC system in order to improve monitoring of secondary movements and to tackle more efficiently migration within the Schengen area.⁹⁰ In addition, the Commission came up with a proposal for a regulation that should provide the basis for the establishment of an European Agency for Asylum, which transforms the existing European Asylum Support Office (EASO) into a genuine EU agency. The proposed transformation of the existing institutional structures of the EASO into a fully-fledged EU Agency with an enhanced mandate is considered as crucial step for reform of the Common European Asylum system.⁹¹

The Commission’s reform agenda on the CEAS has been completed by the second package of legislative proposals, which has been presented only a couple of months after the first one, in July 2016. As part of this second instalment of legislative proposals, the Commission launched a proposal for a regulation seeking to provide full harmonisation through the establishment of a common EU asylum procedure. This legislative proposal is intended to replace the current legal regime, i.e. the Asylum Procedures Directive, which appeared to give too much leeway to national implementation measures. This has led to a situation in which diverging treatments of asylum applications can be observed at national level, especially with regard to duration of asylum procedures and the provision of procedural safeguards.⁹² This second reform package of the CEAS

⁸⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf

⁸⁷ http://europa.eu/rapid/press-release_IP-16-1620_en.htm

⁸⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/dublin_reform_proposal_en.pdf

⁸⁹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160504/the_reform_of_the_dublin_system_en.pdf

⁹⁰ http://europa.eu/rapid/press-release_IP-16-1620_en.htm

⁹¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf, p. 2.

⁹² European Commission (2016), Fact Sheet, Reforming the Common European Asylum System: Frequently asked questions.



further entailed a proposal⁹³ for replacing the existing “Qualification Directive”⁹⁴ by a new regulation setting out uniform criteria for the recognition of asylum applications as well as the rights for persons granted with asylum status.⁹⁵ Furthermore, the Commission came up with a proposal to recast the existing “Reception Conditions Directive”⁹⁶ so as to further harmonise reception conditions for persons applying for international within the EU.

2.3.5 Re-introduction of temporary internal border controls

Art. 25 of the consolidated version of the Schengen Borders Code⁹⁷ providing Member States the option to “exceptionally reintroduce temporary border controls at all or specific parts of its internal borders” within the Schengen area to be decreed as a matter of last resort. The Regulation lays down the procedures to be applied when Member States intend to reintroduce temporary border controls, differentiating between regular procedures in case of foreseeable events (Art. 27) and specific procedures where immediate action is required (Art. 28) or, as newly introduced in Art. 29, in exceptional circumstances that put at risk the overall functioning of the Schengen system as such. In response to the RC and uncontrolled migration flows crossing internal borders of the Schengen area, several EU Member States, situated along the most affected migratory routes, have made use of this prerogative. From September 2015, onwards, several EU Member States have invoked these mechanisms reintroducing internal border controls for a limited period of time. Starting with Germany⁹⁸, Austria⁹⁹ and Slovenia¹⁰⁰ in September 2015, also Sweden, France, Denmark and Norway saw themselves forced to reintroduce temporary border controls at certain internal borders in accordance with the corresponding rules envisaged in the SBC.

In view of the serious deficiencies identified in the evaluation of Greece’s application of the Schengen acquis concerning external border management conducted in the framework of the “Schengen Evaluation Mechanism”¹⁰¹, the Council agreed upon the prolongation of internal border controls decreed by the respective Member States. In accordance with the procedures laid down in Art. 29 of the SBC¹⁰², the Council

⁹³ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf

⁹⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF>

⁹⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf, p. 3.

⁹⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=en>

⁹⁷ The consolidated version of the Schengen Border Codes (Regulation (EU) 2016/399) was adopted only in March 2016. The new Regulation introduced a number of amendments. Among others, the consolidated version of the SBC newly introduced in Art. 29 a special procedure for the reintroduction of temporary border controls to be decreed by Member States “in exceptional circumstances that put at risk the overall functioning of the Schengen system as such.” This provision has been invoked by the Council to recommend prolongations to the temporary internal border controls carried out by the Member States concerned.

⁹⁸ http://europa.eu/rapid/press-release_STATEMENT-15-5638_en.htm

⁹⁹ http://europa.eu/rapid/press-release_STATEMENT-15-5648_en.htm

¹⁰⁰ http://europa.eu/rapid/press-release_STATEMENT-15-5667_en.htm

¹⁰¹ Council Regulation 1053/2013

¹⁰² Art. 29 (2) of the SBC entrusts the Council, in exceptional cases where persistent serious deficiencies relating to external border control has been identified, to recommend to one or more Member States the reintroduction of border control at their internal borders for a period up to six months. This can be prolonged up to three times.



adopted corresponding Council Implementing Decisions, in May¹⁰³ and November 2016¹⁰⁴, recommending the Member States concerned to maintain internal border controls, each time for further period of six months upon the adoption of the respective Decision.

2.3.6 Securing external borders

Against the background of the current RC, the political debates, both at national and European level, have placed a particularly strong emphasis on the importance of the protection and management of the external borders of the EU. In this respect, it has been stressed, especially by the Commission, that the reintroduction of border controls decreed by some Member States on their internal borders and the resulting threat caused towards the overall functioning of the Schengen area and the free movement of persons as such have put to the forefront the urgent need for effective management and control of EU external borders. In the press remarks by President of the European Council Donald Tusk following an informal meeting of the EU heads of state held in November 2015 this has been explicitly highlighted by stating:

“Let there be no doubt: the future of Schengen is at stake and time is running out. Every week decisions are taken in Europe, which testify to how grave the situation is: reintroduction of border controls, or “technical barriers” at the borders. This is a clear demonstration that we need to regain the control of our external border. Clearly not as the only action but as the first and most important action; as a precondition for a European migration policy.”¹⁰⁵

The importance of external border management has already been highlighted in the European Agenda on Migration. Here the Commission urged to reinforce the mandate and strengthen the capacities of the EU’s border management agency Frontex for performing its tasks of securing and managing external borders and supporting the return of irregular migrants.¹⁰⁶ Apart from the significant increase of financial and personal resources allocated to Frontex for their Joint Operations in the Mediterranean, Triton and Poseidon, in 2015, particular mention is to be made of the set of legislative initiatives which directly address the issue of external border management. As part of the third implementation package delivering on the EAM¹⁰⁷ the Commission brought forward a so-called “Border Package” which comprised two proposals for regulations: The first legislative initiative put forward by the Commission proposed the establishment of a European Border and Coast Guard.¹⁰⁸ It was the aim of this regulation to create a new and reinforced Agency, i.e. the European Border and Coast Guard Agency, which builds upon existing structures of Frontex and brings together national coast guard and border management authorities. The European Border and Coast Guard should contribute to achievement of an integrated system of border management. The respective regulation has been adopted on the 14th of September 2016, after the Council gave its final approval.¹⁰⁹ The second initiative presented by the Commission as part of this “Border Package” proposed a “targeted modification to the Schengen Borders Code.”¹¹⁰ The proposed regulation sought to introduce into the existing legal framework an obligation of

¹⁰³ <http://data.consilium.europa.eu/doc/document/ST-8835-2016-INIT/en/pdf>

¹⁰⁴ <http://data.consilium.europa.eu/doc/document/ST-14115-2016-INIT/en/pdf>

¹⁰⁵ <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-tusk-press-conference-informal-euco/>

¹⁰⁶ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf, p. 10.

¹⁰⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/index_en.htm

¹⁰⁸ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf

¹⁰⁹ <http://www.consilium.europa.eu/en/press/press-releases/2016/09/14-european-border-coast-guard/>

¹¹⁰



national border management authorities to perform systematic checks also on EU citizens re-entering the Schengen area against all relevant databases. This has so far been only optional.¹¹¹ Against the backdrop of the terrorist attacks in Paris and Brussels in 2015, which have been carried out to large extent by perpetrators holding EU citizenships, the Commission expressed its concerns about the terrorist threat posed by returning “foreign fighters” radicalized abroad.¹¹² It thus highlighted the need to reinforce external border controls also vis-à-vis EU citizens re-entering the Schengen area.

2.3.7 Return policy

Finally, another reaction towards the RC by the European Commission specifically aims at the return of irregular migrants in their home country, as well as asylum applicants originating from safe third countries – in cooperation with the third countries of origin. In this respect, the European Commission has presented an EU Action plan on return¹¹³ and a proposal for establishing an EU common list of safe countries of origin¹¹⁴ and amending the EU Asylum Procedures Directive.¹¹⁵ The EU Action plan on return addresses some short- and mid-term measures to enhance a more effective return of irregular migrants, while being compliant with the international human rights and refugee standards. Specifically, the Commission foresees the increase of initiatives for a voluntary return through joint reintegration projects, in combination with an increased prospect of a possible forced return – in order to have most irregular migrants choosing the more cost-effective voluntary return. In terms of forced return, the Commission strongly emphasizes the stronger enforcement of existing EU rules – the EU Return Directive¹¹⁶ – with possible infringement procedures against MS who haven’t fully implemented the provisions or do not fully comply with them. In this regard a common ‘Return Handbook’¹¹⁷ has been adopted, providing practical instructions for national authorities for carrying out returns of irregular migrants. The EU Action plan on return furthermore addresses the lack of information between EU MS on return decisions and entry bans and thus also foresees changes to the Schengen Information System and the Visa Information System, in order to provide a more efficient information sharing.

The return action plan also addresses the enhancement of cooperation between the EU and their MS with countries of origin and transit – which relates to the proposal for establishing an EU common list of safe countries of origin – and is regarded as crucial for effectively being able to return irregular migrants to their country of origin or transit. Here the Commission plans on addressing the implementation of concluded readmission agreements as well as concluding ongoing and opening new negotiations on readmission agreements. The focus lies mainly on North-African and Sub-Saharan countries, for which the return rates are below 30%.

Establishing a common list of safe countries of origin aims mainly at applying accelerated border procedures when the asylum applicant is a national of a safe country of origin, or has transited safe countries. As safe countries, the Commission has included Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia and Turkey – mainly addressing the main countries of transit and

¹¹¹ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/proposal_on_the_schengen_borders_code_en.pdf

¹¹² http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/proposal_on_the_schengen_borders_code_en.pdf, p. 2.

¹¹³ COM(2015) 453 final

¹¹⁴ COM(2015) 452 final

¹¹⁵ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013.

¹¹⁶ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008.

¹¹⁷ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf



proposes the possibility to further include third countries from which many asylum applicants originate such as Bangladesh, Pakistan and Senegal.

In this context, particular emphasis – especially by the European Council – has been laid on the necessity of cooperation with Turkey. On the 18th March 2016, an agreement between the European Council and Turkey had been reached, marking a cornerstone in countering irregular migration into the EU. The agreement aims at reducing the illegal and dangerous crossing of migrants through the Aegean Sea by resettling migrants from Turkey to the EU – mainly Syrian refugees – while returning irregular migrants crossing the Greek border to Turkey. Since the agreement became operational on the 20th March 2016, 578 irregular migrants arriving in Greece have been returned to Turkey, while at the same time the EU has resettled 1614 Syrian refugees from Turkey and daily crossing have gone down from around 1.740 migrants to 94.¹¹⁸ In regard to these numbers it should however be noted that in the same period the Balkan countries have severely increased the border controls on the so called Western Balkans route and as such also contributed to a reduction in migration flows towards the Western and Central European countries.

2.3.8 Conclusion

As this brief run through has demonstrated the European Union reacted swiftly and in a comprehensive manner to the RC. Several policy initiatives were launched, targeting the different dimensions of this crisis, facilitating the administrative handling of persons seeking shelter, working towards a shared system of asylum procedures, adjusting the internal border regime within the Schengen area, taking actions to strengthen the external borders, developing policies to come to an even distribution of burdens and negotiating with countries of origin about relocation of persons not eligible for residence under the asylum regime in Europe. All these initiatives had to be processed through the complex and sometimes tiring institutional set-up of European policy making, involving the Commission, the Council and the Parliament, where conflicting perspectives collide and compromises have to be found. The impressive output of policies and initiatives as such does not translate immediately into practical actions on the ground, producing tangible effects, alleviating the burdens as they are experienced by citizens. A number of set-backs are encountered in the process of implementation along the way from policy output to policy impact. A joint European decision to turn Frontex into a powerful European force endowed with the mandate to protect external borders using robust measures is one thing. Making this happen on the ground is something completely different. Implementation of European policies is a slow process, where frictions, irritations, resistance have to be expected when policies meet politics and so sometimes good intentions may produce side-effects and turn into bad outcomes.

Taking a bird's eye view in the context of our analysis, two main features of the Europeanization of the RC stand out. First, none of the initiatives launched at the European level use a xenophobic or exclusionary rhetoric to justify decisions taken, or playing on the notion of a Fortress Europe sealed off against a hostile outside world. Whereas at the level of national policy responses and public discourse such attitudes and rhetoric can be found, European policy reactions in general abstain from it. Second, looking at the policy output at the European level it seems that Europe does not suffer from a lack of political initiative but rather from an implementation deficit. Turning policies into practical action requires adequate resources, logistics and an effective administrative infrastructure, a kind of "implementation back office". The cascading trickle down of policies under a regime of subsidiary competences for implementation, leaving implementation to national/local actors may be an adequate strategy for some policy areas, but fails when a situation like the RC has to be confronted.

¹¹⁸ European Commission 2016: Managing the Refugee Crisis. EU-Turkey Statement: Progress Report September 2016.



3 Analytical and Methodological Framework

The aim of this section is to outline the case study protocol. In particular, the:

1. Intellectual basis of the case studies
2. Case study unit of analysis
3. Reporting format for each partner

In *Case Study Research: Design and Methods* (1994) Robert K Yin outlines how before embarking on case study research a ‘case study protocol’ must be designed. There are two stages to developing a case study protocol. First, the research team must decide what the case study will look like – what the overall objectives and questions are, what information sources are to be drawn upon, what research instruments will be used, if any, and what field procedures will be used. Second, it should then be ensured that the researchers involved have the skills to complete the case study.

3.1 Intellectual basis of the case studies

The comparative case studies of the 2016 annual societal security report (ASSR) are designed to explore the responses to the “refugee crisis” (RC) in selected European countries. The focus of the analysis is hereby twofold: on the one hand, to look at the areas of societal security that have been (and are being) discussed on a policy level in relation to the RC; on the other hand, to examine how these problems are situated in a local, national or European context (Table 1).

Table 3. Case study framework

	Perceptions	Policy decisions	Media reporting
Local	<ul style="list-style-type: none"> - Surveys - Interviews 	<ul style="list-style-type: none"> - Related to RC - Discussed, proposed, implemented - Localisation of problem - Responsible actors 	<ul style="list-style-type: none"> - Newspaper - Online - Blogs - Social media - ...
National			
European			

The so-called refugee crisis serves as an example of a group of problems that are perceived as resulting from global processes which in turn are challenging national actors to find adequate responses. To put it in a nutshell: *while the causes are (perceived) global, the effects are (felt) local.*

These developments are accompanied by calls for a shared European strategy on the one hand, while on the other EU policies are perceived (and presented) as often failing to adequately, fairly and timely address these problems or even hinder necessary national actions. Not least against the background of the UK referendum of June 2016 to leave the European Union, as well as the intersection of the economic downturn and the refugee crisis in Southern European countries, European disintegration is perceived as an increased risk. These claim finds support as a widespread increase of populist, nationalist, nativist groups and parties can be observed



across a number of member states. However, these crises are also seen as chance for furthering European integration, a thesis (*“Integration by crisis”*) which we are going to explore in this ASSR.

Drawing from the framework applied in previous editions of the ASSR (1 & 2) we conceptualize security in a two-dimensional matrix: (1) distinguishing local, national and European levels; (2) comparing (a) mundane (everyday) perceptions of security, (b) infrastructural and policy decisions, and (c) media reporting (Table 2).

Table 4. Case study framework

	Perceptions	Policy decisions	Media reporting
Local	<ul style="list-style-type: none"> - Discursive events/context - Localisation of security problems - CS countries: AT, GE, UK, SE, SK, EL, EU - From June 2015 to June 2016 		
National			
European			

It is within this framework that we aim to address the general theme of the ASSR how different interpretations and contextualisation of security can be made out. While we covered citizen’s perceptions of security (surveys, interviews) as well as media reporting (traditional and social media) on selected issues in previous editions of the ASSR, we will focus primarily on policies that have been proposed, discussed or implemented this year.

Citizen’s perceptions and media reporting are only relevant in so far as they are referred to in the policy discourse. While most of the policies will be proposed on a national level, the debates are likely to feature local and European actors as well.

Using the example of the migration movements of the last years, we will look at how these developments are framed as security related problems, which dimensions of societal security are associated with it and how responsibility to address these challenges is ascribed to local, national and/or European actors. Comparing the discourse across selected European countries enables us to distinguish different framings of security problems. The so-called “refugee crisis” constitutes a highly relevant and significant research topic where local and European processes and effects are entwined, and a multiplicity of societal security issues are projected towards.

Immigrants in general and refugees specifically have long posed as a template to project a wide range of fears towards (“othering”): e.g. fear of increase in crime, a wide range of social problems, “parallel societies”, challenges of integration, competition in the labour and housing market, and an increase of social and economic costs (welfare). While this scapegoating rhetoric has long been used by populist and right wing parties, who received increasing support in several recent elections (in the case study countries), there are pressures on the political mainstream in responding to the claims raised. One aspect of this discursive complex has been described as the formation of proxy-problems, where a “moral panic” poses as surrogate for all kinds of dissatisfaction and insecurity. It can be used as a resource as to which specific issues are being raised within a national or local context, used as a “catalyst” to address pressing issues.

Hypotheses

We expect the RC to be framed quite differently in terms of proposed/implemented policies across the respected case study countries. In a first step, we are interested which policy areas have been addressed/prioritized, how this debate has been framed.

We expect the (self-)perception of countries to vary, whether they are considered entry/border countries, transit countries and/or destination countries. These differences inform the policy areas and policies themselves: where committed destination countries will have more advanced policies in respect to socio-



economic integration of migrants and refugees, transit countries focus more on border control and try to keep their welfare policies less attractive.

Destination countries are willing to put in place policies aimed integrating I/R, regulating their access to the “social infrastructure”. Transition countries are willing to put out of place D-III as long as the flow continues, their policies are aimed at decreasing the incentives for I/R to stay and discontinue their journey. Entry countries are overwhelmed with managing I/R, by existing policies, D-III, they have to bear the greatest burden.

Conflicts in distributing responsibility share a similarity whether they are between the European-national level or the national-local level.

(A number of policies with the goal of decreasing immigration are aimed at the behavioural level of I/R (decreasing incentives, increasing challenges, raising awareness) based on a rational choice model. Their framing seems to address the heuristics of their own population rather than immigrants’.)

Table 5. Typology of reactions

Agenda setting	Active	Reactive
Role of the EU		
EU +	GE, SE	
EU -	UK	AT, SK

4 Types of responses:

- Agenda setting in the EU (GE, EU, SK): pushing towards a unified strategy
- Closing off from the EU (UK): Economic vs. political union
- Multilateral agreements against the mainstream (AT, SL)
- Waiting for EU (IT, EL): economic downturn and migration influx – high impact countries

1. GE, SE take in a high number of immigrants/refugees (totally, relative to their population size); are the destination countries of a large number of immigrants/refugees (motive); if they close their borders/increase border control, so do transition countries, and I/R are stuck in border/entry countries; they are most willing to put in place social/economic policies aimed at integrating I/R; they take the lead to affirm their position as European leaders and call for integration.
2. Same applies for UK, also historically (colonies), but they reject a political union, where they perceive themselves as not taking the lead, and want to reduce European cooperation to an economic partnership. This had been done with xenophobic, chauvinistic, back-to-the-empire rhetoric.
3. SK is (at best) a transit country, with limited applications for asylum, usually passing through to destination countries, if GE or AT closes its borders/increases border control, so do they, and pass them down the line. AT/NL is partly a transition country, but also an important destination country, they mitigate this role. These countries have an interest not to increase the socio-economic incentives for I/R to stay. This is reflected in repressive policies and discourse of fear (crime, asf), exclusionary measures of access to social welfare.

Research guiding questions – overview:

- How has the debate on immigration been framed in the last year?
- Which where the issues, problems associated with it?
- Which areas of societal security haven been addressed in relation to migration?



- Which policies have been debated, voted on and implemented?
- Which actors (local, national, European) have been featured in the debate?
- What were the local, national, European responses to the policies?
- How have local, national, European actors been featured in this debate?

3.2 Case study unit of analysis

WP3 features a broad structure of case studies of responses to the “refugee crisis” across Europe. These cases form the core of empirical material for D3.6. In designing the cases it was decided that it was critical to capture the perspectives of policy discourse and implementations.

Case study countries: Austria (VICESSE), Germany (VICESSE), France (VICESSE), United Kingdom (VICESSE), The Netherlands (TNO), Sweden (FOI), Slovakia (VICESSE), EU (VICESSE)

The selection of countries reflects the respective status of border/entry country, transition country, and destination country, as well as regional and socio-economic differences. Countries like Greece, Italy or Turkey would have been suitable candidates for case studies as well. Unfortunately, the limitation of funds and the lack of easily accessible cooperation partners in these countries prevented this and so we have none of the receiving countries in our sample. The view from these countries where refugees enter the European Union or are first received outside the immediate conflict zone (like in Turkey) will probably be documented at a later stage. For this report, we take a closer look at Germany, Austria, The Netherlands, France, United Kingdom and Sweden.

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Figure 3. Case Study Countries



3 perspectives:

1. Local: actors, issues, responses, responsibilities
2. National: actors, issues, responses, responsibilities
3. European: actors, issues, responses, responsibilities

Possible policy areas with specific reference to migration (June 2015 – June 2016)

- Internal security: street crime (petty crime, drug offences), property crimes, organized crime, terrorism, others
- Border control (maritime), asylum, deportations, crowd management, emergency responses
- Social welfare: housing, jobs, education, health, values

A major part of the case studies uses documentary or secondary sources available in national statistics. These secondary sources include:

- Policy documents and reports in associated trade press
- Mainstream media reports and their analysis (as they include policy proceedings)
- Academic sources (as they include policy proceedings)
- Blogs and other online sources (as they include policy proceedings)

3.3 Report format

Reports of 3-5,000 words detailing the findings of the case studies provided the input for this document. These reports detailed the levels of policy discussion and implementation and media discourse related to it.

The report followed a general format of presentation:



1. A brief description of the types of data collected and anonymised key informants who were consulted (250w)
2. A brief statement of the coding and analytical method (250w)
3. Description of the policies (proposed, discussed, implemented) and statements about the reactions to them in the partner’s country context, key actors, key issues (1500w)
4. Responses to the case study questions (1500w)
5. A brief description of major events in the country with respect to the MRC, which drew a lot of media attention and/or impacted policy proposals/decisions. (500w)

The reports were compiled and edited for this document and presented in the section on country reports.

Deliverable outline:

The deliverable template of the ASSR 3 was sent out to contributing partners at the beginning of August 2016, detailing the general structure of the deliverable as well as the preliminary substructure of the country reports.

Timeline and Organization

The timeline for WP3 is shown in table 3 below. Skype meetings of all involved were held on a regular basis to monitor progress of work and address any questions raised while working on the country reports.

Table 6. Timeline

Month	Activity
Jul 2016	Case study template to partners Call with partners Policy research
Aug 2016	Deliverable template to Partners Call with partners Policy research
Sep 2016	Policy research First draft of country report (policy description)
Oct 2016	Amended draft of country report (covering analytical research questions) Synthesis of country reports by deliverable leader Finalising comparative analysis
Nov 2016	Deliverable draft to reviewers

4 Case Studies: Country Reports

4.1 Austria

The major breaking points in Austrian history were the end of world wars. With the end of the World War I, Austria lost its status as major European Power, it also ended the multinational and multi-ethnic state that was the Austro-Hungarian Empire, which during its existence saw large migration shifts between different parts within its territory. Part of the empire was Bosnia, with a predominately Muslim native population, which led to the Islamic faith being recognized by the state after Bosnia was annexed in 19th century introducing in the ranks of the Combined Imperial Army the fabulous rank of “K.u.K Großmufti der Reserve” (Imperial and Royal Grand Mufti of the reserve), since Bosniaks were also drafted into the army. The first republic, which named itself German-Austria at the beginning and only changed its name on behest of the Entente Powers, saw little to no influx of migrants during its existence from 1918 to 1938. The end of the WWII brought the first influx of refugees, the so called displaced persons, mainly ethnic Germans and to a lesser degree so-called Wehrmacht collaborators from territories under Soviet control. While they were met with some hostility in the overall post-war chaos, their integration into Austria was swift and has not left a significant trace in collective memory of Austrians.

The first refugees to leave a lasting impact on Austria were the Hungarians fleeing the Soviet occupation after the 1956 uprising. They, similar to the refugees after the Prague Spring of 1968, were initially welcomed although feelings towards them deteriorated over time. Integration of this group was facilitated by a common history in the Austro-Hungarian Empire, where Hungarians and Czechs had already been a significant minority in Austria. The fall of the Iron Curtain briefly brought a wave of refugees from German Democratic Republic, who fled from Hungary via Austria to Germany. Since they were not expected to and did not seek to stay, they were well received. The latest major wave in irregular migration came with the Balkan Wars of the early 1990s. Although these countries had been part of the Empire as well, refugees from this region did not receive a friendly reception as the Hungarians in 1956. To this day communities from the Balkans remain a more or less isolated and ethnically homogenous minority within Austrian society compared to Hungarians and Czechs. Austria’s legacy as an Empire and multi-ethnic patchwork society may have been an asset for migrants from the former Imperial countries. The current situation is different though as the events building up to the RC in 2015 clearly demonstrate.

In Austria, as in all other European countries, the topic of refugees and migrants from the MENA region had been lingering ever since the civil war in Syria broke out, but it was not before late summer 2015 when it developed into a publicly perceived and politically addressed crisis. Before summer 2015 and with a comparatively small number of asylum seekers in the country, there was a controversial debate among the administrations of federal states about the proper distribution of refugees across Austria. The federal structure of the country, where regional administrations have relative political autonomy had sustained a situation similar to the European Union: no state or province was willing to have refugees settle in their territory, and local politicians engaged in fierce struggle over political arithmetic, quotas, budget figures and head counting. So, debates and controversies over asylum, refugees and migration had surfaced in Austria recurrently in the years before 2015 before they became the central focus of public discourse and policy during the RC.

During the high time of the RC three key events shaped public discussions on the issue in Austria. First was on 25th of August, when a lorry, carrying the suffocated corpses of 71 (59 men, 8 women and 4 children) refugees from Iraq, Syria and Afghanistan was found on a highway parking lot in Neusiedl, Burgenland. Making headlines not only in Austria but across the world, it led to an amendment of the so-called “Fremdenpolizeigesetz” (regulating residential status and immigration of non-Austrians) within a month. The amendment introduced a



new threshold for the criminal offence of human trafficking, replacing a rather vague wording used to define illegal smuggling (“groups of people”) with a precise phrase “more than three persons”.

The second event came on the 31st of August. On this day, German chancellor Angela Merkel announced that Germany would accept any refugee from Syria. At the time the German move was supported by the Austrian government. Germany’s decision affected Austria stronger than its southern and eastern neighbours. While certainly a transition country for many refugees on their way to Germany or Scandinavia, a significant number of refugees applied for asylum in Austria, compared to Hungary or Slovenia. Thus, in wake of the German announcement came the third key event, the arrival of 15.000 refugees on the night between September 5th and 6th.

The following weeks images of volunteers and civil society actors helping arriving refugees dominated media coverage. At the same time, public authorities were blamed for what appeared as an unprofessional and poorly coordinated management and handling of the high numbers of asylum seekers and incoming refugees. While public media discourse in the beginning painted a rather positive image of a society welcoming victims of war, there soon followed a backlash. The traditionally strong right wing and extreme right in Austria, who did not approve of this welcoming culture (“Willkommenskultur”) started to criticise this pro-refugee attitude. Critics from the political Right took to social media to voice their rejections towards refugees and migrants. For some this had serious impact, as other users identified them and informed the authorities, which sometimes led to criminal charges of illegal hate speech. The probably most prominent example involved a young trainee at Porsche. On a photograph of a young Syrian girl playing with a hose provided by the local fire brigade, he commented on Facebook: A flamethrower would have been the better solution (“Flammenwerfer wäre (sic!) da die bessere Lösung”).¹¹⁹ When made aware of this statement his employer dismissed him without notice.

The refugee crisis also became an issue in the communal elections in Vienna in October 2015. The right-wing Freedom Party of Austria (Freiheitliche Partei Österreich – FPÖ), heavily campaigned with anti-immigration slogans against the ruling Austrian Social Democrats, who together with the Green Party supported a liberal asylum policy. There was also a rift within the Social Democrats between the party sections of Vienna and Burgenland and the federal party. Whereas the Viennese were staunchest supporters of asylum, Social democrats in Burgenland, (in a coalition with the right-wing FPÖ at state level), wanted to close the border. The federal Party took a stand somewhere in between these positions. The RC also overshadowed the Austrian presidential elections of 2016 (that have now become a farce in their own right due to procedural errors in the first round of the election) where the candidates’ stance on the refugee crisis (including bizarre ramifications into debates about saving the nation from outside Islamic attackers, playing on the Austrian historical trauma of being under siege from a Turkish army) was the key topic of the campaign. The candidate of the Social Democrats saw an unexpected defeat in the first round of the presidential elections, and in the wake of this Austrian chancellor Werner Faymann, Social Democrat and head of a coalition government resigned. While national media attributed the resignation mostly to this loss, international observers saw the refugee crisis as a major factor for him stepping down.¹²⁰

Faymann was replaced by Christian Kern, who had been the CEO of National Austrian Railways and on several occasions, had made clear pro migrant statements in public during the events of September 2015, while using his position to provide logistical support for the transport of refugees through Austria by train and opening buildings, owned by Austrian Railways for shelter. The RC remained an issue for the government also in the next year. Parliament voted on an amendment to asylum law, introducing a fixed ceiling for asylum seekers to

¹¹⁹ <https://kurier.at/chronik/oberoesterreich/wegen-hass-postings-den-lehrplatz-verloren/143.065.701>

¹²⁰ <https://kurier.at/politik/inland/guardian-und-el-pais-faymann-ist-erstes-politisches-opfer-der-fluechtlingskrise/197.940.415>



be let into the country and defined the annual number at 37,500 people.¹²¹ This decision, most probably a violation of international law and human rights standards, was a political move to calm populist critique and dramatized fears of being overrun by Muslims.

Looking at public policy initiatives linked to the RC the Austrian government attempted to adapt national legal and administrative frameworks on several occasions since 2015. While some of these legal provisions had been under discussion for some time, the massive influx of refugees and the heated public reaction to the new situation definitely forced government and parliament to react swiftly, pushing regulations through the parliamentary process. The table below lists the most relevant legal activities from the second half of 2015 to 2016. While some of these amendments are obviously targeting the population of migrants and refugees, some are only indirectly related to members of this group holding special residential status and being granted only restricted rights under Austrian national laws and others simply entail regulations explicitly producing more precise definitions for Austrian citizens as opposed to Non-Austrians.

Table 7. Austrian policy reactions

03.06.2015	Amendment to the asylum law implementation regulation, creating a new identification card for person granted asylum, “Blue Card”. ¹²²
18.06.2015	Amendment to the asylum law, aliens police act, settlement and residence act, and primary care law, with the goal of enhancing inner-EU-cooperation, more flexible control over the acceptance and housing of asylum seekers, of as set out by the conference of federal state governors, faster and more adequate reaction possibilities for threats like terrorism. ¹²³
09.07.2015	Amendment to the vocational training act, providing new training opportunities for young people with fewer opportunities. ¹²⁴
30.07.2015	Amendment to the inheritance law, strengthening the freedom to dispose of property upon death, consideration of provided care, enforceability of the REGULATION (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession ¹²⁵
13.08.2015	Amendment to the unemployment insurance act, raising the incentives for employers to keep elderly in employment subject to social insurance, thereby reducing corridor pensions. ¹²⁶
13.08.2015	Amendment to the law against social fraud, targeting the use of bogus companies and fake illnesses. ¹²⁷
20.08.2015	Agreement in accordance with Article 15a of the federal constitution to provide funding for early language development in kindergarten from 2015 to 2018. ¹²⁸
28.09.2015	Amendment to the aliens police act, lowering the bar for number of persons smuggled to constitute human trafficking. ¹²⁹
28.09.2015	Amendment to the constitution to allow sheltering and distribution of vulnerable aliens by

¹²¹ http://diepresse.com/home/politik/innenpolitik/5001866/Fluchtlinge_Notverordnung-wird-die-naechste-Hurde

¹²² <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.202181>

¹²³ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.157966>

¹²⁴ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.161290>

¹²⁵ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.160824>

¹²⁶ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.163842>

¹²⁷ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.165954>

¹²⁸ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.159539>

¹²⁹ <https://www.help.gv.at/Portal.Node/hlpd/public/module?gentics.am=Content&p.contentid=10007.178327>



	the federal government in case the provincial authorities fail to provide such services. ¹³⁰
28.12.2015	Social Law Amendment Act 2015, changes to the insurance, residence registration and fee and contribution law. ¹³¹
29.01.2016	Proposed amendment in Austrian asylum law. The government may proclaim a state of emergency for 6 months, which can be iterated 3 times (=2 years all together), in case public order or internal security are threatened. During this time border controls, can be reinstated, which in effect would lead to refugees being turned away. (§ 36 AsylG) - Deportation imprisonment can now be imposed for 14 days. - The process of granting asylum may now last 15 months instead of 6 months previously - Introduction of an asylum limited in time. Asylum may be granted for three years. Should the ministry of interior deem the situation in the home country of the refugee safe, his asylum status will be revoked. - Family reunification for persons with subsidiary protection status will only be permitted if the family can be supported by him or her. - Persons granted asylum or subsidiary protection have to register with the Integrationsfonds. ¹³²
21.03.2016	Amendment to the national qualifications frameworks, for easier recognition of foreign qualifications. ¹³³
13.06.2016	Amendment to the law for combating wage and social dumping by foreign provider of services posted in Austria. ¹³⁴

Early 2016 a new regulation entered into force, introducing the option to declare a state of emergency for a period of six months, reintroducing border controls and a whole range of other restrictive measures. This offered Austrian authorities a new tool box to react in situations of (real or perceived) crises caused by refugees at Austrian borders or within the country.

In 2015 the administration realized that the emerging situation with huge numbers of persons moving uncontrolled towards Austria could not be handled with standard disaster and crisis management strategies. This was an important lesson learned last not least since the cross-border dimension of the unfolding events and their dynamic became obvious. Cooperating with the administration of countries sharing a border with Austria, the immediate local effects could be mediated, but only at the expense of creating fall-out in other regions. Austrian police at the borders to Germany and Hungary negotiated with their local counterparts to synchronize the mobility of refugees across the territory, but these were ad-hoc administrative emergency measures not tied into an overall strategy, regime or plan covering all European countries. In hindsight, it became obvious that crisis management took place primarily on ground level, including spontaneous civil society activities, while the higher levels of the administration failed to take the lead and provide for a coordinated response.

At the political level reactions followed with some delay. Regional activities such as a so-called "Balkan conference" initiated by the Austrian Foreign Minister in November 2016 brought together representatives from countries along the so-called "Balkan Route" (Slovenia, Croatia, Serbia and Macedonia). Greece was not invited. While the format of this conference dates back to earlier times and Greece never before was participating in these meetings, it seems awkward not to invite representatives from the country of origin, when migration along the Balkan Route is the main topic on the agenda and some of the participating countries

¹³⁰ <https://www.help.gv.at/Portal.Node/hlpd/public/module?genetics.am=Content&p.contentid=10007.178277>

¹³¹ <https://www.help.gv.at/Portal.Node/hlpd/public/module?genetics.am=Content&p.contentid=10007.183400>

¹³² https://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00996/index.shtml

¹³³ <https://www.help.gv.at/Portal.Node/hlpd/public/module?genetics.am=Content&p.contentid=10007.180581>

¹³⁴ <https://www.help.gv.at/Portal.Node/hlpd/public/module?genetics.am=Content&p.contentid=10007.193863>

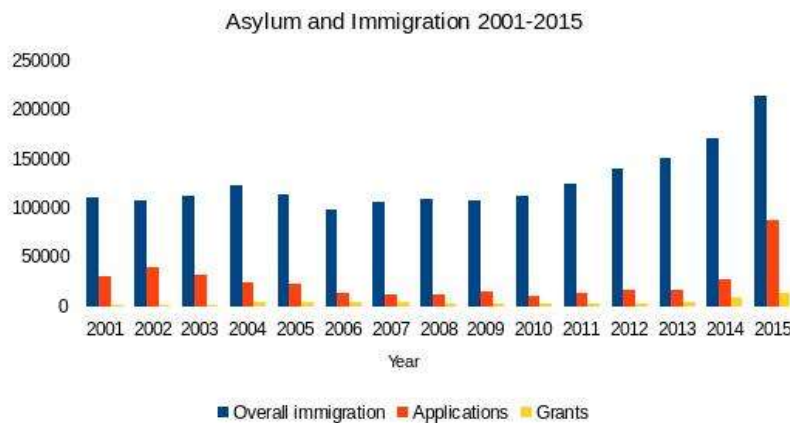


(Serbia, Macedonia) are not even members of the European Union. The refugee crisis here obviously provided the pretext for political moves in a strategic game, where the European Union as important player is deliberately left out. Similar moves can be observed among the members of the so-called Visegrad Group (Hungary, Poland, Czech and Slovak Republics) working against a coordinated European regime of burden sharing in handling the RC.

Although refugees applying for asylum in Austria are perceived as a threat to societal security, and a relevant segment of the electorate seems to support a restrictive policy of keeping asylum seekers out of the country, claiming they would pose a threat to Austrian society, European values and the welfare system, the numbers tell a different story.

Comparing asylum seekers to overall immigrants, shows that until 2015 asylum seekers constituted only a minor fraction of overall migration and from this minority only a small percentage managed to receive asylum grants. While the number of grants in 2016 can be expected to be higher than in 2015, the annual threshold of 35,000 asylum seekers, defined by Austrian authorities, will keep the number of asylum seekers entering the country for the time being within limits.

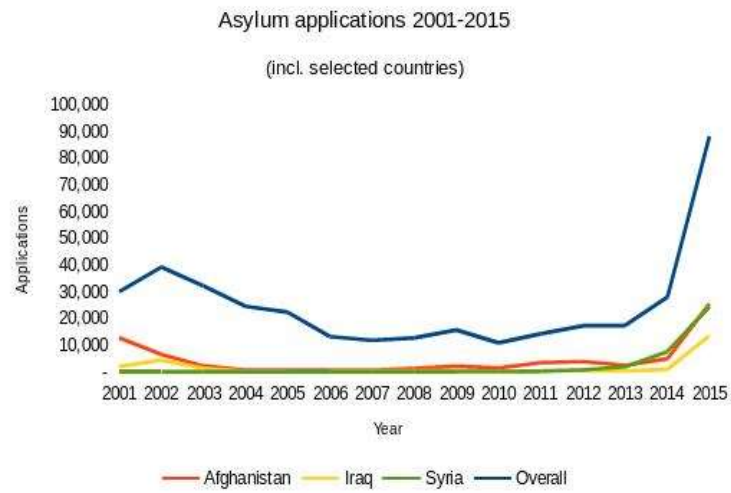
Figure 4. Austria Asylum and Immigration 2001-15



Looking at the development of applications for asylum in Austria over a longer period of time shows how these figures correspond with global conflicts like the wars in Afghanistan and Iraq producing high numbers from 2000 onwards. After 2013 the surge of asylum applications can be linked to the events in the Greater Middle East. The Arab Spring, which started in Tunisia in December 2010 and subsequently led to the civil war in Syria, the rise of Daesh and their spread into Iraq. At the same time NATO's involvement in Afghanistan was heavily reduced. This in turn led to a resurgence of the Taliban, the Afghan government is not capable to handle.



Figure 5. Austria Asylum Application 2001-15



During the RC Austria was primarily a transition country with the majority of refugees moving further up north planning to reach Germany, the UK or Sweden.



4.2 France

France experienced in 2015 and 2016 a series of severe terrorist attacks, which heavily shaped the political and public discourse. Already in January 2015, Islamic terrorist attacks occurred in Paris, mainly at the headquarters of the satirical magazine Charlie Hebdo and in a kosher supermarket.¹³⁵ In August 2015, a man tried to attack several passengers in a Thalys train from Amsterdam to Paris, but was quickly subdued by two passengers.¹³⁶ On the evening of the 13th November 2015, six separate but coordinated attacks took place in Paris, notably in front of the Stade de France, at that moment hosting a friendly football match between France and Germany, and at the Bataclan Theater at a concert of the “Eagles of Death Metal”, killing a total of 130 people and wounding 413.¹³⁷ The attacks were claimed by the Islamic State (IS). As an immediate reaction to the events in Paris, a state of emergency was declared by President Hollande.¹³⁸ Lastly, another terrorist attack occurred on the evening of the 14th July 2016 in Nice, where a man drove with a cargo truck into a large crowd celebrating Bastille Day on the Promenade des Anglais, killing 86 people and injuring 434.¹³⁹ Again the attacks were claimed by the IS, even though the attacker was reported to be not religious – thus suspecting a sudden radicalisation.¹⁴⁰

In terms of the refugee crisis Europe experienced in 2015, France also saw an increase in asylum applications (see next Chapter). The main troubles France experience here was the regional distributions of the refugees and migrants. With several municipalities not willing to take up refugees, multiple (illegal) open-air camps were built in and around Paris, and also the “Jungle of Calais” saw an important increase in the population^{141,142}. Before continuing with the implications of these events on the regional and national politic landscape and discussion, we will first present a few key country data in order to show the relativity of the migration flows in proportion to the general French population.

France, with a population of around 66.6 million is currently the second most populated country within the EU. Compared to countries with a similar size, France is however one of the few countries within the EU still experiencing a significant natural growth, with a fertility rate of around 2 children per women in the

¹³⁵ Le Monde 2015: Attentats de Paris: Comment les frères Kouachi et Amedy Coulibaly ont coordonné leurs attaques. http://www.lemonde.fr/police-justice/article/2015/02/17/attentats-de-paris-comment-les-freres-kouachi-et-amedy-coulibaly-ont-coordonne-leurs-attaques_4578093_1653578.html (Accessed: 27.09.2016)

¹³⁶ Le Figaro 2015: Thalys: Ayoub El Khazzani a été mis en examen et écroué. <http://www.lefigaro.fr/actualite-france/2015/08/25/01016-20150825ARTFIG00329-l-equipee-terroriste-du-tireur-du-thalys-etait-ciblee-et-premeditee.php> (Accessed: 27.09.2016).

¹³⁷ Info FranceTV 2016: Attentats du 13 novembre : 27 personnes sont toujours hospitalisées http://www.francetvinfo.fr/faits-divers/terrorisme/attaques-du-13-novembre-a-paris/victimes-des-attentats-a-paris/info-francetv-info-attentats-du-13-novembre-27-personnes-sont-toujours-hospitalisees_1340309.html (Accessed: 27.09.2016).

¹³⁸ Communiqué du Conseil des ministres du 14 novembre 2015 <http://www.elysee.fr/conseils-des-ministres/article/communiqu%C3%A9-du-conseil-des-ministres-du-14-novembre-2015/> (Accessed: 27.09.2016).

¹³⁹ Le Monde 2016: Le bilan de l’attentat de Nice porté à 86 morts. http://www.lemonde.fr/societe/article/2016/08/19/le-bilan-de-l-attentat-de-nice-porte-a-86-morts_4985199_3224.html (Accessed: 27.09.2016).

¹⁴⁰ Le Monde 2016: Le profil inédit de Mohamed Lahouaiej Bouhlel, auteur de l’attentat de Nice. http://www.lemonde.fr/societe/article/2016/07/16/attaque-de-nice-les-motivations-troubles-de-mohamed-lahouaiej-bouhlel_4970489_3224.html (Accessed: 27.09.2016).

¹⁴¹ Le Figaro 2016: Paris ouvrira mi-octobre son premier centre d'accueil pour réfugiés. <http://www.lefigaro.fr/actualite-france/2016/09/05/01016-20160905ARTFIG00284--paris-deux-sites-pour-accueillir-les-refugies-vont-bientot-ouvrir.php> (Accessed: 27.09.2016).

¹⁴² Le Point 2016: Migrants: à Calais, une "Jungle" en constante expansion. http://www.lepoint.fr/societe/migrants-a-calais-une-jungle-en-constante-expansion-23-08-2016-2063251_23.php (Accessed: 27.09.2016).



childbearing age.¹⁴³ As shown in Table 8, the population of France experiences a net growth of around 300 000 persons per year, of which around 4/5th is the result of the natural balance (new-borns minus deaths) and 1/5th is the result of the net migration (people migrating into France minus people leaving France).

Table 8: Development of the population in France from 2012 to 2016 (2013-2016 - provisional results and estimates; from 2014 including Mayotte; n.a. = not available) (Source: Insee 2016).

Year	Population	Birth rate (per 1 000)	Death rate (per 1 000)	Natural variation rate (per 1 000)	Net migration (evaluated) (per 1 000)
2012	65 241 241	12.6	8.7	3.9	0.9
2013 ⁺	65 564 756	12.3	8.7	3.6	0.7
2014 ⁺	66 074 330	12.4	8.4	4.0	0.7
2015 ⁺	66 380 602	12.0	9.0	3.0	0.7
2016 ⁺	66 627 602	n.a.	n.a.	n.a.	n.a.

The composition of the French population is diverse. At the end of 2013, from the 65.8 million people living in France (excluding Mayotte), 7.6 million (thus 11.6% of the population) are foreign-born. From the remaining 57.6 million inhabitants, around 0.6 million (mostly children) don't hold the French citizenship as a result of being born in France by non-French parents – however under most conditions, they will acquire the French citizenship when reaching adulthood. From the 7.6 million foreign-born inhabitants, 5.9 million were born with another citizenship and are thus considered as the immigrated population in France, making up 8.9% of the general population.¹⁴⁴

Many of the current foreign-born citizens in France are the result of historical migration flows – often as a result of immigrants in need for work and France's necessity for workforce, particularly in the industrial and agricultural sectors. Starting at the end of the 19th century and peaking in the interwar period, immigration of Italian and Spanish citizens was the most common. After 1945 the demand for workforce, mainly for the rebuilding, was again high. In this period, a strong migration from the African continent started especially from the Maghreb countries, with a majority from Algeria, followed by smaller waves from Morocco and Tunisia. Finally, in the 60ies, a high number of Portuguese immigrants was recorded, again as a result of a demand in workforce in the (automotive) industrial sector. Only later on, migration flows from sub-Saharan countries (mainly former French colonies) started to increase, as well as migration on the basis of family reunifications.¹⁴⁵

These historical migration flows still make up the largest part of the immigrant population in France, as shown in Table 9. However, the immigrant population is not only a historical construct as still the majority of the non-French citizens entering the country originate from Portugal, Spain and Italy i.e. from within the European Union and migration from outside Europe mainly originate from Maghreb countries. Especially in the wake of the economic crises, immigration from the southern European neighbours has doubled. On an annual basis, France takes up around 200 000 new immigrants, while in the same period around 50 000 have passed away and 60 000 have left the country again, resulting in a net increase of around 90 000 immigrants.¹⁴⁶

¹⁴³ Bellamy V., Beaumel C. 2016: Bilan démographique 2015. Insee première N°1581, janvier 2016.

¹⁴⁴ Brutel C. 2015: Populations française, étrangère et immigrée en France depuis 2006. Insee Focus N°38, octobre 2015.

¹⁴⁵ Brutel C. 2016: La localisation géographique des immigrés. Une forte concentration dans l'aire urbaine de Paris. Insee Première N°1591, avril 2016.

¹⁴⁶ Brutel C. 2014: Les immigrés récemment arrivés en France. Une immigration de plus en plus européenne. Insee Première N°1524, novembre 2014.



Table 9: Immigrants living in France based on their country/region of birth (numbers from 2012, Source: Insee 2016)

Region / Country	Part in %	In thousands
Europe	36.8	2 101
<i>Portugal</i>	<i>10.5</i>	<i>599</i>
<i>Italy</i>	<i>5.1</i>	<i>293</i>
<i>Spain</i>	<i>4.3</i>	<i>245</i>
<i>Other European countries</i>	<i>16.9</i>	<i>964</i>
Africa	43.2	2 470
<i>Algeria</i>	<i>13.1</i>	<i>748</i>
<i>Morocco</i>	<i>12.1</i>	<i>693</i>
<i>Tunis</i>	<i>4.4</i>	<i>251</i>
<i>Other African countries</i>	<i>13.6</i>	<i>778</i>
Asia	14.4	823
America and Oceania	5.6	319
Total	100.0	5 714

Although only consisting of approx. one quarter of total migration, especially in the last year, the public discourse has revolved for a large part around the number of refugees applying for asylum in France. While the numbers are far from being as high as in other countries like Germany or Sweden, France has still experienced an increase in asylum applications within the last years. First, a steady increase was recorded, from the relatively low numbers of 2007 (23 804 first time applications) to 2013 and 2014 with around 45 000 applications per year. These numbers saw again significant increase in 2015 with a total of 59 335 asylum applications (see Table 10). This was however not the first time the refugee applications saw such increases – from 1988 to 1989, the numbers of applications almost doubled due to an upsurge of refugees from Zaire (now Democratic Republic of the Congo) and Turkey, and also at the end of the last and beginning of the new century a high number of asylum applicants was registered resulting from the conflicts in the Balkan region as well as in the Chechen Republic.¹⁴⁷

The increase in applications in the last years is mainly due to the ongoing conflict in the Middle East, with high numbers of applicants from Syria, Iraq and Afghanistan – countries of origin which have no or only little historical ties to France. Refugees coming from these countries also have the highest chances of having their application accepted by the French authorities, as shown in Table 10. However, also refugees originating from Sudan saw an important increase with ethnic conflicts still ongoing in Sudan and South-Sudan. Refugees from Haiti are mainly registered in the French overseas departments and territories, however their chances of obtaining asylum are extremely low with only 57 refugees having had obtained their status in 2015 from 2 485 processed applications.

Table 10: Asylum applications in France, sorted by country of origin of the applicants (Top 10 in 2015) (Source: Office français de protection des réfugiés et apatrides 2016).

Country of origin	2014	2015	Evolution 2014/2015 [%]	Applications processed 2015	Accepted 2015	% of acceptance
Sudan	1 793	5 091	183.9%	3 570	1 199	33.6%
Syria	2 072	3 403	64.2%	2 396	2 322	96.9%

¹⁴⁷ Office français de protection des réfugiés et apatrides 2016: Rapport d'activité OFPRA 2015.



Kosovo	1 594	3 139	96.9%	3 140	272	8.7%
Bangladesh	2 425	3 071	26.6%	3 286	241	7.3%
Haiti	1 730	3 049	76.2%	2 485	57	2.3%
Democratic Rep of the Congo	3 782	2 937	-22.3%	4 774	533	11.2%
China	2 497	2 815	12.7%	2 661	828	31.1%
Albania	1 944	2 245	15.5%	2 309	252	10.9%
Iraq	606	2 145	254.0%	1 915	1 874	97.9%
Afghanistan	472	2 122	349.6%	689	553	80.3%
Other countries	26 539	29 318	10.5%	34 491	5 988	17.4%
Total	45 454	59 335	30.5%	61 716	14 119	22.9%

Despite the stable numbers in regard to general immigration, the historical development of migration in France in the last 100 years and a refugee wave comparable to other waves in the past decades, the current events have largely influenced the political landscape in France. While the presidential election in 2012 mainly saw a duel between the centre-left “Socialist Party” (PS) of François Hollande and the centre-right “Union for a Popular Movement” (UMP) of Nicolas Sarkozy, of which Hollande was elected president in the second round with 51.64%, this has drastically changed with the regional election in 2015. The elections took place shortly after the Paris attacks of 13th November 2015, which helped to increase the popularity of the populist right-wing party of Front National (FN)¹⁴⁸ – which already previously benefited of protest voters.

The first round of elections saw a close race between the three electoral lists of the Centre-Left (35.97%), the Centre-Right (31.72%) and the FN (27.73%), with the FN being ahead in some of the regions. In order to prevent the FN of winning those regions, mainly the Centre-Left decided to not participate in the second round in two regions. This resulted in a final vote of 40.24% for the Centre-Right, winning 8 regional chairs, in front of the Centre-Left with 32.12% and 7 regional chairs, the FN with 27.1% but no regional chair and Regional parties with 0.54% of the total votes but 2 regional chairs (Corsica and Martinique).¹⁴⁹ Thus only a combined effort of the two leading parties prevented the Front National of winning regional chairs. With the presidential election coming up in 2017, the results of the regional elections served as a warning, especially for the governing Socialist Party. Thus, despite the relatively low numbers and the rich history of migration and refugee flows towards France, the current conditions have led to a situation in which the ruling left-wing president will not be able to advance in the second round of the elections and the populist FN will probably be in first place – according to recent polls.¹⁵⁰

The two main events – terrorism and refugee crisis – heavily dominated the policy discussion during the past year. The terrorist attacks in Paris and in Nice have led to a state of emergency, proclaimed by President Hollande in the night of the Paris attacks on the 13th November 2015. This state of emergency is currently still ongoing as it has been prolonged several times since.¹⁵¹

¹⁴⁸ http://www.liberation.fr/france/2015/11/29/forte-pousee-du-fn-dans-les-intentions-de-vote-aux-regionales-selon-un-sondage-post-attentats_1416978 (Accessed 27.09.2016).

¹⁴⁹ Ministère de l’Intérieur: Résultats des élections régionales 2015.

[http://www.interieur.gouv.fr/Elections/Les-resultats/Regionales/electresult__regionales-2015/\(path\)/regionales-2015/FE.html](http://www.interieur.gouv.fr/Elections/Les-resultats/Regionales/electresult__regionales-2015/(path)/regionales-2015/FE.html) (Accessed 27.09.2016).

¹⁵⁰ Le Monde (2016): Présidentielle: un sondage donne la gauche éliminée au premier tour dans tous les cas.

http://www.lemonde.fr/election-presidentielle-2017/article/2016/09/07/un-sondage-donne-macron-devant-hollande-au-premier-tour_4993619_4854003.html (Accessed: 03.10.2016).

¹⁵¹ Vie Publique (2016): Etat d’urgence et autres régimes d’exception. <http://www.vie-publique.fr/actualite/faq-citoyens/etat-urgence-regime-exception/> (Accessed: 05.10.2016).



The state of emergency provides the Ministry of Internal Affairs and the law enforcement agencies with a broad range of supplementary powers, for example the interdiction of access to certain public areas for citizens, requisition of personal belongings, authorising searches, etc.¹⁵² A new law for fighting organised crime and terrorism, adopted on the 25th May 2016 in combination with the law of 13th November 2014 with provisions against terrorism, incorporate some of the measures granted during of the state of emergency – like house searches and the requisition of belongings during night time, or lowering restriction for the interception of communications – however, as opposed to the current state with the external supervision of the judges.^{153,154} As the additional measures established by the state of emergency were not only utilised in the combat against terrorism and organised crime, but also for example against the participants of the demonstrations in May 2016 in Paris against the proposed new labour laws¹⁵⁵ and thus “significantly affecting the freedom of demonstration,”¹⁵⁶ the supervision by judges of these new rights and their application is seen as an improvement.

Although most of the terrorists involved in the attacks in France in 2015 and 2016 were French and Belgian citizens, often with parents originating of one of the Maghreb states, connections between the refugees fleeing to Europe in the last years and the attacks were established. As a Syrian passport was found on one of the attackers at the Stade de France¹⁵⁷ and also Salah Abdeslam, the sole survivor of the terrorist attackers in France, was reported to be traveling between Greece, Hungary, Austria, Germany and France several times in the months prior to the attacks.¹⁵⁸ Also the French Minister of Internal Affairs, Bernard Cazeneuve didn't exclude the possibility of terrorists utilising the refugee flows in order to enter Europe.¹⁵⁹

The refugee and migration crisis has however not only revolved around (potential) security threats. Although certainly influenced by it, the discussions also strongly revolved around the fair distribution of the refugees within the country. Already the current migration populations are unequally distributed amongst the country, often concentrated in the larger urban spaces. Almost 40% of the immigrant population lives in Paris (as compared to 17% of the non-immigrated population). Often also the country of origin has an influence on where immigrated citizens settle – immigrants from the Maghreb countries live largely in the southern part of France (like Marseille or Lyon) and Paris, while EU citizens are more divisively dispersed.¹⁶⁰

¹⁵² Ibid.

¹⁵³ La Croix (2016): Les cinq principales mesures du projet de loi sécurité. <http://www.la-croix.com/Actualite/France/Les-cinq-principales-mesures-du-projet-de-loi-securite-2016-01-08-1401914> (Accessed: 05.10.2016).

¹⁵⁴ Gouvernement.fr (2016): La lutte contre le terrorisme. <http://www.gouvernement.fr/action/la-lutte-contre-le-terrorisme> (Accessed: 05.10.2016).

¹⁵⁵ Franceinfo (2016): Loi Travail: la justice suspend l'interdiction de manifester à Paris pour neuf militants. http://www.francetvinfo.fr/economie/emploi/carriere/vie-professionnelle/droit-du-travail/loi-travail-la-justice-suspend-l-interdiction-de-manifester-a-paris-pour-9-des-10-militants-concernes_1454619.html (Accessed: 05.10.2016).

¹⁵⁶ Franceinfo (2016): L'état d'urgence „altère sensiblement la liberté des manifestation“ http://www.francetvinfo.fr/faits-divers/terrorisme/attaques-du-13-novembre-a-paris/etat-d-urgence-en-france/l-etat-d-urgence-altere-sensiblement-la-liberte-de-manifestation_1454947.html (Accessed: 05.10.2016).

¹⁵⁷ Le Parisien (2015): Attentats: le passeport syrien retrouvé serait celui d'un soldat tué. <http://www.leparisien.fr/faits-divers/attentats-le-passeport-syrien-retrouve-serait-celui-d-un-soldat-tue-17-11-2015-5284867.php> (Accessed: 05.10.2016).

¹⁵⁸ Le Cain Blandine (2016): Le parcours de Salah Abdeslam les mois qui ont précédé les attentats de Paris. <http://www.lefigaro.fr/actualite-france/2016/03/20/01016-20160320ARTFIG00102-le-parcours-de-salah-abdeslam-les-mois-qui-ont-precède-les-attentats-de-paris.php> (Accessed: 05.10.2016).

¹⁵⁹ Europe1 (2015): Cazeneuve n'exclut pas que des terroristes profitent des flux migratoires. <http://www.europe1.fr/politique/cazeneuve-nexclut-pas-que-des-terroristes-profitent-des-flux-migratoires-2514169> (Accessed: 05.10.2016).

¹⁶⁰ Brutel C. (2016) op cit.



In regard to the refugees and their accommodation, France has experienced in the last years great difficulties which can be ascribed to the global nature of the problem triggering (and partially also requiring) local responses. France had in 2015 around 25.000 accommodations for asylum seekers. The increase in requests as well as the lengthy procedures of many of these requests led to a situation where the centres of accommodations were overcrowded and more than additional 20.000 emergency accommodations needed to be set up.¹⁶¹ Despite these emergency accommodations, still many refugees and non-registered immigrants have been living in camps on the streets. The probably best known examples are the camps in and around Calais – also known as the “Jungle of Calais” which already has a 15-year long history.¹⁶²

Most of the immigrants and refugees living in the jungle of Calais are not so much interested in applying for asylum in France but are rather waiting for a situation to move on to the United Kingdom, many of them having friends or family living there. Strict border controls on the side of the UK however result in an ever more difficult passage. This has as a further consequence a cascading effect of a steady increase of the population of the ‘Jungle of Calais’, waiting for an opportunity to cross the English Channel. While in July 2014 around 800 immigrants were assumed to live in the camps of Calais, two years later this number has risen to around 7.000 – 9.000 people, often living in tents and small shacks.¹⁶³ The Jungle of Calais causes several problems which affect the citizens of Calais and of the camps alike. The locals of Calais are largely concerned about their security, but also about the projected picture of their town – on the one hand deterring potential tourists and on the other attracting more refugees and immigrants. The inhabitants of the Jungle are also concerned about their security – internally problems between immigrants from different countries of origin occur, but also externally, attacks from far-right groups have been reported on multiple occasions. Other problems are connected to the precarious living conditions in the camps: refugees stay in cold and humid tents; a lack of adequate hygiene as well as an uncertainty of how to continue, leading to physical and psychological problems.¹⁶⁴

The often proclaimed and recurrently applied solution of the national and regional governments and authorities is the displacement of the inhabitants to other camps in France and the subsequent dismantling of the illegal camps. This leads to a – temporary – reduction of the numbers of the inhabitants of the Jungle in Calais. Not only do displaced refugees and immigrants often decide to return to Calais afterwards to try again their luck in crossing the French-English border, but also in general the Jungle keeps on attracting refugees willing to enter the UK. Also the capital of France has issues accommodating the increased amount of refugees and immigrants which often have to sleep in camps under bridges or on the streets due to a lack of receiving centres. As a reaction, the Paris mayor Anne Hidalgo announced in May 2016 to create a new camp for refugees in the north of Paris to take up the refugees and immigrants living on the streets of Paris.¹⁶⁵ Since

¹⁶¹ Ministère de l’intérieur, Direction generale des étrangers en France. 2015. Dossier de Presse: La réforme du droit d’asile. Juillet 2015.

¹⁶² Bastié, Eugénie, Le Figaro (2014): L’afflux de migrants à Calais: retour sur 15 ans d’impuissance publique. <http://www.lefigaro.fr/actualite-france/2014/09/04/01016-20140904ARTFIG00169-l-afflux-de-migrants-a-calais-retour-sur-15-ans-d-impuissance-publique.php> (Accessed: 04.10.2016).

¹⁶³ Franceinfo (2016): Infographie. L’explosion du nombre de migrants à Calais en un graphique. http://www.francetvinfo.fr/france/nord-pas-de-calais/migrants-a-calais/infographie-l-explosion-du-nombre-de-migrants-a-calais-en-un-graphique_1806381.html (Accessed: 04.10.2016).

¹⁶⁴ Perriguer, Elisa (2016): Une journée à Calais, entre tensions, rumeurs et ratonnades. <http://www.slate.fr/story/113869/une-journee-calais-entre-tensions-rumeurs-et-ratonnades> (Accessed: 04.10.2016).

¹⁶⁵ Aslanoff, Samuel; France Bleu (2016): Anne Hidalgo annonce la création d’un camp humanitaire de réfugiés au nord de Paris. <https://www.francebleu.fr/infos/societe/migrants-anne-hidalgo-annonce-la-creation-de-camps-humanitaires-au-nord-de-paris-1464700197> (Accessed: 04.10.2016).



then, multiple sites – like the “place Stalingrad” – have been evacuated several times, often transporting 1000-2000 people to official camps in the area of greater Paris.¹⁶⁶

The French government started already negotiating a reform of the refugee law in 2013, which was adopted in July 2015, at the height of the last year’s refugee wave. The new law addresses mainly the problems stated above by speeding up the asylum application processes, but also changing the distribution of the refugees within the country. In order to achieve this, the new law links the benefits refugees would obtain with the allocated accommodation in a certain region. Thus refugees not willing to stay in the region they are allocated to, will not be able to receive benefits nor an accommodation elsewhere.¹⁶⁷ With the European Union struggling to achieve a fair distribution of refugees between the Member States, France tries to achieve at least on the national level a fair distribution amongst their regions – also with enforcing measures for refugees.

The fair distribution in France however, depends also upon the voluntary cooperation of towns and cities accommodating refugees – and similar to some of the Member States in the EU, certain communities and cities in France likewise prefer not to house refugees, or only under specific conditions, like supplementary financial adjustment or the acceptance of only Cristian refugees.¹⁶⁸ The position taken on this issue whether to accept refugees or not is often tied to the political party of the mayor. While mayors belonging to the left-wing PS are more open to host refugees, mayors of the Centre-right “Les Républicains” (LR, former UMP) are less cooperative, and of the populist FN refuse to cooperate at all. Often the NIMBY (not in my back yard) approach of towns and cities is justified with the impossibility of integrating the refugees due to their cultural background, that it would be better to help them in their countries, or that there are already enough problems in France at the moment.¹⁶⁹ The global nature of the problem is thus also often used as legitimate reason to refuse hosting refugees and immigrants on a regional level.

These two cases – the terrorist attacks and the fair distribution of refugees – show how differently the global implications of the refugee crisis can emerge and influence policy discussions in France. As a country with a rich (colonial) history, France has a diverse population. Nonetheless, the current events have created a situation in which refugees are seen as a threat and difficult to integrate, leading to a NIMBY approach in the fair distribution not only amongst European Member States, but also on the local and regional level. It should however also be noted that despite the more negative cases described here, the accommodation of refugees on a local level in a number of cities is not seen as a problem and housing for this population is provided voluntarily.¹⁷⁰

¹⁶⁶ Bréson, Martine; France Bleu (2016): Un camp de 2.000 migrants évacué à Paris.

<https://www.francebleu.fr/infos/societe/un-camp-de-1-500-migrants-evacues-paris-1474005049> (Accessed: 04.10.2016).

¹⁶⁷ Ministère de l’intérieur, Direction generale des étrangers en France. (2015): Op.cit.

¹⁶⁸ Le Parisien (2016): Accueil des réfugiés: les maires demandent des mesures durables.

<http://www.leparisien.fr/politique/accueil-des-refugies-les-maires-demandent-des-mesures-durables-09-09-2015-5076791.php> (Accessed: 05.10.2016).

¹⁶⁹ Le Parisien (2015): Accueil de réfugiés: les maires entre bonne volonté, inquiétude et réticence.

<http://www.leparisien.fr/politique/interactif-accueil-des-refugies-les-maires-entre-bonne-volonte-inquietude-et-reticence-08-09-2015-5073381.php> (Accessed: 05.10.2016).

¹⁷⁰ Franceinfo (2015): Quelles sont les communes volontaires pour accueillir des réfugiés?

http://www.francetvinfo.fr/monde/europe/migrants/carte-queelles-sont-les-communes-volontaires-pour-accueillir-des-refugies_1088057.html (Accessed: 05.10.2016).



4.3 Germany

Germany became a divided country after WWII, with Berlin, the old national capital, located within the territory of the German Democratic Republic (GDR) split into a West and an East sector. East Berlin was the capital of the GDR. Migration across the militarized border between the two German States had become de facto impossible after 1961, and West Germans who managed to help citizens from the GDR to cross into the territory of the Federal Republic of Germany (FRG) had the status of national heroes in West Germany and some were awarded a medal of honour from the government. It is not without irony that today such activities are considered as a criminal offence of human trafficking.

Up to the year 1989, when the Berlin Wall came down and the two German states were reunited it was mainly the FRG which was a destination of refugees and migrants. The GDR in the years before saw politically controlled migration from other communist countries in Africa and Asia. A population of approx. 50.000 Vietnamese constituted the largest migrant group within the GDR. They had come as contract labourers (Vertragsarbeiter) or trainees under a scheme to support socialist states develop a well-educated work force. After re-unification, the government launched a program of resettlement to reduce the Vietnamese population. While a substantial number accepted the offer to return to Vietnam they were soon replaced by Vietnamese refugees from other countries, settling in the eastern parts of the now reunited Germany. In the summer of 1992 violent protests led by local anti-migration activist, (and lasting several days before police forces stepped in), targeted a residential compound housing refugees and former Vietnamese contract labourers in Rostock-Lichtenhagen, a city in the East. This event, that received ample media attention beyond Germany, foreshadowed future developments and anti-migration protests, concentrating in the parts of the country that had been under communist rule until 1989.

A first migration wave hit the territory of the FRG at the end of WWII, when the German population from East Prussia, Pomerania and other eastern provinces of the German Reich fled towards the western Allied front. These so-called Expellees (Vertriebene) shaped the early years of the young republic. While they were not universally well received by the local population, their integration was swift during the years of reconstruction and economic growth after the end of the war. By 1950 the West-German government estimated their number to 14 Million.¹⁷¹ This amounts to 28% of a population of 50 Million in 1950.¹⁷² Another 2.7 Million people fled from the German Democratic Republic into West-Berlin and West-Germany between 1949 and 1961, the year the Berlin wall was built and border crossing between the two states was made almost impossible through a militarized border regime.

With West-Germany's economic prosperity, the FRG also became the destination of non-German refugees. The national asylum system was geared towards refugees from Eastern Europe, and the years 1956 and 1968, after the Hungarian uprising and the Prague Spring respectively, sent refugees from behind the Iron Curtain to Germany. The GDR was not considered a destination by refugees from Eastern Europe for obvious reasons. A small number of refugees from Greece (~1500 people), Chile (~2000 people) and Spain (>1000) were granted asylum in East-Germany, but they remained too few to have any significant impact on the country. The majority of migrants in the GDR were the above mentioned "Vertragsarbeiter" (contract labourers) from other communist countries like Vietnam, Poland or Cuba. A similar system existed in the West. They were called "Gastarbeiter" (guest workers), and came in much larger numbers than the contract labourers in the GDR, to

¹⁷¹ <http://www.bpb.de/gesellschaft/migration/dossier-migration/56359/nach-dem-2-weltkrieg>

¹⁷²

https://www.destatis.de/DE/Publikationen/StatistischesJahrbuch/Bevoelkerung.pdf;jsessionid=8C6E992788ED5A0E70DF0BA5E419DA55.cae3?_blob=publicationFile



supplement the lack of workforce in the fast-growing West-German economy. These guest workers came mainly from Turkey, Italy and Greece, and to a smaller extent from Spain and Yugoslavia.

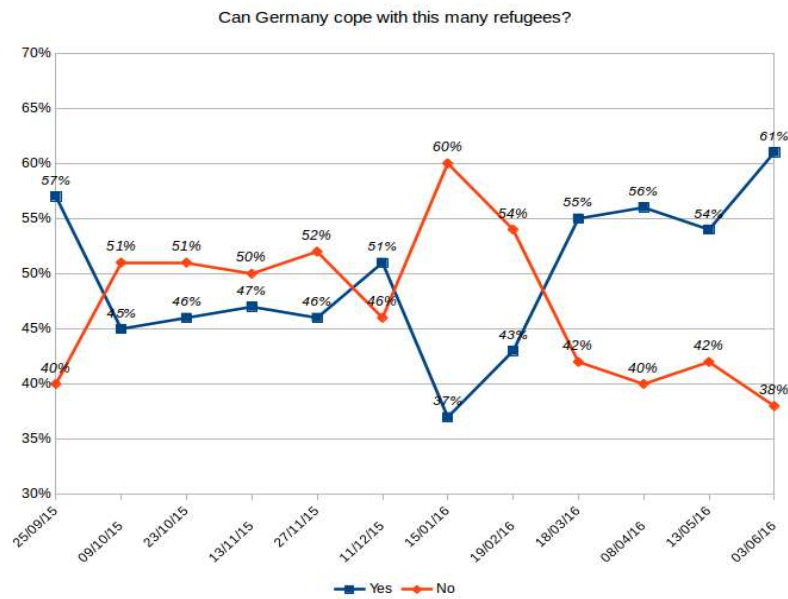
Since the 1980s a growing number of ethnic Germans from Eastern Europe have relocated to West-Germany and later the unified Germany. With the start of the Balkan Wars in the early 1990s Germany experienced a huge number of war refugees from former Yugoslavia. The 1990s also saw a number of attacks on migrants as well as their homes and shelters such as the events in Rostock mentioned above. The government reacted with a reform of asylum laws in Germany, raising thresholds for persons seeking asylum in the country. Since the 1980ies asylum laws have recurrently been reformed making access to Germany under the asylum regime increasingly difficult.

Today the largest populations of regular migrants in Germany are from Russia (3,500,000), followed by Poland (2,850,000) and Turkey (2,800,000). Many Russians came to West-Germany under an agreement between the Soviet and FRG governments, offering migration for Russian citizens who could present proof of their German origin. This group of so-called “Russian- Germans” (Russlanddeutsche) created problems of integration since many of them did not speak the language, were born and raised in the Soviet Union and were considered as “native Germans” only against the background of the current ideology of citizenship on the basis of *ius sanguinis*.

The influx of asylum seekers into Germany has sharply increased since 2013. Before then Germany relied on the Dublin-System which kept refugees, traversing the Mediterranean in South and South-Eastern Europe. While German media reported about rising numbers of refugees and also covered tragic events of dozens of refugees drowning while crossing the Mediterranean Sea, migration and refugees as such were not dramatized or seen as a problem taking the country to its limits. This changed around 2013 when Europe as a whole saw an increase in the number of refugees. By 2013 the number exceeded the already strained resources of Greece and Italy, leading to more people seeking refuge in Germany. The situation considerably worsened towards 2015, when a large number of refugees were stranded in Hungary and along the Balkan-route. This led to chancellor Angela Merkel breaking with the Dublin accords by announcing Germany would accept any refugee from Syria on August 31st. Her famous announcement: “We can do this!”, was reciprocated by many German citizens, who welcomed refugees upon their arrival. This attitude was shared by the majority of the public as made evident by a survey conducted by Forschungsgruppe Wahlen for the ZDF TV station (see chart below). This survey also demonstrates, the change in public perception of refugees. The spike in negative answers in January was caused by the infamous New Year’s Eve attacks in Cologne. More interestingly however is the increase of positive replies since March 2016. Despite a neo-nationalist and anti-Islam social movement rallying for a change of asylum laws and receiving broad coverage in the media, a significant number of German citizens seems to honour the efforts of the authorities to handle the challenge of providing shelter for refugees and the moderate policy change after the peak of the RC in 2015 that led to decreasing numbers of newly arriving refugees in Germany. The anti-Islam movement under the name of PEGIDA, which stands for **P**atriotische **E**uropäer **G**egen die **I**slamisierung **D**es **A**benlandes (Patriotic Europeans against the Islamisation of the Occident) started in the East-German city of Dresden in October 2014 and from there spread across the whole country organising marches through inner cities to protest against refugees and public policy responses. As with many single issue social movements PEGIDA lost momentum after a couple of months and today the number of supporters showing up at public events has gone down again.

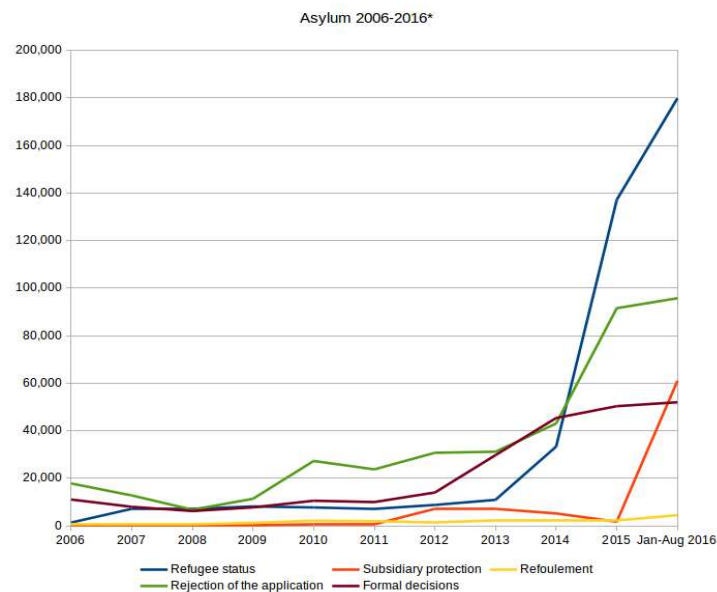


Figure 6. Germany public opinion asylum



Looking at the figures, compiled from official statistics, a significant increase of asylum seekers can be observed in Germany. Since the year of 2013 numbers have risen dramatically.

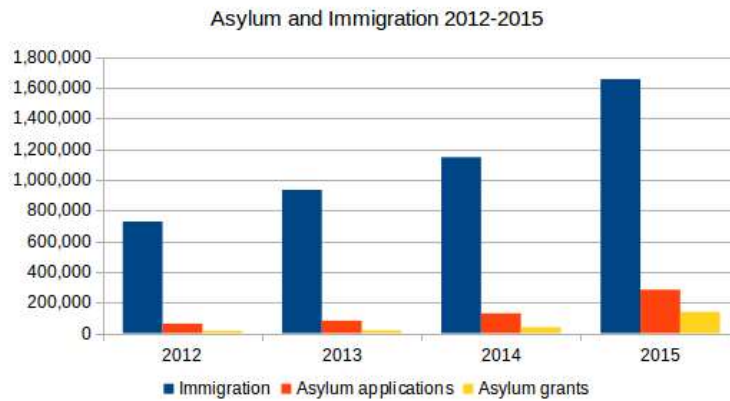
Figure 7. Germany Asylum 2006-16



Putting the refugee figures in the larger context of migratory moves, looking at immigration compared to asylum in Germany it becomes obvious that refugees constitute only a minor part of overall immigration. Immigration did go up and so did the numbers of refugees, but at a significantly lower level as the chart below shows.

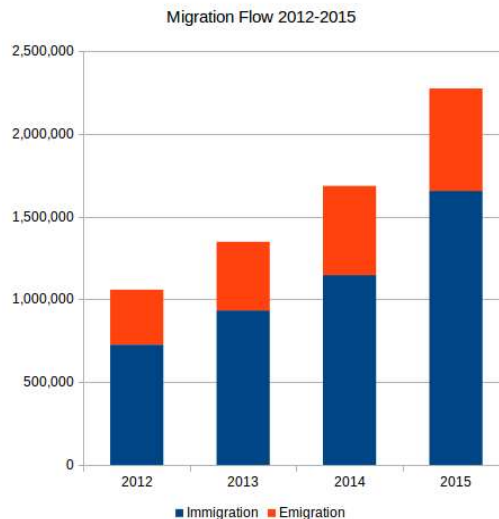


Figure 8. Germany Asylum and Immigration 2012-16



Immigration to Germany, doubling between 2012 and 2015 was balanced by counter flows of citizens (natives and non-natives) leaving the country.

Figure 9. Germany Migration flow 2012-16



As these figures demonstrate, Germany is a country with moderate mobility and migration that was hit by the RC unfolding in 2015 more or less unprepared, as all other European societies and the European Union as a whole. This triggered a number of political and legislative activities at the national level reacting to this challenge that will be briefly discussed below. While refugees have increased the number of people migrating into Germany in the last year and their share within overall immigrants has risen, they do not form the majority, neither do they pose a threat to German society as many of the right-wing protesters from PEGIDA claim. The number of successful asylum applications (asylum grants and subsidiary protection) shows that refugees will remain a minority among immigrants in the foreseeable future even if asylum grants surpassed the rejections in 2015 when refugees from Syria and Iraq came to Germany in greater numbers. The heightened influx caused by the conflicts in the MENA region, also led to a decrease of successful asylum applications for refugees from other parts of the world, such as the Balkans and Sub-Saharan Africa.

Compared to many of its neighbours, Germany is much more federalised, with significant variation among the 16 federal states making up the country. They range from small city-states like Bremen, which consists of the cities Bremen and Bremerhaven with only 670,000 inhabitants, to Bavaria and Baden-Württemberg, both over 10 Million, as well as North Rhine-Westphalia with over 17 Million, which makes them larger than any adjacent



neighbour except France. (see Table Key population data Germany in the appendix) There is also a wealth gap between the old Western-FRG and the former GDR states, as well as between the states in the North and the richer South. At the same time northern Germany, with important international seaports like Bremerhaven and Hamburg, (using the slogan “Gateway to the World” in City marketing campaigns), is historically leaning more towards liberal and cosmopolitan views compared to the more conservative southern states. Northern and Southern Germany are also divided in religion, with a predominately protestant North and catholic South.

As can be seen in the tables in the appendix the population of migrants and refugees is not evenly distributed across the 16 federal states. Proverbial wisdom in Germany has it, that Berlin is the 3rd largest Turkish city in the World. While there is a large Turkish minority in Berlin, this is certainly not true and this minority has actually been shrinking over the last years. With 16.27% of migrants Berlin still has the highest ratio of Non-Germans as well as the highest rate of third country Non-Germans with 11.55% of the overall population. It is followed by the states of Baden-Württemberg, Bremen, Hamburg and Hesse, which each have around 15% Non-German inhabitants and 10-8% from third countries. The smallest ratio of migrations can be found in the eastern states in the former territory of the GDR, Brandenburg, Mecklenburg-Vorpommern, Saxony, Saxony-Anhalt and Thuringia, with each around 3-4% Non-Germans overall and 2-3% inhabitants from third countries.

Despite the small numbers of refugees in the Eastern states violent attacks and protest against migrants broke out there more strongly than in the Western states. Critical observers have coined the term of a “civilisation gap”¹⁷³ to account for the heightened levels of xenophobia among citizens from the former GDR, claiming that under communist rule civic values and the virtues of a modern civil society could not develop and hence multiculturalism and individualism as cultural attitude are met with fierce resistance. While such a culturalist reading may account for some of the differences it should be noted that attacks on refugees and refugee shelters in 2015¹⁷⁴ and 2016¹⁷⁵ were taking place over all of Germany in the western and eastern states. The German federal Police reported a drastic increase of criminal acts with obviously right-wing and xenophobic motives across all of Germany for 2016. While the attitude of the German population as a whole appears not be shaped by strong xenophobic prejudice and anti-migration sentiments the increase of spectacular activities originating at the fringes from radicalised and disenfranchised segments of society support the image of a perceived crisis of societal security and a society under strain and stress.

This discourse of an emerging societal crisis resonated at the political level where refugees after the RC developed into a hot topic, scoring high on the political agenda. The RC clearly affected election results. The two major political parties, CDU (Christlich Demokratische Union / conservative party) and SPD (Sozialdemokratische Partei Deutschlands / Social Democratic Party of Germany), forming a coalition government at the federal level in Germany had to stand elections at state level after the RC and both lost a significant share of the votes. In the state election of Baden-Württemberg the CDU was replaced by the Green Party as strongest faction, votes for SPD were cut in half and the AfD (Alternative für Deutschland / Alternative for Germany – a newly founded right wing populist party playing on the RC as political issue) surpassed them in their debut. In the Eastern-German state of Saxony-Anhalt the CDU remained the strongest faction but lost significantly, the SPD lost half the votes there as well and the right-wing AfD became the second strongest faction in the state parliament. In Mecklenburg-Vorpommern, also located in Eastern-Germany, both federal ruling parties came short of their previous results and the AfD came in second. Only in the state elections in

¹⁷³ Engler, W. (1992). *Die zivilisatorische Lücke: Versuche über den Staatssozialismus*. Suhrkamp.

¹⁷⁴ <http://www.sueddeutsche.de/politik/fremdenfeindlichkeit-gewalt-gegen-fluechtlinge-alarmiert-bka-1.2701864>

¹⁷⁵ <http://www.sueddeutsche.de/news/politik/extremismus-fremdenfeindliche-gewalt-bleibt-hoch-dpa.urn-newsml-dpa-com-20090101-160925-99-582806>



Rheinland-Pfalz SPD and CDU suffered just minor losses, while the AfD did not win much support from voters.¹⁷⁶

During the election campaign the leaders of the Green party in Baden-Württemberg, and of the SPD in Rheinland-Pfalz, openly supported the refugee policy of chancellor Merkel unlike their challengers. Whether the ensuing results demonstrate a positive attitude towards refugees or simply reflect the position of an electorate honouring party loyalty is hard to decide.

While Germany during the RC was perceived in Europe (and criticized by many) as a country pursuing a policy of unconditional support, opening its borders for refugees and Angela Merkel's phrase "We can do this!" became the label attached to this approach, the German government nonetheless reacted to the challenge with a number of administrative and legislative measures. At the level of legal regulations two so-called Asylum packages were brought on their way through the parliamentary process and were enacted, comprising a number of measures affecting different policy fields. The first of these packages aimed at reforming the so-called Aufenthaltsgesetz, the main legal basis for regulating residential status of migrants in Germany. This first package went into force in three consecutive steps in August and October 2015 and in January 2016.¹⁷⁷

The main points of this package were

- A right to permanent residence for well integrated minors and youths (§ 25a AufenthG) as well as individuals having lived under status of provisional tolerated person for a longer period (§ 25b AufenthG)
- The option to extend the status of temporary residence to One year while enrolled and finishing formal education (§ 60a AufenthG)
- Reform of procedures of Family reunification for persons with subsidiary protection status (§ 29 AufenthG).
- Higher requirements for granting right of residence (§ 5 AufenthG)
- Introduction of confinement, the so-called departure arrest (up to 4 days) (§ 62b AufenthG)
- Lower requirements for deportation imprisonment (§ 2 Abs. 14 AufenthG)
- Deportation imprisonment for deportation after Dublin III regulations (§ 2 Abs. 15 AufenthG)
- Denial of entering and residence for declined Asylum seekers from safe third countries (§ 11 Abs. 7 AufenthG)
- Foreigners' data media (i.e. primarily mobile phones) may be accessed to help establishing their identity (§ 48 Abs. 3 AufenthG)
- Starting in 2016 states will receive 670 Euros from federal funds for every asylum seeker during application procedure and one month thereafter in case of a dismissal.
- The federal government increased the so-called emergency fund for asylum to two billion Euros.
- Additionally, 350 Million Euros were provided for support of unattended minors
- Electronic healthcare cards for refugees were introduced.

The Asylum package II is currently under negotiation.¹⁷⁸ The most important regulations foreseen in this package are plans for

- Establishing a basic electronic data system (Kerndatensystem) for the registration of refugees.

¹⁷⁶ <http://www.spiegel.de/politik/deutschland/wahlen-2016-die-ergebnisse-der-landtagswahlen-im-ueberblick-a-1082093.html>

<http://www.spiegel.de/politik/deutschland/wahl-mecklenburg-vorpommern-afd-zweitstaerkste-kraft-spd-gewinnt-a-1110844.html>

¹⁷⁷ (Deutscher Bundestag: Drucksache 18 / 7043) <http://dipbt.bundestag.de/extrakt/ba/WP18/710/71011.html> [30.05.2016] and <http://www.spiegel.de/politik/deutschland/asylpaket-ii-bundesregierung-bringt-verschaerfte-asylgesetze-auf-weg-a-1075424.html> [30.05.2016]

¹⁷⁸ ibidem



- Establishing 5 “special reception centres” for groups with presumably low prospect of being granted asylum. This includes those who refuse to cooperate, make false statements about their identity / intentionally have destroyed their identity documents; as well as persons from safe third countries or who have re-entered into Germany after their asylum application had been turned down. Being assigned to these centres entails a restriction of mobility to the county of residence.
- Family reunification for persons with subsidiary protection status in the future will be permitted after two years, with the exception of refugees from camps in Turkey, Jordan or Lebanon, who will be counted in the EU refugee contingents.
- Morocco, Algeria and Tunisia shall be classified as safe states, making resettlement easier and creating higher thresholds for asylum applicants from these countries.
- Asylum seekers who are in education/training will be granted residence for the duration of their education/training plus two years.
- Deportation of sick refugees will be made easier for German authorities.

These reforms of German asylum policy were mostly well received by the general public, as the figures from the poll cited above indicate. But civil society groups, active in the field and members of the parliamentary opposition voiced their critique on several of these measures. Putting this new agenda into practice at ground level, i.e. building new centres, providing housing, education and social services for refugees, their families and children in school age across the country, processing huge numbers of individuals through the bureaucratic procedure of asylum application and also managing the return of those who not qualify for a right of residence is a practical and managerial challenge for public authorities and civil society alike and takes more time than is needed to decide on a reform in black letter law. Implementation of the new regime is not always smooth and often takes long time, while practical problems continue to pile up and provide the pretext for right wing and populist political movements to collect support for their often xenophobic, nationalist and racist ideas. As in many other countries such protests combined with strong euro-sceptic and anti-European rhetoric, calling for a strengthening of the nation state vis-à-vis the European institutional framework. While the official political establishment and the German government took a strong pro-European position, a significant segment of public discourse and newly established political parties like the AfD, harvesting popular grievances, moved into the opposite direction. Finally, it is not without irony that anti-migration, anti-Islam and anti-European political forces in Germany are actively seeking a Pan-European alliance with partners in other European countries, sharing their nationalist and anti-European agenda.



4.4 Slovakia

The RC affected Slovakia as one of the transitory routes between Hungary and Austria only marginally. Throughout 2015, 330 asylum requests were registered in Slovakia, out of which 172 asylum seekers were Iraqis and 8 Syrians. In 2016, there were 62 asylum requests until July, including 3 Iraqis and 6 Syrians.¹⁷⁹ Despite of this fact, the RC has become one of the most discussed topics in the public sphere, including the 2015 parliamentary elections campaigns. Since June 2015, reactions to the RC generated several political decisions by the Slovak government on both national and EU level.

One of the most discussed and most controversial policies concerning the RC was the European Migration Agenda proposed by the European Commission in May 2015.¹⁸⁰ Among other policies, the initiative included the EU-wide resettlement scheme to distribute the asylum seekers among all EU member states. The Slovak government opposed the resettlement scheme. Prime minister Robert Fico labelled this plan “a risky business,” labelling the RC a security threat and connecting it with the increased risk of terrorism.¹⁸¹ Refusal of the resettlement mechanism was shared by all of the parliamentary political parties – both the ruling party SMER-SD and opposition parties.

In September 2016, Justice and Home Affairs Council approved additional distribution of asylum seekers among the member states by a qualified majority.¹⁸² This decision was criticized by member states including Slovakia, Czech Republic, Hungary and Romania, who did not have enough votes to veto the provision. In December 2015, Slovak government filed a lawsuit against the Council of the European Union concerning the mandatory asylum seeker quotas to the European Court of Justice.¹⁸³ Slovakia decided not to implement the decision of the Council. In a press conference, Prime Minister Fico claimed that Slovakia “will not respect the quota mechanisms, because they will not work in practice and they are nonsensical.”¹⁸⁴ The decision to file a lawsuit was supported by other parliamentary political parties, with the exception of the Hungarian-Slovak party MOST-HÍD, which labelled it a “wrong decision” and called for a parliamentary debate on the topic.¹⁸⁵ The prevailing consensus among leaders of political parties was that the crisis has to be solved in the countries of its origin.

In April 2016, the European Commission proposed a system for enforcing the asylum-seeker distribution mechanism with a penalty of 250,000 EUR per migrant for countries who refuse to adopt the quotas. This proposal was greeted with a wave of criticism from the Slovak government, as well as practically all parliamentary political parties. The interior minister labelled it as a „backward step that does not reflect reality.”¹⁸⁶ This proposal was later discarded.

It can be concluded that Slovak government rejected all of the migrant relocation mechanisms proposed by the European Union and it insisted on the maintenance and application of the existing mechanisms (such as Dublin

¹⁷⁹ Official statistics of the Ministry of Interior of Slovak Republic. Overview can be found at <http://www.minv.sk/?statistiky-20>

¹⁸⁰ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

¹⁸¹ <http://spectator.sme.sk/c/20057652/slovakia-opposes-eu-resettlement.html>

¹⁸² <http://www.eu2015lu.eu/en/actualites/conclusions-reunions-conseil/2015/09/22-conseil-jai/>

¹⁸³ <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5528467ba1c7d4adab6f2cddffa54ad77.e34KaxiLc3qMb40Rch0SaxyKa310?text=&docid=173998&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=214023>

¹⁸⁴ <http://www.vlada.gov.sk/slovensko-podava-zalobu-voci-eu-rozhodnutie-rady-ministrov-vnutra-neakceptujeme/>

¹⁸⁵ <http://www.most-hid.sk/sk/zaloba-voci-eu-musi-byt-predmetom-rokovania-parlamentu>

¹⁸⁶ <http://spectator.sme.sk/c/20155664/slovakia-opposes-newest-ecs-migration-proposal.html>



III Regulation - Regulation No. 604/2013) and strengthening the attempts to solve the refugee crisis outside of the EU (e.g. EU-Turkey agreement, creation of hot spots outside of the EU). Moreover, Slovak government advocated strict defence of the EU borders.

On the national level, the RC became one of the most discussed topics in the public sphere. However, it did not by itself produce any specific legislature. After the November 2015 Paris terrorist attack, Slovak parliament passed a series of anti-terrorist legislature, which was framed as a reaction both to the increased threat of terrorism, as well as a reaction to the RC. The anti-terrorist legislature was passed in December 2015 and included a change of the constitution, as well as of the criminal code and a couple of other laws.

The main reason for the legislative changes was the perceived “outdatedness” of existing regulations and the perceived need to reflect contemporary developments within European societies. The explanatory memorandum to the novelization states that

“the effectiveness of the fight against terrorism is dependent on an early identification of suspicious activities and an efficient and flexible cooperation between security forces in the country as well as international cooperation consisting of a rapid exchange of intelligence ... The most important tool in the fight against terrorism and radicalization, however, is prevention and its related activities, in which there is a need to involve a broad spectrum of companies and institutions. Repressive and punitive components of the fight against terrorism undoubtedly help to fulfil the fundamental objective of protecting the individual and the society.”

Among other significant changes, the novelization modified the Slovak constitution. This change affected the basic rights and freedoms of individuals by increasing the time of detention for the person suspected of having committed terrorist offenses from 48 to 96 hours. According to the government, it should ensure higher security in the times of heightened terrorist threats.

Furthermore, the legislature constituted a wide range of provisions. It enabled the police to shut down websites, containing approval of acts of terrorism and spreading political and religious extremism. It widened the responsibilities and competencies of Slovak intelligence services (Slovak Information Agency and Military Intelligence), including the active collection of information about political and religious extremism, extremism manifested in a violent manner or international illegal transport and migration of individuals.

Anti-terrorist laws further deepened the surveillance capabilities of the state. The new law granted a responsibility to enable the intelligence service access upon request to the video recordings from every person or organisation, operating a device which monitors any public place. Moreover, it enabled the law enforcement to distantly, directly and continuously access localization and operation data on electronic devices of wanted persons, in cases where the search is sanctioned with a court warrant. The novelization widened the possibilities of surveillance of the persons serving their sentence in confinement – it allowed monitoring and recording all of their telephone conversations (with the exception of communications with a lawyer) and their storage for the duration of 12 months. Other changes concerned wide range of areas, from search of vehicles, monitoring of trade operations to transfer of data from Interpol and Schengen information system.¹⁸⁷

These legislative changes were criticized by the opposition parties. Most peculiar was the stance of MOST-HID party, which helped the ruling party to pass the constitution amendment (because there is a higher threshold for such changes – three fifths of the MPs), but on the other hand criticized other provisions of the anti-terrorist legislature (these were passed by the SMER-SD party as regular law amendments, requiring only a simple majority of votes in the parliament). The main line of criticism was that the new competencies of law enforcement and secret police interfere disproportionately with personal freedoms.

¹⁸⁷ A full list of changes can be found in Slovak at <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/444/20160101>



The anti-terrorist legislation was criticized and vetoed by the president of the republic Andrej Kiska¹⁸⁸. He argued that it does not maintain the balance between security and rights and freedoms, because some of the new provisions would collide with the constitutional freedoms and would not stand the proportionality test. The legislature was passed “without providing the public and members of parliament enough information on specific and identifiable threats and potential attacks on the Slovak Republic, which could grow into extraordinary and exceptional situations.”¹⁸⁹ The president argues that the security situation in Slovakia is high the level of threat is low. Furthermore, the legislature was passed using an accelerated parliamentary procedure, while according to the president, it should have been subject to parliamentary deliberation and commenting due to its nature.

The veto of the president was delivered to the National Council of the Slovak Republic on 21. December 2015. The government expected the veto and therefore called for an extraordinary meeting of the parliament for the same day. This meeting only had one agenda – the anti-terrorist legislation. It was approved again in its original version by the SMER party MPs exclusively.

The above discussed legislative changes were not explicitly an outcome of the refugee crisis, which was not used as a reasoning to adopt these changes. However, the rhetoric of the top representatives of the governing SMER party feeding into public discourse made frequent connections between RC and terrorism. Prime Minister Fico made the explicit connection in one of his written statements:

“If someone seriously claims that hundreds of thousands of undocumented migrants and refugees from the Middle East and North Africa who are moving uncontrolled in the EU, do not increase the security risk in Europe, then I do not quite know how to react to this brain fog. As the Slovak Government we cannot afford even a hint of such naivety. All the more as the heightened security risk is proclaimed by the intelligence services across the European Union countries. Therefore, in an accelerated procedure we tighten anti-terrorist legislation and strengthen the powers of the police in this area. However, those changes apply only for suspects of terrorist offenses, therefore any concerns of limiting human rights are not justified.”¹⁹⁰

In this sense, the anti-terrorist legislation can be understood as one of the reactions towards the crisis, especially aimed towards the Slovak citizens, since the solutions suggested on the EU level in 2015 (such as the migrant distribution mechanism) were refused by the Slovak government.

The discourse of the RC adopted by the government was one of the securitization of migration – managing the issues of migration as a threat. The human rights level of the issue was pushed to the background. Moreover, after the Paris and Brussels terrorist attacks, the issues of RC and terrorism were often put together.

The report by the French Institute for International and Strategic Affairs and Action Against Hunger identifies securitization in relation to migration on two levels – interest-based issues, such as economic and security threats and issues based around identity, which stress insurmountable cultural differences. Both these themes can be identified in the political discourse in Slovakia.¹⁹¹

¹⁸⁸ He was elected as an independent; he was never a member of any political party. Therefore the decision cannot be interpreted as a part of political struggle between coalition and opposition.

¹⁸⁹ The full version of the presidential veto can be found in Slovak at <http://www.nrsr.sk/web/Dynamic/Download.aspx?DocID=423364>

¹⁹⁰ Robert Fico, Najskôr bezpečnosť, potom ostatné [Primarily security, then everything else.] Government Office of the Slovak Republic. 01. December 2015. Accessible in Slovak at <http://www.vlada.gov.sk/robert-fico-najskor-bezpecnost-potom-ostatne/>

¹⁹¹ Responding to the Migrant Crisis: Europe at a juncture. Global Report, June 2016. https://www.actionagainsthunger.org.uk/sites/default/files/publications/ran_responding_to_the_migrant_crisis_final.pdf



On the interest-based issues, Slovak government focused primarily on security. The tightening of the rhetoric was primarily a result of the terrorist attacks in Europe. On 14. December 2015, Prime Minister Fico declared that the government "is monitoring the Muslim community" and they are tightening security in the reception centres in Eastern Slovakia and Gabčíkovo. Moreover, he claimed that "any illegal migrant who tries to cross the border will be detained and arrested."¹⁹² This was in line with the rhetoric of using the terms illegal migration (or economic migration) instead of refugee¹⁹³ and the insistence on the Dublin III rules, which require every asylum seeker to register in the first country of entry into the EU.

Furthermore, Fico made connections between the terrorist attacks and Muslims in general, claiming that Muslims are responsible for virtually every terrorist attack in Europe.¹⁹⁴ In response to the Paris terrorist attack Fico claimed that the threats connected to the RC were confirmed:

"At least two among the eight assassins were migrants. It confirms the worst case scenario and this scenario is an enormous security risks associated with the migration crisis."¹⁹⁵

Slovak intelligence agency SIS (Slovak Information Service) likewise operated with the term 'illegal migration' and considered it one of the threats in the security area. It labelled the RC as a "massive influx of migrants into the EU." SIS focused its attention on:

"assessing the security risks associated with the arrival of illegal migrants into the EU, primarily the risk of possible infiltration of migratory flows by the persons sympathetic with radical and terrorist Islamist organizations, fighters returning from conflict zones and those who could have committed crimes against humanity in these areas."¹⁹⁶

The securitization rhetoric resulted in the policies of preference of the Slovak citizens' security to the rights of asylum seekers. In Fico's words, "when it comes to security, I do not know human rights." Civil society members, who called for greater solidarity with the asylum seekers and other EU members, were pejoratively labelled "human rights saints."¹⁹⁷

Linking Muslims to terrorism fuelled a debate where refugees from Islamic countries were primarily perceived as a security issue. However, after the New Year sexual assault incidents in Cologne,¹⁹⁸ the rhetoric of the Slovak political representatives added an identity-based dimension, claiming Islam is not compatible with democracy and human rights. After the incident, prime minister Fico claimed that

"Slovak Republic must be safe from threats, and the only way to minimize risks is to prevent the creation of an integrated Muslim community in Slovakia. This would develop by fulfilling of the mandatory quota system."¹⁹⁹

Due to the irreconcilable differences between Muslim and European culture, Slovak government declared only to accept Christian refugees on a voluntary basis.

¹⁹² <https://dennikn.sk/294893/fico-bezpecnost-u-nas-sa-nezhorsila-moslimov-monitorujeme/>

¹⁹³ In August 2015, Fico claimed that 95 percent of asylum seekers coming into Europe are economic migrants. More in Slovak at <http://spravy.pravda.sk/domace/clanok/366219-fico-utecencom-pomozeme-rozlisujeme-medzi-ekonomickymi-a-ostatnymi/>

¹⁹⁴ <http://www.independent.co.uk/news/world/europe/we-are-monitoring-every-muslim-after-paris-attacks-claims-slovakian-pm-a6737851.html>

¹⁹⁵ <http://spravy.pravda.sk/svet/clanok/373948-fico-utoky-v-parizi-potvrdili-rizika-spojene-s-migracnou-vlnou/>

¹⁹⁶ Správa o činnosti SIS v roku 2015 [Report on the activities of SIS in 2015], Bratislava, June 2016. Accessible from <http://www.sis.gov.sk/pre-vas/sprava-o-cinnosti.html>

¹⁹⁷ <http://aktualne.atlas.sk/ficova-spoved-k-utecencom-ked-ide-o-bezpecnost-nepoznam-ludske-prava/slovensko/politika/>

¹⁹⁸ <http://www.bbc.com/news/world-europe-35231046>

¹⁹⁹ <http://domov.sme.sk/c/20070758/fico-musime-zabranit-vzniku-ucelenej-moslimskej-komunity-na-slovensku.html>



The anti-Muslim sentiments were also adopted by the opposition political party Sloboda a Solidarita (Freedom and Solidarity), whose top representatives made harsh comments against Muslims. One of the examples is the party president Richard Sulík's comment that he "does not want to live in a society, where more Muslims than non-Muslims are born,²⁰⁰" or that "Islam is not compatible with our culture."²⁰¹ The position taken by the Prime Minister brought severe critique from the European Commission.²⁰²

While refusing the migration distribution system, Slovak representatives upheld the principle of voluntariness in accepting asylum seekers. Throughout 2015 and the first half of 2016, there were about 400 asylum requests in Slovakia, with only a small minority from war affected regions. In 2015, Slovakia participated in two initiatives – accommodation of asylum seekers from Austria and processing of Assyrian Christian asylum seekers.

The cooperation with Austria was a result of the request from Austrian Ministry of Interior to relocate 500 asylum seekers from an overcrowded reception centre in Traiskirchen. The agreement between Slovakia and Austria was signed on July 21. The asylum requests of the relocated asylum seekers continued to be processed in Austria. These refugees were set to be accommodated in a former university facility in Gabčíkovo. The inhabitants of the municipality voiced their discontent with the decision, 3,148 people signed a petition and the municipality organized a local referendum. The referendum took place on August 2 and refused the relocation of refugees by a vast margin. With the turnout of 58.5 %, 96,7 % of voters were against the relocation.²⁰³ The main concern of the inhabitants was security.

The Slovak ministry of interior declared that the result of the referendum does not change anything and that the agreement with Austria is still valid since a referendum is not automatically legally binding in Slovakia; its results would have to be enforced by the national parliament. The Ministry of Interior ensured the citizens, that they would enhance security in the municipality. Moreover, the Slovak parliament passed a resolution, which ensured Gabčíkovo the upgraded status of "Town" since 1. January 2016.

Until August 2016, around 1200 refugees were accommodated in Gabčíkovo camp, causing no major problems.²⁰⁴ Some of the refugees who were relocated under the Austrian-Slovak agreement were accommodated in other places – such as Rohovce or Opatovská Nová Ves.

The second initiative was a voluntary acceptance of Assyrian Christian refugee families from Iraq. It was initiated by civil society and church organizations - Nitra diocese, the civic association Pokoj a Dobro (Serenity and Goodness) and volunteers of Kto pomôže (Who Will Help) initiative in cooperation with the Ministry of Interior. After the problems in the Nitra region, 149 refugees (25 families) arrived in Slovakia on December 10, 2015 and were placed in a camp in Eastern Slovakia in Humenné. In the beginning of next year, they were moved to the Nitra region and started the process of their integration with the help of civic associations, which facilitated their arrival. Until the beginning of August, 40 Assyrians returned back to their homeland due to their feeling of being unable to integrate.

Parliamentary elections in Slovakia took place in March 2016. According to Baboš, Világi and Oravcová, the refugee crisis was one of the main issues of these elections.²⁰⁵ Although it was not considered the most

²⁰⁰ <http://www.parlamentnelisty.sk/arena/rozhovory/Sulik-pre-PL-Nechcem-zit-v-spolocnosti-kde-sa-narodi-viac-muslimskych-deti-ako-nemoslimskych-Sme-proti-migrantom-vseobecne-Vela-ludi-v-Nemecku-odlozilo-ruzove-okuliare-259957>

²⁰¹ <http://domov.sme.sk/c/20246047/sulik-islam-nie-je-kompatibilny-s-nasou-kulturou-rovnako-ako-nacizmus.html>

²⁰² <http://www.politico.eu/article/slovakia-muslim-asylum-seekers-eu-refugees-middle-east-north-africa/>

²⁰³ <http://spectator.sme.sk/c/20059217/referendum-gabcikovo-inhabitants-do-not-want-refugees-there.html>

²⁰⁴ <https://dennikn.sk/526871/ako-sme-prijali-utecencov-v-gabcikove-ich-zbili-a-zakazali-diskoteku-postrelena-syrcanka-sa-stratila/>



pressing problem of Slovakia by the voters, 89 % of the population agreed with the refusal of the migrant distribution system²⁰⁶. In this sense, the refugee crisis was seen as an issue, which had a potential of gaining electoral support.

Although no political party adopted a pro-refugee stance,²⁰⁷ the most prominent political campaign in relation to the refugee crisis was presented by the ruling SMER-SD party. The main message of their political campaign was “Chránime Slovensko” [We protect Slovakia].²⁰⁸ Other political parties focused primarily on the issues of anti-corruption, anti-elitism and populism. Sloboda a Solidarita, despite some of the harsh comments towards Muslims, focused on national economic reform.

The harsh stance of the Slovak government against migrants in the latter half of 2015 and beginning of 2016 discussed above can be interpreted in the lines of electoral campaigning. These include events that attracted media attention such as testing of the mobile barriers to prevent illegal immigration at the end of February,²⁰⁹ deployment of 25 police officers to assist protecting the border in Macedonia, and the subsequent visit of Prime Minister Fico and minister of interior Róbert Kaliňák to Macedonia²¹⁰ or allocation of resources to swimming pools in Nitra region (where the Assyrian refugees are accommodated) following a widely reported incident in Germany, where asylum seekers harassed women at the swimming pool.²¹¹

After the 2016 elections, the anti-migrant and anti-Muslim rhetoric went into the background – especially the medialized events and security-related issues. However, in his first post-election interview, the old-new Prime Minister Fico claimed that “It may look strange but sorry... Islam has no place in Slovakia,” He added that if anyone claims that Slovakia wants to be multi-cultural, they go against the very essence of the country. He voiced fears that the arrival of thousands of Muslims “who will push through their case” would threaten the Cyrilo-Methodian traditions, on which Slovakia has been built.²¹²

The RC was one of the main issues of the 2016 parliamentary election and the preceding campaign. After the election, the issue of refugee crisis was replaced by the political struggle of the new ruling coalition and opposition on the issues of corruption and SMER-SD party links to corruption cases, which led to a series of anti-government protests, and already two cases of votes of no-confidence of old-new interior minister Kaliňák in the parliament.²¹³ In spite of these developments, the anti-Muslim sentiment remains to be identifiable with the representatives of SMER-SD, as well as Sloboda a Solidarita, which became the largest opposition party. The anti-migrant and anti-Muslim rhetoric also facilitated electoral success of Neo-Nazi Ľudová Strana Naše Slovensko – Marián Kotleba [Our Slovakia People’s Party] and populist Sme Rodina [We are Family] parties.

While the RC was peaking in Europe in 2015, the reaction of civil society in Slovakia came in August after the tragedy near Parndorf, Austria (which is approximately 40 km from Slovakia), where 71 asylum seekers were found dead in the Hungarian truck with logos of a Slovak meat company, which crossed to Austria through

²⁰⁵ Pavol Baboš, Aneta Világi, Veronika Oravcová, Spoločenské problémy a politické (ne)riešenia: Voľby 2016 [Societal problems and political (dis) solutions: The 2016 Elections]. Bratislava: Univerzita Komenského, p. 72.

²⁰⁶ The opinion poll was conducted in November 2015. For more results, see <http://plus.sme.sk/c/20064956/smer-sa-drzi-utecencov-vdaci-im-za-rast.html>

²⁰⁷ Baboš et al., p. 37.

²⁰⁸ The second message was “Robíme pre ľudí” [We work for people], which primarily referred to social packages adopted by the government.

²⁰⁹ <http://spectator.sme.sk/c/20103407/police-test-mobile-barriers-to-prevent-illegal-migration.html>

²¹⁰ <http://www.vlada.gov.sk/predseda-vlady-robort-fico-a-minister-vnutra-robort-kalinak-navstivili-macedonsko-%E2%80%93-grecku-hranicu/>

²¹¹ <http://spectator.sme.sk/c/20084204/fico-also-protects-nitra-swimming-pools-against-migrants.html>

²¹² <http://spectator.sme.sk/c/20173606/pm-fico-islam-has-no-place-in-slovakia.html>

²¹³ For more information, see <http://spectator.sme.sk/c/20195574/fico-upheld-kalinak-protest-planned.html?ref=njctse>



Slovakia.²¹⁴ The proportion of the tragedy and its connection to Slovakia triggered a campaign “Call for Humanity” (Výzva k ľudskosti) by the Slovak Open Society Foundation. The campaign appealed to the Slovak government to undertake necessary actions to help solve the refugee crisis:

“This tragedy has shown that the refugee issue is not some abstract political issue. It is a matter of life and death of specific individuals. No decent man, who with their own eyes see someone dying, can remain indifferent. He must seek help immediately. We call on the Slovak Government to immediately take steps to help ease the burden of countries that are exposed the most to the refugee wave and alleviate the suffering of refugees.”²¹⁵

More than 8600 individuals signed the petition for this campaign until the end of August. It was also supported by the Slovak president Andrej Kiska. It was followed by a limited reaction from academia: most prominently, the Faculty of Social and Economic Sciences of Comenius University issued a public statement in September to help the asylum seekers.²¹⁶

Integral part of the civil society reaction was the involvement of charity organizations. The most visible charity initiative was “Who will help?” (Kto pomôže?)²¹⁷. This was an initiative launched already in May 2015 and coordinated by the Christian association Ladislav Hanus Fellowship. The campaign aimed at securing a web of individuals and organizations, which would be willing to help accommodate, educate and spend time with refugees. Afterwards, it aimed at a coordination with the government to accommodate 100 families from Syria and Iraq. Nowadays, the initiative is involved in the process of integration of Christian refugees accepted by Slovakia in December 2015.

Other charity initiatives included public financial, as well as material collections and coordination of volunteers who help refugees in the camps and at the borders. These include both Christian and church organizations (such as Katolícka charita) and Third-Sector organizations (such as Človek v ohrození).

On the societal level, throughout the period under investigation here, negative attitudes towards asylum seekers prevailed in Slovakia. An opinion poll conducted in September 2015 revealed that about 56% of the respondents refused relocation of refugees to Slovakia. Security concerns were voiced by 37% of respondents, while almost 16% have problems with the incompatibility of the asylum seekers’ culture with the Slovakian culture. Moreover, 68 percent of respondents would be against housing asylum-seekers in centres at their place of residence.²¹⁸

Another opinion poll conducted in November 2015 showed that 89% of the voters agreed with a strict stance of Slovak government policy towards the refugee crisis.²¹⁹ A poll, conducted in December 2015 confirmed the negative trend. It revealed that 76.1 percent of female and 64 percent of male respondents are “very afraid” or “afraid enough” of the arrival of migrants. The most important factors for these attitudes were a fear of increasing crime and terrorist attacks from Muslim migrants.²²⁰

The trend of increasing number of respondents who oppose the arrival of asylum seekers is in line with both international developments (terrorist attacks in Europe) as well as the framing of the problem by the Slovak government (refugees are potential terrorists). Increased fear of crime is in line with the research on migration,

²¹⁴<http://www.telegraph.co.uk/news/worldnews/europe/austria/11827983/Dozens-of-migrants-found-dead-in-truck-on-Austria-highway-say-police.html>

²¹⁵ <http://osf.sk/vyzva-k-ludskosti/>

²¹⁶ https://fses.uniba.sk/fileadmin/fsev/o_fakulte/dokumenty/dokumenty_2015_2016/FSEV_UK_pomaha_utecencom_.pdf

²¹⁷ <http://www.ktopomoze.sk/>

²¹⁸ <https://dennikn.sk/242168/sedemdesiat-percent-slovakov-nechce-vo-svojom-meste-tabor-utecencov/>

²¹⁹ <http://plus.sme.sk/c/20064956/smer-sa-drzi-utecencov-vdaci-im-za-rast.html>

²²⁰ <http://spectator.sme.sk/c/20068368/slovaks-afraid-of-arrival-of-refugees.html>



which revealed that although migration does not significantly increase crime statistics, it increases fear of crime²²¹.

The situation in Slovakia regarding reactions and initiatives during the RC displays a clear fear-based popular rejection of refugees coming into the country, and a strict refusal of initiatives launched at the European level geared towards a coordinated and more even European approach. Despite the obvious problems with the Dublin Regime the Slovakian government insisted on strictly enforcing Dublin regulations. This position was backed by public media discourse and a majority of citizens voicing concerns about perceived threats to their national culture and identity. Cooperation during the RC only took place with neighbouring Austria, based on a bilateral agreement. At the same time the RC provided the pretext for a number of legal reforms, giving police and intelligence services more rights. Nonetheless it could be observed that public opinion supported by Civil society organisations and NGOs can be changed when confronted with spectacular, media-reinforced events, highlighting the humanitarian and human costs of restrictive policy regimes.

²²¹ <http://ftp.iza.org/dp8632.pdf>



4.5 Sweden

The debate on immigration in the last year showed a strong reaction to the RC. While Sweden has a strong anti-immigration minority with strong social media support, the majority and mainstream framing in the early part of the period was entirely focused on the humanitarian perspective. The perception of an extreme influx to the country (measured by European standards, of course) led to a dramatic turn. But the humanitarian outlook seems to have survived reasonably well so far. Among the widely-discussed topics were the sheer volume of refugees being perceived as absolutely unmanageable and the fast growth of the populist party Sweden Democrats in the electorate.

With regard to societal security crisis management in general was an issue. The municipalities and local communities near refugee centres reported problems of different kinds and last not least the RC caused problems for police for border control.

The policy reactions were mainly restrictive, trying to curb the influx of refugees, limiting the numbers of refugees entering into Sweden. In addition to the introduction of border control, rights and benefits of asylum seekers have been reduced in many ways (e.g., non-permanent asylum in certain cases).

A relevant actor in the debate over the RC was first the German government who in autumn 2015 entered with Sweden into the pro-humanitarian alliance promoting the idea of a generous European refugee reception. This policy was an important influence. Later on, the restrictive developments across Europe were important influences on the Swedish development – largely portrayed as necessary adaptation.

The municipal level has a very important role in Swedish refugee reception, with the issue of non-receiving affluent municipalities seldom far away from the table. However, the present crisis did not see a local government rising star of the magnitude of Södertälje's mayor Lago who was invited to the US Congress after his 80,000-strong city received more Iraqi refugees than the US.

The national level politicians have been the most important players during the RC and the Green Party has suffered and one of their leaders (one of each gender) was deposed.

Sweden, having joined the European Union in 1995 was hit by the wave of refugees in 2015 as most other European countries and being among the favourite destinations for many refugees, the numbers went up significantly as the table below shows.

Figure 10. Asylum seekers to Sweden per week 2014-16 (Migration Agency: <http://www.migrationsverket.se/Om-Migrationsverket/Statistik.html> accessed 22 November 2016)

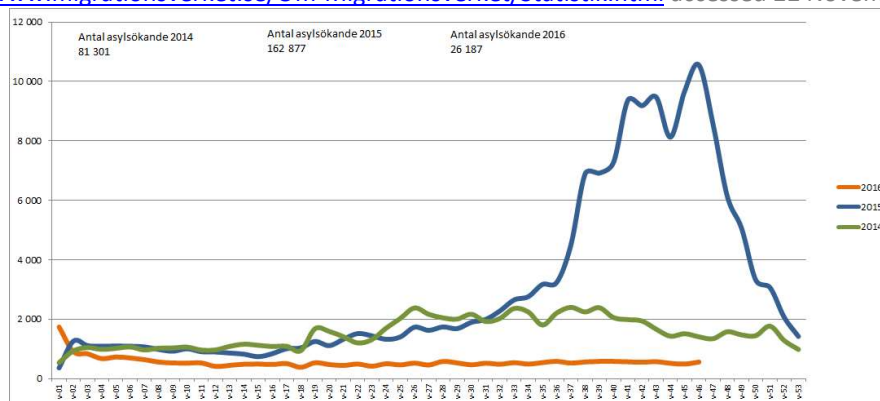


Figure 1 gives a clear picture of the evolution. After a quick build-up during autumn 2015, several weeks of around 10,000 asylum seekers followed. And then – a collapse back to below 2014 figures from early 2016



onwards. The latter was a consequence of far-reaching policy-instruments being implemented at European as well as national level.

The increase in numbers during the second half of 2015 also figured in public opinion. Comparing responses of Swedish citizens when asked *whether the country should receive more or less refugees*, significant changes can be observed over the year 2015.

Table 11. Swedish opinion on refugee reception according to DN/Ipsos, question being: “Do you think that Sweden should receive more or less refugees?” (*Dagens Nyheter* 7 Nov 2015, 24 Dec 2015)

Response	February 2015	September 2015	October 2015	December 2015
Considerably/somewhat fewer than today	36	30	42	55
Don't know/no answer	5	6	7	3
Neither more nor less than today	33	20	24	23
Considerably/somewhat more than today	26	44	26	19

Spectacular events, highlighted in public media also left their print on public opinion, such as the death of 3-year old refugee boy Alan Kurdi (2 Sept 2015) that created an exceptional wave of sympathy in Sweden with opinion polls reporting increasing support for refugee reception. But after a short time, the opinion soon swung in the opposite direction (see Table 1 above).

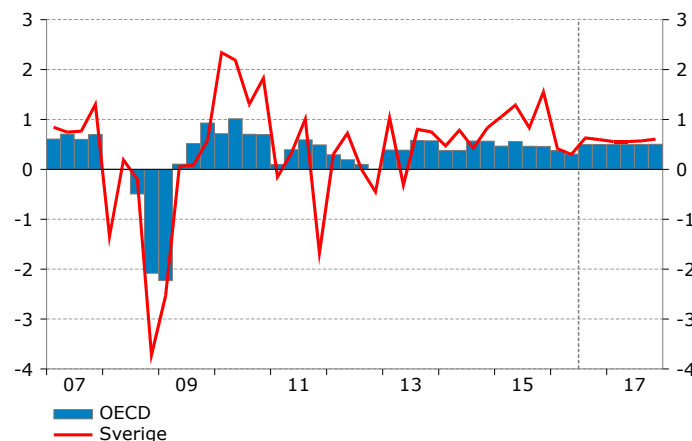
Under the pressure of the turning public opinion – and of course of the mounting logistical difficulties of handling the situation – the Government followed the Alliance of Moderate, Centre Christian Democratic and Liberal Parties on a radical shift to minimal European standards in refugee reception, also requesting exception from the Schengen agreement for introducing border controls (23 October 2015). Thereby six out of eight parties of the Riksdag were behind the shift (leaving only the Left and the Sweden Democrats – on opposite extremes – out).

From an economic perspective, the RC obviously did not have a major effect on the Swedish economy, as measured in GDP figures (see below Figure 2), some observers even suggested a Keynesian demand stimulation effect from the refugee reception.²²²

²²² The bank SEB wrote: “The Swedish GDB growth continues well above the trend [...] The main drivers of GDP growth are public consumption (refugee reception) and investments (housing shortage).” <http://sebgroupp.com/sv/press/pressmeddelanden/2016/seb-nordic-outlook-trumpismen-satter-osakra-avtryck---svensk-konjunkturoptimism-och-riksbanken-har-sankt-klart> accessed 22 Nov 2016.



Figure 11. GDP of Sweden vs OECD (with projection from Q3/2016; National Institute for Economic Research: <http://www.konj.se/statistik-och-data/prognosdiagram.html> , accessed 22 Nov 2016)



Beyond this there are some developments that were considered as problematic and highlighted in public and policy discourse in Sweden.

There was a fall out of the RC to be observed at the regional level in Sweden. Refugee reception in Sweden is largely a private industry where operators exploit cheap largely deserted built infrastructure in remote parts of the country. Refugees referred from urban reception centres to rural areas are sometimes reported to be not so happy with this (there are stories of refugee groups refusing to leave the bus transporting them to places in remote areas). Such a policy also strains the welfare system of the concerned rural municipalities, who have to pay for schools and social services – admittedly with a system of subsidies from national government. Affluent municipalities – often led by the Moderate Party – contribute little to refugee reception, and the issue of all municipalities taking their fair share is a recurring theme in the debate creating a NIMBY dilemma across the country. This controversy has surfaced in many other European countries as well. Leaving the management of the RC largely to the private sector produced some of the typical problems with regard to the quality of refugee housing. Commercial incentives may cause using low quality buildings and unqualified staff. This creates problems, affecting more technical aspects like fire protection, but also produces social conflicts, leading to increased violence against women and children and among the inhabitants of these housing compounds. Another topic leading to controversial discussions in the country were the unaccompanied minors, predominantly boys. One theme popular among migration critics is that their age is often understated (critics were ridiculing cases of so-called “bearded children”). In connection with this come allegations about this group committing sexual harassment, e.g. in connection with public swimming pools and music festivals.

From the opposite ideological position a number of events were highlighted such as cases where refugee centres were set on fire. At least 34 cases were reported in 2015. A big part (13) concerned planned centres, hence very likely attacks by anti-migration activists. Of the reminder fewer seem to be caused by attacks from the outside. Rather they were caused by accidents or by refugees themselves – e.g. due to mental disturbances.

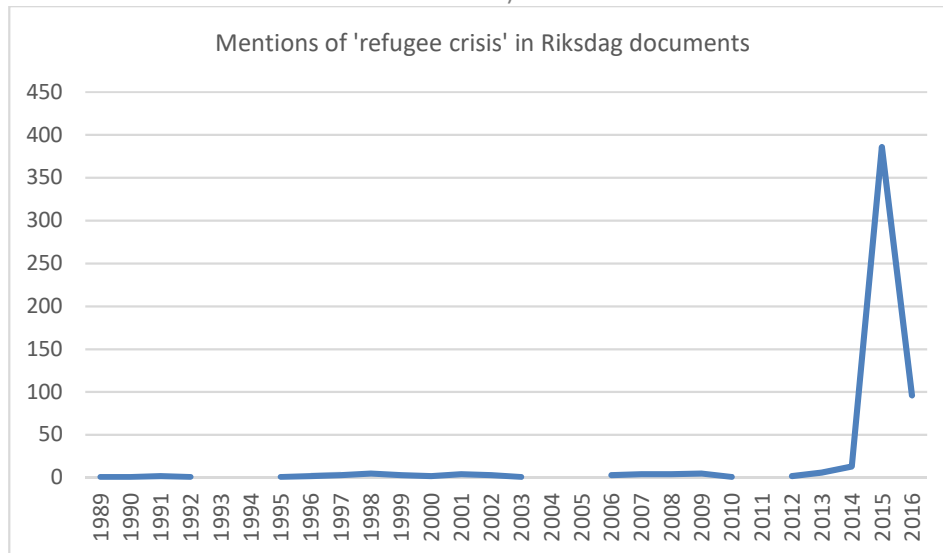
Another topic making headlines in the media is the exploitation of refugees in the black labour market (<http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6283376>).

Terrorism allegations have not been a big issue regarding the refugees of 2015 in Sweden. A possible reason for this is a case where the Security Service gave very high profile to an alleged case. After the suspect was arrested by a SWAT team in the remote mining town of Boliden (19 Nov 2015; a typical location for a refugee centre, cf. above), it turned out that he had his correct name on the door and a very informative Facebook page. By all signs the case was very soon found to have been a total mistake. Further cases were not reported after this one.



Looking at the activities of the Swedish parliament the political reactions to the RC can be demonstrated. The so-called “Refugees crisis” was a top issue in political debate as a simple quantitative analysis demonstrates.

Figure 12. References to ‘refugee crisis’ over time in Riksdag documents (2016/17 data only until 21 November 2016)



The term ‘refugee crisis’ (*flyktningkris*) is central. As seen from Table 2 below and Figure 3 it was not unknown before 2015 (*migrationskris* and *migrantkris* are also included, accounting for about 20 percent of the total occurrences).

Table 12. References to ‘refugee crisis’ over time in Riksdag documents (* Until 21 November 2016)

Period	Riksdag documents mentioning ‘refugee crisis’ (average p.a.)
1989/90-1992/93	1.2
1995/96-2003/04	2.7
2006/07-2010/11	3.4
2012/13-2014/15	7.0
2015/16	380
2016/17*	>96

Since the Swedish Riksdag provides open access to a number of documents in a well organised database the shifts in political debates can be reconstructed in detail.

The database of the Swedish parliament – the Riksdag – makes several types of data publicly available, from government bills to Interpellations and reports of MPs. The list below shows these different types of documents:

1. Governmental bills and reports to the Riksdag (1971-)
2. MP initiatives (“motions”; 1971-)
3. Reports from the Riksdag’s own agencies (The Riksbank, The National Audit Office, The Parliamentary Ombudsmen), delegations etc. (1971-)



4. Riksdag committee reports (1971-)
5. Plenary minutes (1971-)
6. Voting results (2002/03-)
7. The Riksdag’s announcements of its decision to Government (2004/05-)
8. Written questions from MP’s and their written answers from ministers (1998-)
9. Interpellations (written questions from MP’s to a minister subject to plenary debate; 1999-)
10. Reports of MPs concerning ministers’ conduct to the Riksdag constitutional committee (2002-).²²³

Taking these documents, the pathway of new policies as adopted in response to the refugee crisis in late 2015 can be followed through the parliamentary process starting from government (1) and/or initiatives of MPs (2), to be discussed in relevant committees producing reports (4) which are then discussed in plenary sessions, documented in the minutes (5) to be finally voted on (6), resulting finally in decisions (7). The other Items 8, 9 and 10 and their reflections in 4-6 – as well as simple oral questions to ministers only available under 5 – build up the controlling power of the Riksdag.

The document types 2, 8, 9 and 10 are party labelled. This allows for simple quantitative analyses of how different parties react to migration in general and the RC in particular. It should be mentioned that motions (type 2) are regularly underwritten by MPs from different parties, hence carrying multiple party labels. They can then be fully credited to each of the participating parties. Presently eight political parties are represented in the Swedish parliament.

Table 13. Current Riksdag composition 2016

Party	Seats	
S	Social Democratic Party	113
M	Moderate Party	84
SD	Sweden Democrats	48*
GP**	Green Party	25
C	Centre Party	22
V	Left Party	21
L	Liberal Party	19
KD	Christian Democrats	16

* 49 MPs were elected for SD in 2014, but one has left the party, being now a so called ‘savage’ MP incidentally the party leader’s mother-in-law) ** The Swedish abbreviation MP is not for the Green Party to avoid confusion with MP = Member of Parliament.

The high political profile of migration and refugees in general as topics in political discourse can be demonstrated when analysing briefly Swedish political history and look at the Riksdag’s composition as well as coalitions in general and of particular relevance to migration policy.

Taking first the long view Social Democrats, Moderate Party, Centre Party, Left Party (V) and Liberal Party (see Table 2 above) are the ‘classic’ Swedish parties. After the merger of two liberal parties in 1934 and the vanishing of the Socialist party in 1940 these five ruled alone in the Riksdag until 1988. Of course, not without internal evolution, the predecessor of the Left Party V being the Communists – the Moscow communists – and that of Centre Party, the Farmer’s League. The latter party played a pivotal role in Swedish politics by siding with the Social Democrats in 1932, a collaboration that was the prevailing pattern until 1957. From the 1960’s

²²³ <http://www.riksdagen.se/sv/sa-funkar-riksdagen/arbetet-i-riksdagen/dokumenttyper-i-riksdagen/> accessed 21 November 2016.



onward what is now known as M+C+L (Moderate, Central, Liberals) have been in more or less close cooperation against Social Democrats (in their turn with Left Party a normally not formalised supporter).

The first 'new' party to enter the Riksdag was Green Party in 1988. In 1991 they lost out and were replaced by Christian Democrats and populist New Democracy, an early critic of migration policy. However, New Democracy imploded in the 1991 election, while the Green Party returned to the Riksdag. Thereby a new stable seven-party constellation emerged, which lasted 1991-2010.

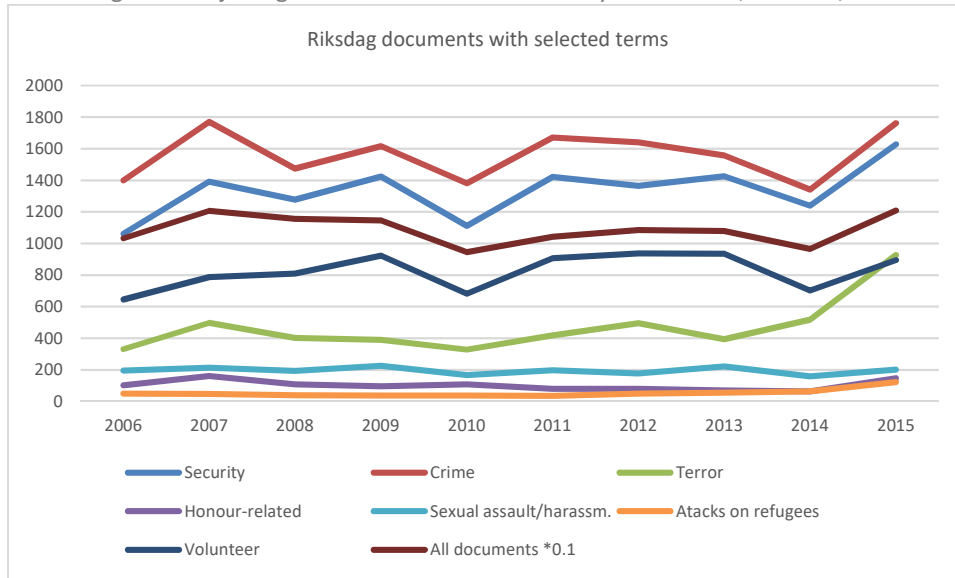
Before the 2006 election the centre-right opposition – now including Christian Democrats in addition to M+C+L – made their collaboration more formal under the rubric '*The Alliance*' and won the absolute Riksdag majority in the election hence forming the Reinfeldt cabinet. In the 2010 election, anti-migration Sweden Democrats (SD) entered parliament. The Alliance lost the absolute majority but remained in power. In migration policy, they formed a coalition with migration friendly Green Party. In the 2014 election, the Sweden Democrats more than doubled their number of seats and became the third party in size. Social Democrats, Green Party Left Party achieved relative majority over M+C+L+KD and S+GP formed the Löfven cabinet.

The documents contained in the parliamentary data base reveal how the political debate about the RC is tied into a larger context of other concepts, loosely related to societal security. Looking for the frequency of terms like security, crime, Terror etc. over a longer period it can be shown, how these frequencies change in relation to the RC.²²⁴

²²⁴ *säkerhet* – 'security/safety', indistinguishable in Swedish as in many languages. The term has also many other connotations. *brott** – 'crime'. Again the term has many other connotations, e.g. 'breach'. *terror** – no translation necessary and little risk for ambiguity *hedersrelater** – 'honour related' in connection with violence, crime etc. In a small random sample (40 documents with *heder**) *hedersrelater** never featured in other connotations than as relating to 'honour culture'. However, that very concept suggests that there are relevant terms lacking the 'related' part. However, even if such terms are used in a document, it normally also contains terms with 'honour related'; only two documents with a very brief treatment of the subject failed to include 'honour related' somewhere. On the other hand a quarter of the documents in the *heder** sample had no connection to 'honour culture' but referred, e.g., to 'word of honour'. *sexuella övergrepp/sexuella trakasserier* – 'sexual assault/sexual harassment'. Here it is obvious that including everything on 'sexual' will not work. 'Sexual assault' was most common among broadly relevant terms. 'Sexual harassment' was less common also than 'sexual violence' and 'sexual exploitation' but was chosen due to the alleged role of migrants in the Cologne New Year's events 2015/16 and subsequent lower profile events of a similar nature. Also 'assault and 'harassment' seem more compatible with the lack of power resources generally to be expected from refugees; 'violence' and, in particular, 'exploitation' a priori point to refugees in the victim role. The choice of two terms will cause some double counting; a simple check suggests maybe with one third. *attacker mot flyktingar* – 'attacks against refugees'; this seems to be a ready-made search concept in the Riksdag system including relevant components like arson attacks on refugee centres. *frivillig* – 'volunteer' but also, e.g., 'optional' (both noun and adjective). For correlating 'refugee crisis' to the other search terms, proximity search with distance 200 words was used.



Figure 13. Riksdag documents with selected key terms 2006/07-2015/16.



Analysing these data and looking at the parties who initiated or authored these documents reveals an interesting distribution.

Table 14. 2015/16-2016/17* All documents with defined party mentioning listed key concept (until Nov. 2016)

Party	Refugee crisis	Security	Crime	Terror	Honour related	Sexual assault/harassm	Atacks on refugees	Volun- teer	All docu- ment s
S	5	78	106	16	5	27	2	25	1251
M	82	342	521	108	31	42	5	146	4528
SD	17	143	203	93	10	33	1	79	1407
GP	0	15	28	11	0	2	2	12	274
C	8	91	85	33	9	10	4	44	918
V	3	75	79	23	3	29	10	35	371
L	25	106	149	88	26	31	7	51	816
KD	15	121	135	71	18	32	9	52	641

Since the parties represented in the Riksdag are of different size, the absolute counts have to be scaled by party size to yield a more realistic picture. Table 5 below takes Party size into account using the figures from Table 14.

Table 15. 2015/16-2016/17* All documents with defined party mentioning listed key concept calculated per MP for each party. Green background = least active; red background = most active (until Nov.2016)

Party/ groupin g	Refugee crisis	Securit y	Crim e	Terro r	Honour related	Sexual assault/ harassm	Atacks on refugee s	Volun- teer	All docu- ment s
S	0,04	0,69	0,94	0,14	0,04	0,24	0,02	0,22	11,1



M	0,98	4,07	6,20	1,29	0,37	0,50	0,06	1,74	53,9
SD	0,35	2,98	4,23	1,94	0,21	0,69	0,02	1,65	29,3
GP	0,00	0,60	1,12	0,44	0,00	0,08	0,08	0,48	11,0
C	0,36	4,14	3,86	1,50	0,41	0,45	0,18	2,00	41,7
V	0,14	3,57	3,76	1,10	0,14	1,38	0,48	1,67	17,7
L	1,32	5,58	7,84	4,63	1,37	1,63	0,37	2,68	42,9
KD	0,94	7,56	8,44	4,44	1,13	2,00	0,56	3,25	40,1
Alliance	0,92	4,68	6,31	2,13	0,60	0,82	0,18	2,08	49,0
SD/ Alliance	0,38	0,64	0,67	0,91	0,35	0,84	0,12	0,79	0,60

Parliamentary logic suggests that the government parties, S+GP, should be less active than the others; for them the place of the ‘party initiatives’ is taken over by the governmental bills and they are expected to be nice towards ministers.²²⁵ This is also borne out by reality where either S or GP is always the least active party. The fact that some – the most important – initiatives are delivered by the parties (typically being signed first by the party leader) rather than by individual MPs also suggests that bigger parties should be less active than comparable smaller parties. This is also the impression one gets from the area under study: there either of the smaller Alliance parties is the most active in all areas. But overall this is not true; despite the party initiative effect M clearly wins the activity contest with the other Alliance parties almost identical in activity terms. The high visibility of L and KD in the study area must result from a priority. Many would expect SD with its unexperienced MPs to be much less active than their colleagues from the Alliance; in comparison to C+L+KD the difference is, however, not large. The low activity level of V is hard to explain.

Given its focus on migration policy – and its relatively high activity in general – it is surprising that compared to the Alliance SD is less active in all study areas. Only in two – terror and sexual assault/harassment is SD clearly above their average of 60 percent of the Alliance’s activity level.

Looking at the overall development Sweden also displays a textbook case for using the RC in creating added populist value in national policy debates. The conservative Sweden Democrats had the greatest gains from the events of the year 2015.

²²⁵ Swedish ministers are, however, not themselves active as MPs; MP’s appointed as ministers get replaced in the Riksdag during their tenure in government.



4.6 The Netherlands

Recent history of large scale immigration from non-western countries in The Netherlands dates back to the post World War-II era. In the 1950s most immigrants came from former colonies, were invited as guest workers, or were political refugees. The expectation was that most of these immigrants would return home after they were no longer needed for the labour market or when the political situation in their countries of origin would improve. As a result, immigration policy was focused on isolation and exclusion from Dutch society. When immigrants appeared not to return to their country of origin in the early 1980s, and contrary to that family reunification increased immigration numbers, the policy changed to the promotion of emancipation of their own respective communities and their own cultures. This was an extension of the structure of Dutch society in that time known as “verzuiling” (i.e. pillarization) which allowed Dutch religious or ideological communities to stay with their own kind, whilst peacefully living together in one, pluralistic country. The start of this multicultural period coincided with economic restructuring in which many low skilled jobs disappeared and unemployment under immigrants and former immigrants rose spectacularly.²²⁶

Faced with high unemployment figures in the early 1990s, and accompanying problems such as criminality and reliance on social provisions, citizens and politicians began to call for stricter immigration policies and a stronger emphasis on integration or even assimilation of immigrant subcultures.²²⁷ It instigated an immigration and integration-policy described as “strict, but fair”. Those seeking refuge from being threatened in their own country (e.g., because of military conflict, political oppression, inhumane treatment, or persecution based on race, ethnicity, religion, sexuality) could expect to find harbour.^{228,229} But screening policy and access for others such as family members of admitted immigrants would become progressively restrictive from the 1990s onwards.²³⁰ The burden of proof for refugees to provide evidence of their endangerment progressively increased, reunification of families became stricter, costs of reunification increased, integration (inburgering) became required in order to receive legal status, and immigrants would have to bear the costs of integration, such as mandatory integration courses and language courses, themselves.

As intended, from the mid-1990s onwards, the stricter immigration policy led to (or at least coincided with) a decline in asylum requests (Figures 1 & 2). The recent increasing trend of immigrants applying for and receiving asylum can be explained by the civil wars in mid-eastern and African countries (e.g., Syria, Iraq, Afghanistan, Eritrea). The number of refugees granted asylum relative to the number applying for asylum (i.e., first time requests) shows a steady decline from the 1990s onwards both in The Netherlands and throughout Europe (Figures 3 & 4; note that European figures were not systematically collected and therefore incomplete until 2008).

In order to be able to compare countries, Figure 2 shows the same data as Figure 1, divided by the number of citizens per country. Note that this data shows only asylum seekers and does not show other types of immigrants such as family reunion immigrants.

²²⁶ Entzinger (2014), http://clerse.univ-lille1.fr/IMG/pdf/6_Entzinger_The_Netherlands.pdf

²²⁷ Entzinger (2014), http://clerse.univ-lille1.fr/IMG/pdf/6_Entzinger_The_Netherlands.pdf

²²⁸ <https://www.government.nl/topics/asylum-policy/contents/asylum-procedure>

²²⁹ <https://ind.nl/EN/individuals/residence-wizard/asylum>

²³⁰ <https://www.clingendael.nl/sites/default/files/EUforum%20Analyse%20-%20Het%20Nederlandse%20asiel-%20en.pdf>



Figure 14 & 15. Total numbers of first and secondary asylum requests (EU x10; source CBS Netherlands); and yearly adoption of refugees (asylum seekers) per 1000 citizens in respective countries (source: Eurostat).

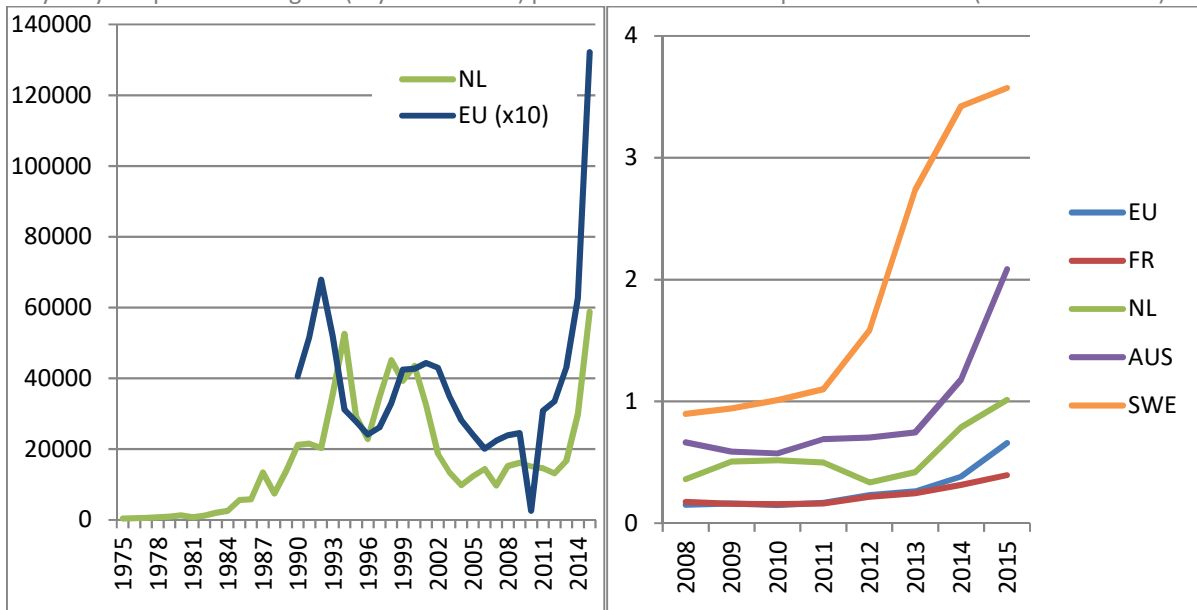
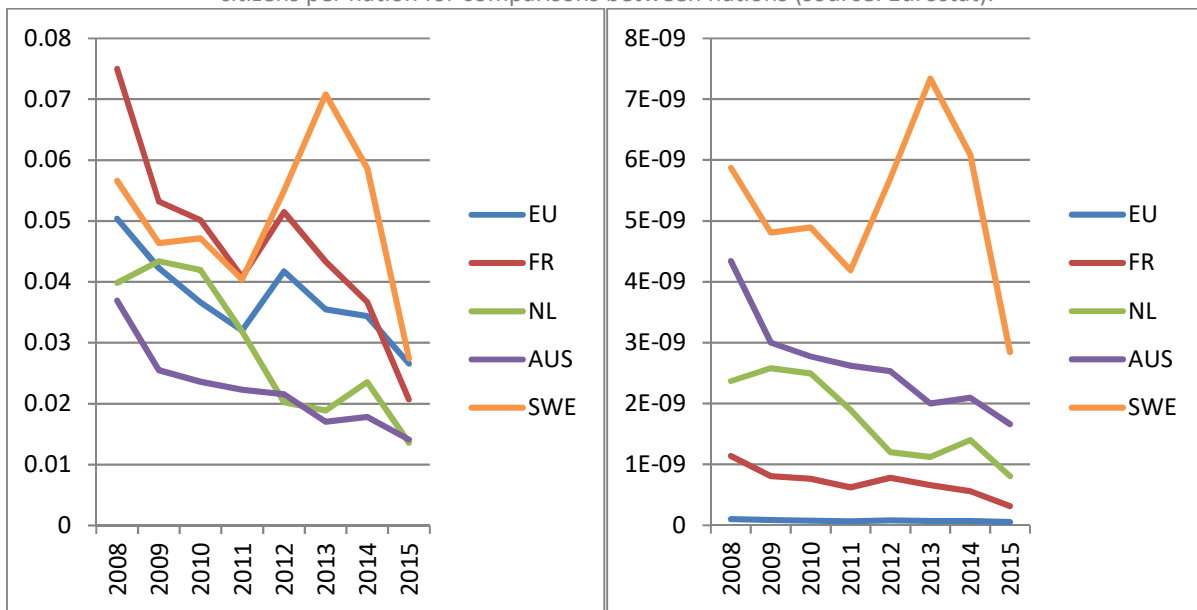


Figure 16 & 17. Number of granted asylum requests relative to number of first time requests; and number of granted asylum requests relative to number of first time requests (source: Eurostat), relative to number of citizens per nation for comparisons between nations (source: Eurostat).



As a result of the processes leading to the stricter immigration policy, attitudes of the Dutch towards immigration and immigrants changed and shaped how immigrants are perceived by the general public today. First, as a result of the exclusion policy in the 1960s²³¹, immigrants, occupying the lower strata of the labour market, clustered together in poor neighbourhoods. The pillared society that characterized The Netherlands at that time did not require new-comers to adjust or integrate. This led to estrangement of native Dutch from these neighbourhoods. Unemployment in the 1980s further increased the disparity between the native Dutch and those with immigrant backgrounds, the so-called allochthones. Even when unemployment levels of

²³¹ Entzinger (2014), http://clerse.univ-lille1.fr/IMG/pdf/6_Entzinger_The_Netherlands.pdf



migrants had normalized to the level of that of native Dutch citizens around the year 2000, some problems still persisted. Most notably, citizens with immigrant backgrounds were, and still are, more prominently present in crime statistics and in their reliance on social provisions.²³²

Further, the 9/11 attacks in the United States, and the subsequent attacks in Madrid (2004) and London (2005) gave rise to the perception of a clash of Islamic and Western civilizations. Pim Fortuyn, a politician with the ambition to become minister-president of The Netherlands, articulated this sentiment in Dutch society already shortly after the 9/11 attacks. Doing this he became both popular and controversial. No one would ever know whether he was or would become more popular than controversial: he was murdered days before the parliamentary elections of 2002 by a radicalized Animal Rights activist. Two years later, Theo van Gogh, a Dutch television personality critical of Islamic influence in Dutch society, was murdered by a radicalized Dutch citizen of Moroccan descent. This resonated with the sentiment felt by many Dutch citizens of a failed immigration and integration policy and of a conflict between Islamic and Western values, even in their own country.^{233,234}

Against this background, the past few years showed an increase in refugees from relatively nearby Islamic countries such as Libya and Syria, with a particularly stark rise in 2015. Particularly from Syria many fled from the ongoing combat between the Assad-regime, oppositional fractions and ISIS. Currently, the immigration crisis seems twofold: one part of the crisis relates to the ongoing, seemingly endless conflict that displaces so many, and the other part relates to Europe's inability to come to a unified answer to the influx of so many people seeking a safe haven.

The explosion of numbers of refugees in 2015 thus does not stand on its own, but is rather the peak of a process that was already evolving. The steady growth of the number of refugees coming to Europe show this (Figures 1&2). It is a result of a combination of factors such as the Syrian conflict, lacking (financial) resources to shelter refugees in neighbouring countries, relatively short distance of Europe to many conflict regions, discovery of new, safer routes to Europe, and many more.²³⁵

Since the so-called Fortuyn revolt early 21st century, immigration has been a particularly controversial subject in The Netherlands. Humanistic principles and a realistic view on a declining Dutch labor force on the one hand call for welcoming refugees, whereas the working men's sentiments and problems, and negative associations with allochthones on the other hand call for an immigration stop. The debate is dominated by the right-wing, populist Party For Freedom (PVV) lead by Geert Wilders. His calls for harsh actions put parties in the center of the political landscape in conflict; they feel the need to downplay Wilders' proposed actions, but at the same time need to appear responsive to popular needs Wilders articulates.

As a result, the issue of immigration and integration is not easily debated in The Netherlands. This may explain why debates in Dutch parliament on the subject of the immigration crisis and how it would affect The Netherlands started somewhat late and actions were taken slowly. Consequently, when the number of immigrants accumulated to nearly 60.000²³⁶ in 2015 a shortage of places to stay for refugees emerged and the national government ordered local communities to harbour refugees in whatever kind of shelter they could provide.

²³² Entzinger (2006), The parallel decline of multiculturalism and the welfare state in the Netherlands. In: K. Banting and W. Kymlicka, eds. *Multiculturalism and the welfare state. Recognition and redistribution in contemporary democracies*. Oxford: Oxford University Press, 177–201.

²³³ https://www.wodc.nl/images/cahier-2009-3-volledige-tekst_tcm44-178165.pdf

²³⁴ Vrooman, C., Boelhouwer, J. & Gijsberts, M. (2014). *Verschil in Nederland; Sociaal en Cultureel Rapport 2014*. Den Haag: Sociaal en Cultureel Planbureau.

²³⁵ <https://www.nrc.nl/nieuws/2015/09/14/dit-is-wat-je-moet-weten-om-de-vluchtelingencrisis-te-begrijpen-a1413244>

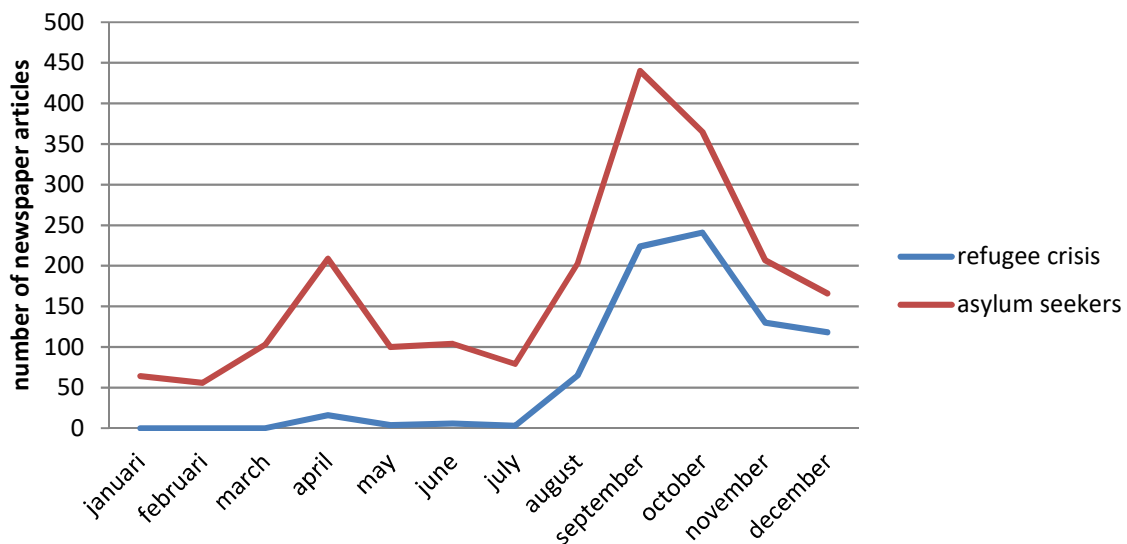
²³⁶ Of this number 43.000 were first time request immigrants, and 14.000 were family reunification immigrants.



From an outside perspective, it is difficult to tell if the government’s lack of responsiveness in the refugee crisis was a consequence of attempts not to worry its citizens, not to fuel the polarized views on the topic, fear of losing voters on a controversial subject, or sheer ignorance. But the effect on the Dutch population were that they felt ignored in an important decision making process. Dutch citizens and local authorities had little to say in the admission and distribution policy of refugees in this time of crisis. When local authorities acknowledged this problem, and started to organize public participation meetings, strong opponents used these meetings as a platform, which then led to incidents that were widely covered by national media.

The stark rise of immigrants could be foreseen and was predicted by countries on the southern borders of Europe, but largely ignored or neglected by Dutch politics and media²³⁷. Media did report on the large numbers reaching European soil, particularly the islands of Greece and Italy, but it was not until the moment that the central government ordered local governments to harbour large numbers of refugees that the effects for Dutch society became apparent. Figure 5 shows the number of articles from the four major national newspapers that mention either “refugee crisis” or “asylum seekers”. As this figure shows, the term “refugee crisis” is nearly absent until August 2015, and both “refugee crisis” and “asylum seekers” show an immediate, sharp rise and peak during September and October.

Figure 18. Number of articles from the four major Dutch newspapers (Telegraaf, De Volkskrant, NRC Handelsblad, and Algemeen Dagblad) per month.



The moment the central government started its crisis search for shelter, media picked up the news and framed it in very diverse ways. During the month of September 2015, the high point of the refugee crisis, media reported foremost in terms of quantity of refugees. An often-used metaphor to describe the influx was “flood of refugees” (vluchtelingenstroom). Refugees were also framed as individuals and victims, and only scarcely as unwelcome guests.²³⁸

²³⁷ <https://www.nrc.nl/nieuws/2015/09/14/dit-is-wat-je-moet-weten-om-de-vluchtelingencrisis-te-begrijpen-a1413244#vraag8>

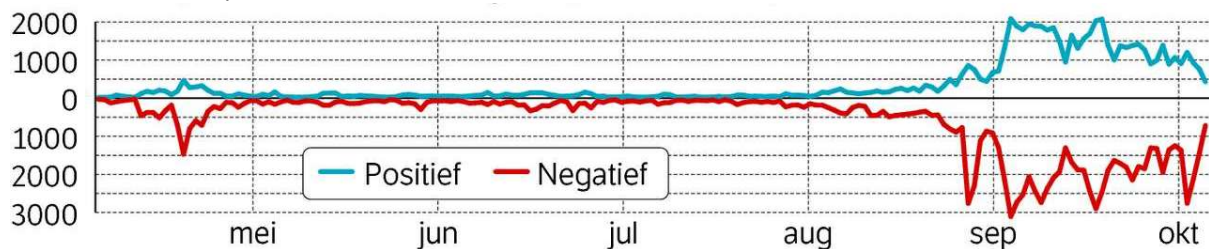
²³⁸ Huisman, I. (2016). Refugees: from mass to human. A critical discourse analysis into the representation of refugees in Dutch newspapers in September 2015 [Vluchtelingen: van massa naar mens. Een kritisch discours-analytisch onderzoek naar de representatie van vluchtelingen in Nederlandse kranten in september 2015] (Master's thesis). Retrieved from the internet on 31 October 2016.



The number of times the term “refugees” is mentioned in social media mirrors the development of the terms “refugee crisis” and “asylum seekers” in the major national newspapers. This effect is typically referred to as the agenda-setting theory, which posits that traditional media influence the subjects of discussion of the public.²³⁹ Until August, refugees were hardly an issue on social media, but this drastically changed near the end of August and peaked in September and October (see Figure 6).

Although newspapers portrayed a balanced picture in which the issue was viewed from multiple angles (e.g., as a fact of numbers, as individuals in need of help, and with regard to consequences for Dutch society), discourse in social media was more polemic. Figure 6 shows the evolution of social media messages with negative and positive sentiments through the course of 2015. Facebook replies on national news media posts could hardly be characterized as an open discussion. Much more they were emotional shout outs, containing coarse language and extreme positions. But interestingly, these negative reactions focussed more often on the government immigration policy than on immigrants themselves.²⁴⁰

Figure 19. Positive (blue line) and negative sentiments (red line) regarding refugees in number of reactions on social media from April-October 2015.²⁴¹



The two diverging sentiments were also reflected in offline actions. On the one hand it resulted in volunteering and generosity. Nearly 27,000 individuals subscribed to offer homestay for a refugee, many people offered to volunteer in other ways and clothing was collected on such a large scale that organizations involved had to call for a stop because they could not handle the stream of donated items. Also, an online survey revealed that two-thirds of the Dutch population would not object to a refugee centre nearby, as long as careful procedures are followed by the authorities. Nearly half of the respondents said that The Netherlands should always welcome immigrants in search for a safe place. Respondents were substantially more positive about people fleeing from war, than about individuals coming here as economic migrants.²⁴² It seems that the negative attitude towards refugees is in part based on the assumption that The Netherlands welcomes economic refugees, which is in fact not the case.²⁴³

But there were also strong worries and sentiments of loss of control over the nation’s future in the face of the influx of a foreign culture with diverging, anti-Western values, resulting in heated debates and protests. At several points in time, resistance to policy and refugees became very visible. Very disruptive incidents took place in communities across the country where several city council meetings were disturbed, local politicians

<http://dspace.library.uu.nl/bitstream/handle/1874/338287/Scriptie%20Iris%20Huisman%20definitief.pdf?sequence=2>

²³⁹ McCombs, M. E., & Shaw, D. L. (1972). The agenda-setting function of mass media. *Public opinion quarterly*, 36(2), 176-187.

²⁴⁰ <https://thesis.eur.nl/pub/34657/Hofstede.pdf>

²⁴¹ http://static.nrc.nl/images/w1280/151006bin_sentiment%20vlucht_ig116.jpg

²⁴² <http://www.ioeresearch.nl/Portals/0/Rapport%20VK%20migranten%20DEF.pdf>

²⁴³ Note that sometimes the line between grounds for asylum such as military conflict, and negative economic prospects is blurred as a result of which it may be difficult to tell if someone fled a conflict or its consequences.



received death threats, and proponents of harbouring refugees were verbally and physically assaulted.²⁴⁴ Some of these incidents seemed orchestrated by extreme right-wing groups.

Other grounds for opposing to refugees were related to them being associated with allochthones and Islam by the general public. Both allochthones and Islam are generally associated with a host of security related issues. For example, there were fears that immigrants with their diverging views on sexuality and the position of women in society, combined with traumatic experiences they may have had, would pose a threat to women in The Netherlands. A television interview with a Syrian refugee, broadcasted on national television, in which the interviewee mentions his large testicles would later be used as a metaphor in protests against supposed sexually transgressive behaviours of immigrants. And particularly right-wing politicians have been keen on spreading the news when sexual offences had taken place in which immigrants were involved, such as those during New Year's Eve in Cologne. Other objectives to immigration included fear of a new underclass of ill-assimilated foreign aliens, overrepresented in crime statistics, and heavily relying on collective assets such as social housing.^{245,246}

Protests also focussed on immigration policy and politicians, rather than on immigrants. National indignation happened in October 2015, as a consequence of the central government's directive to harbour 1400 refugees in a village of 140 citizens. Many negative reactions strongly focused on how the government handled things and the consequences of refugees coming to The Netherlands.²⁴⁷ This distinction (that is, the focus of criticism on the government's immigration policy rather than on immigrants themselves) was also apparent on social media. It attests to the findings of IOResearch²⁴⁸ that the Dutch are willing to host refugees, as long as they are involved, can have a say, and proper procedures are followed.

Shortly after the crisis reached its peak and had also become apparent in The Netherlands, the European Union, at that moment chaired by The Netherlands, reached an agreement with Turkey. This agreement included that Turkey would guard its borders to prevent immigrants traveling to Europe. Part of the agreement further included that all refugees arriving illegally in Europe from Turkey would be sent back so that the incentive for individual refugees of risking the cross to Europe would be suspended. As a result of this agreement, the influx of immigrants to Europe and The Netherlands was tempered. Many of the crisis shelters local authorities were forced to set up in spite of the public's resistance, and of which some were never used, were closed.

²⁴⁴ <https://www.nrc.nl/nieuws/2016/02/02/dit-zijn-de-feiten-over-asielzoekers-in-nederland-a1405200#vraag28>

²⁴⁵ <https://www.nrc.nl/nieuws/2016/02/02/dit-zijn-de-feiten-over-asielzoekers-in-nederland-a1405200>

²⁴⁶ Huijnk, W, and Dagevos, J. (2012). Closer together? <http://www.scp.nl/dsresource?objectid=5583b522-e031-411d-9d45-b0def795d0b3&type=org>

²⁴⁷ Huisman, I. (2016). Refugees: from mass to human. A critical discourse analysis into the representation of refugees in Dutch newspapers in September 2015 [*Vluchtelingen: van massa naar mens. Een kritisch discours-analytisch onderzoek naar de representatie van vluchtelingen in Nederlandse kranten in september 2015*] (Master's thesis). Retrieved from the internet on 31 October 2016.

<http://dspace.library.uu.nl/bitstream/handle/1874/338287/Scriptie%20Iris%20Huisman%20definitief.pdf?sequence=2>

²⁴⁸ <http://www.ioresearch.nl/Portals/0/Rapport%20VK%20migranten%20DEF.pdf>



4.7 United Kingdom

The political debate in 2015 and 2016 was largely shaped by the United Kingdom European Union membership referendum (or better known as Brexit referendum), which took place on 23rd June 2016 and which turned out in favour for the UK leaving the EU. The referendum was first discussed by David Cameron in 2013 as a promise to his voters if the Conservative party would obtain a majority victory in the UK general election in 2015²⁴⁹ and thus has dominated the political discourse in the last two to three years. Beside of economic factors, security and immigration issues were the dominating topics of the proponents as well as adversaries of the Brexit and thus heavily used to woo for voters. Immigration into the UK is largely shaped by EU citizens allowed to freely move and work within the EU and by former UK colonies like India and Pakistan (see next chapter) and thus the discourse of immigration was mainly linked to job security of British citizens and the impact on wages by such immigration²⁵⁰, while the refugee crisis within the EU mainly was linked to the security and terrorism debate by those in favour of the Brexit.²⁵¹ From a policy point of view, several bills were passed by the Conservative party which were already presented in the Conservative party manifesto 2015 prior to the general election, which amongst others include stricter immigration laws and more specific laws targeting extremists groups.²⁵²

But before continuing with the details on the Brexit and the policy changes in the UK, we will first present a few key country data in order to show the demographic impact of immigration into the UK and the proportionality in regard to the British citizens.

As of 2015, there are approximately 65 million people living in the UK, with a natural increase in population for the last 4 decades. From 1971 -2015 there has been a steady increase in population from 55,928, 000 to 65,110,000.²⁵³ The steady rise in population can be attributed to the natural birth and death ratio – the natural change – as well as migration. Between 2014 and 2024, the Office for National Statistics (ONS) estimates an increase of population by 4.4 million total, 2.3 million (51%) as a result of a natural increase, while remaining 49% to be assumed to be due to net migration.²⁵⁴

²⁴⁹ BBC 2013: David Cameron: EU referendum bill shows only Tories listen. <http://www.bbc.com/news/uk-politics-22530655> (Accessed: 21.11.2016).

²⁵⁰ E.g. BBC 2015: David Cameron 'wilfully dishonest' over immigration – Nigel Farage. <http://www.bbc.com/news/election-2015-32129312> (Accessed: 21.11.2016).

²⁵¹ E.g. The Telegraph 2016: Quitting the EU 'would help our security', former MI6 chief suggests. <http://www.telegraph.co.uk/news/2016/03/24/quitting-the-eu-would-help-our-security-former-mi6-chief-suggest/> (Accessed: 21.11.2016).

²⁵² The Guardian 2015: Conservatives election manifesto 2015 - the key points. <https://www.theguardian.com/politics/2015/apr/14/conservatives-election-manifesto-2015-the-key-points> (Accessed: 21.11.2016).

²⁵³ Office for National Statistics 2016: United Kingdom population mid-year estimate. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ukpop/pop> (Accessed: 21.11.2016).

²⁵⁴ Office for National Statistics 2015: National Population Projections: 2014-based Statistical Bulletin. <http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2015-10-29> (Accessed: 21.11.2016).



Table 16: Projected components of change [in Millions], United Kingdom, mid 2014-to mid-2024 (National Population Projections) (Source: Office for National Statistics).

	2014-2019	2019-2024
Population at start	64.6	66.9
Births	3.9	4.0
Deaths	2.9	2.9
Natural change	1.1	1.2
Net migration	1.2	0.9
Total change	2.3	2.1
Population at end	66.9	69.0

As Figure 19 shows, the migration numbers have undergone some changes in the last 20-25 years, with especially immigration which has been steadily on the rise since 1992, currently peaking at around 500.000 immigrants per year. Due to a more or less unchanged emigration development in the last 20 years, the net migration – being the number of immigrants minus the number of emigrants – has also been steadily on the rise – currently peaking at around 300.000 Net immigrants per year – and is expected to overtake the natural change ratio by the year 2029.²⁵⁵ This is a historic change, as up until the early to mid 90ies of the previous century, emigration from the UK mostly surpassed the immigration into the UK, creating a negative Net migration. The second half of the 90ies and the beginning of the new millennium then saw a much more rapid increase in immigrations. The reasons for these increases are manifold and are not different from previously experienced immigration increases/situations – however not in this amplitude.

The UK has a long history of immigration from foreign born citizens, resulting in a very diverse population, and with immigration based on various factors. For example, the large proportion²⁵⁶ of the Indian and Pakistani-born citizens arrived in the UK during the 1960s increasing from 157.000 to 313.000 Indian-born and 31.000 to 136.000 Pakistani-born during in that decade, with main ‘pull-factors’ being the possibility of employment in the UK, but also the war with India for many Pakistani citizens. Thus, such situations as experienced in the last years in the EU are no new developments, where large numbers of migrants and refugees immigrate due to instabilities in their countries of origin, mainly coming from Africa, Eastern Europe and the Middle East. For example, during 1971 to 1981 an increase by 270% (from 12.000 to 45.000) of Ugandan-born citizens was recorded migrating into the UK as a result of the forced expulsion under Idi Amin. Zimbabwean-born residents in the UK increased greatly between 1991 and 2011 due to many seeking for refuge of the ethnic discrimination. Other popular examples were major increases in immigrations resulting from the Kosovo War between 1997-1999, from the First and Second Gulf War in Iraq, or from Afghanistan during the Taliban regime in the 90ies and the turmoil after the USA/NATO intervention and subsequent downfall of the Taliban.

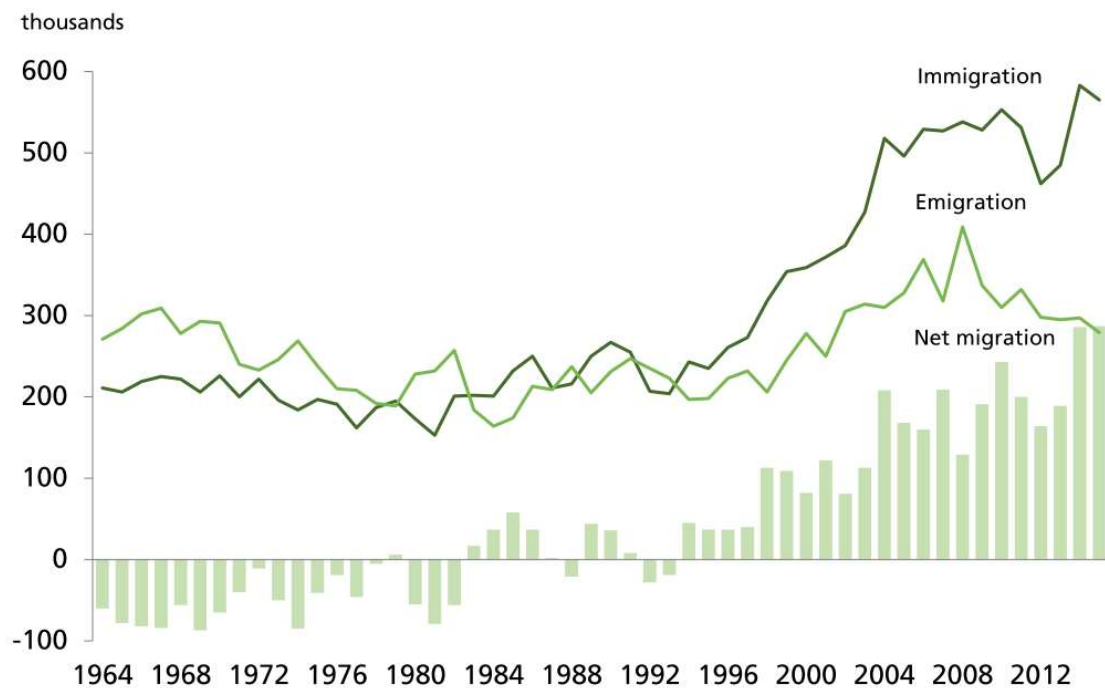
²⁵⁵ Office for National Statistics 2016: United Kingdom population mid-year estimate.

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/timeseries/ukpop/pop> (Accessed: 21.11.2016).

²⁵⁶ The following numbers refer to the immigration to England and Wales only.



Figure 20: UK emigration, immigration and Net migration estimates from 1964-2012. (Source: House of Commons).²⁵⁷



But also, economic factors have since been a ‘pull-factor’ for the immigration towards the UK, especially amongst EU citizens as one of the core pillars of the EU is the free movement of people. As such the expansion of European Union allowed more people to freely migrate to the UK, especially towards the Eastern and Central European countries in the year 2004 resulted also in an increase in immigration in the same year. Immigration from Polish-born citizens increased from 58.000 to 579.000 during 2001-2011. A peak in arrivals from Spain was experienced between 2007-2009 as a result of the economic crisis in the EU, which hit Spain as one of the first countries. But also, immigration from non-EU countries can be related to economic pull-factors, for example from Nigeria-born residents, which increased from 87.000 to 191.000 in the first decade of the new millennium, or by Philippine-born residents in the same period. Finally, an increase in immigration during the late 2000s resulted by students coming to the UK, peaking between 2009 and 2011, many of which arrived from China.^{258,259}

Data from the International Passenger Survey (IPS) estimates that work as the reason for long-term immigration has been the most common for the last decade – around 300.000 immigrants entering the UK per year give work as their main reason for immigration, however of which 62% are EU citizens, 24% non-EU

²⁵⁷ House of Commons; Oliver Hawkins 2016: Migration Statistics. *Briefing Paper SN06077*

²⁵⁸ Office for National Statistics 2013: Immigration Patterns of Non-UK Born Populations in England and Wales in 2011.

<http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/immigration-patterns-and-characteristics-of-non-uk-born-population-groups-in-england-and-wales/story-on-immigration-patterns-of-non-uk-born-populations-in-england-and-wales-in-2011.html> (Accessed: 21.11.2016).

²⁵⁹ Office for National Statistics 2016: Overview of the UK population: February 2016.

<http://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/article/s/overviewoftheukpopulation/february2016> (Accessed: 21.11.2016).



citizens and 14% British citizens. The second largest reason for migration is study with around 164.000 immigrants, of which the majority (72%) are non-EU citizens.²⁶⁰

Thus, as shown, the UK population is a very diverse one and the country has experienced already multiple phases of increased immigration originating from specific regions and countries. As a result, in 2014 the UK population was 13.1% foreign-born (8.3 million) of which 3 million were born in other EU-countries and 5.3 million were born in non-EU countries.²⁶¹ The foreign-born population in the UK has doubled in the last 20 years, with India being the most common country of birth among the foreign-born (with 9.2% of the foreign-born population), closely followed by Poland (9.1%) and Pakistan (6.0%). As described above already, immigration into the UK has been unevenly distributed amongst the last 50 years and thus while India tops the list of the foreign-born population, Poland tops the list of foreign citizens in the UK (with a 15.1% share) as many of them immigrated only in the last 10 years. While the increase of foreign-born populations can be seen throughout the UK, there are still some significant variations in the share of foreign-born populations across the regions. While particularly in London (Inner and Outer London) the share of the foreign-born relative to the total population is the highest in the UK (39% and 33%), these numbers vary in most other regions between 5 and 10%.²⁶²

The migration-discourse in Europe in the last years was largely dominated by the increase of influx of refugees – the second quarter of 2016 registered 305.700 first time asylum applications, increasing by 40% compared to the same quarter of 2015 – especially fleeing from the wars in Syria or Sudan, but also from terrorism in Afghanistan and in Iraq. Although the discourse on the Refugee Crisis (RC) has been dominant across Europe, the distribution of refugees was very unequal, with 5 countries – Germany, Italy, France, Hungary and Greece – responsible for 85% of all first-time asylum applicants in the second quarter of 2016. Even though asylum applications have increased in the UK especially from 2013 to 2015, the country has not been impacted by the refugee crisis as other EU Member States, and the most recent numbers of applications are in decline again. In the first quarter of 2016 (from January to March 2016), first time asylum applications for the UK had dropped by 14% compared to the previous quarter (from 11,695 to 10,065) and the second quarter saw another drop to 9.765 first time asylum applicants.^{263,264} The majority of the 36.465 asylum applications for the year ending June 2016 (thus from June 2015 to June 2016) were from Iran (4.910), Iraq (3.199), Pakistan (2.992), Eritrea (2.790), Afghanistan (2.690), and Syria (2.563).²⁶⁵

Thus, as shown, the UK is a very diverse country in terms of immigrants, of which many have been living the UK for several decades. This translates also into how the citizens in the UK identify themselves ethnically. Results of the latest census report in England and Wales show that in the past 20 years the number of people who identify themselves as “White” has dropped from 94.1% in 1991 down to 86% in 2011, with London being the

²⁶⁰ House of Commons; Oliver Hawkins 2016: Migration Statistics. *Briefing Paper SN06077*.

²⁶¹ Migration Watch UK (no date): Population by Country of Birth. <http://www.migrationwatchuk.org/statistics-population-country-birth> (Accessed: 22.11.2016).

²⁶² The Migration Observatory at the University of Oxford 2016: Migrants in the UK: An Overview. <http://www.migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-an-overview/> (Accessed: 22.11.2016).

²⁶³ These are the figures as reported by Eurostat, which are higher than the numbers reported by the British Home Office (with 8.228 applications in the first and 7.810 applications in the second quarter of 2016). Eurostat 2016: asylum in the EU Member States. News release 120/2016. <http://ec.europa.eu/eurostat/documents/2995521/7494855/3-16062016-BP-EN.pdf/4ff50bf8-82fc-4af0-9907-9c8546feb130> (Accessed: 24.11.2016).

Home Office 2016: National Statistics – Immigration statistics, April to June 2016. <https://www.gov.uk/government/statistics/immigration-statistics-april-to-june-2016> (Accessed: 24.11.2016).

²⁶⁴ Eurostat 2016: Asylum quarterly report. http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report (Accessed: 22.11.2016).

²⁶⁵ Home Office 2016: National Statistics – Immigration statistics, April to June 2016. <https://www.gov.uk/government/statistics/immigration-statistics-april-to-june-2016> (Accessed: 24.11.2016).



most ethnically diverse area and Wales the least diverse. The second and third largest ethnic groups are Indian (with 2.5%) and Pakistani (with 2.0%). Of the foreign-born population, almost half (46%, 3.4 million) identified themselves with a White ethnic group, a third identified as Asian/Asian British (33%, 2.4 million) and 13% (992,000) identified with Black/African/Caribbean/Black British.²⁶⁶

The last year and a half, two major elections (the UK general election on the 7th May 2015 and the London Mayoral Election on the 5th May 2016) and one important referendum (United Kingdom European Union membership referendum on the 23rd June 2016) were held in the UK, in which immigration was a reoccurring topic from the different parties in order to address their voters. Prior to the 2015 UK general election, the Conservative Party of Prime-minister David Cameron was in a Coalition Government with the Liberal Democrats since 2010. The Coalition Government had amongst other the goal to significantly reduce the net migration of foreign-born citizens “from the hundreds of thousands back down to the tens of thousands” as “it place[d] great pressure on our society, economy and public services.”²⁶⁷ As shown already above, the net migration numbers have not declined significantly during the Coalition Government – while the first years net migration fell to around 150,000 per year, an all-time high was reached in the year ending March 2015 – thus only shortly prior to the elections – with more than 300,000 net immigrants. The UK general election of 2015 saw a change in government as the Conservative party of David Cameron got re-elected, but now holding a majority and not needing to form a coalition again. The majority Conservative government of 2015 has led to a number of important policy changes, both affecting the immigration and security policy as well as the EU Membership of the UK.

The Conservative party election manifesto, released in April 2015 had already set a broad list of to-dos in case the party should win the elections, most notably targeting immigration and security – such as, again, reducing the annual net immigration below 100,000, negotiating with the EU in terms of social benefits for EU citizens in the UK, holding the referendum on membership of the UK in the EU, reintegration of the British Bill of Rights instead of the Human Rights Act, as well as the introduction of banning orders for extremist groups, thus banning their access to the internet or television.²⁶⁸ The aimed decrease of immigration to the UK was widened now also reducing immigration from EU citizens.

After the re-election, David Cameron addressed these issues in a public speech on immigration, not only restating the aim of reducing net migration but also to reduce EU migration by cutting “the incentives for people coming here from within the EU.”²⁶⁹ Furthermore, also illegal immigration was set as one of the main priorities in order to tackle net migration by the British Government. As such, there are several new Bills which have been proposed and/or implemented in the last year which will be presented here shortly, not only addressing immigration Bills but also Bills which target migrants indirectly like the Counter-extremism Bill or the NHS overseas visitors charging Bill.

²⁶⁶ Office for National Statistics: Ethnicity and National Identity in England and Wales: 2011.

<http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11> (Accessed: 24.11.2016).

²⁶⁷ May, Theresa, Secretary of State for the Home Department 2010: Controlling Migration. *House of Commons*. <https://hansard.parliament.uk/commons/2010-11-23/debates/10112333000003/ControllingMigration#contribution-10112333000191> (Accessed: 24.11.2016).

²⁶⁸ Perraudin, Frances 2015: Conservatives election manifesto 2015 – the key points. *The Guardian online* 14.04.2015. <https://www.theguardian.com/politics/2015/apr/14/conservatives-election-manifesto-2015-the-key-points> (Accessed: 25.11.2016).

Travis, Alan 2014: What are Theresa May’s new ‘extremism disruption orders’? *The Guardian online*, 30.09.2014. <https://www.theguardian.com/politics/2014/sep/30/theresa-may-extremism-disruption-orders> (Accessed: 25.11.2016).

²⁶⁹ Cameron, David, Prime Minister’s Office 2015: PM Speech on immigration. <https://www.gov.uk/government/speeches/pm-speech-on-immigration> (Accessed: 25.11.2016).



- **The Immigration Act 2016 & the Bill Of Rights to replace the Human Rights Act**

The Immigration Act 2016 came into force in May 2016 and introduced some major changes to the former Immigration Act of 2014, mainly targeting illegal immigration by introducing new punitive measures like criminal charges. These are especially aimed at employees hiring illegal migrants or landlords renting property to illegal migrants but also at the illegal migrants themselves. Furthermore, the act foresees the withdrawal of basic privileges of illegal migrants such as freezing their bank accounts or revoking their driver's licence. Lastly, the act also widens the so called "deport first, appeal later" principle to all immigration cases (this previously only applied to criminal cases), meaning that migrants claiming for asylum can be deported to their home country after the first decision by the responsible authorities, even before the outcome of an appeal against the decision has been reached.²⁷⁰ The main goal of the Immigration Act 2016 is thus to deal "with those who should not be here, by rooting out illegal immigrants and boosting removals and deportations".²⁷¹

To further achieve the goal of "boosting removals and deportations" the government also planned the replacement of the Human Rights Act with the Bill Of Rights. The Human Rights Act prevents the deportation of prisoners and terrorists to countries carrying out torture, as it is not in line with the European Convention of Human Rights (ECHR). The replacement of the Human Rights Act with the Bill Of Rights would introduce a twofold situation in which the UK's Supreme Court will be responsible for human rights matters. However, as the UK does not plan to withdraw from the ECHR it is still possible to address human rights issues to the European Court of Human Rights in Strasbourg, although with slower outcomes and lengthier procedures.²⁷²

- **Counter-extremism Bill**

The Counter-extremism Bill brings several new measures for addressing extremism, especially targeted at non-violent extremism and specifically the broadcasting of extremist ideas and the persuasion of others. The Bill foresees amongst others the ability to ban extremists and their organisation, gag individuals or close premises which are used to promote extremism.²⁷³ The main opposition against the proposals of the Government in tackling this kind of extremism notices however, that without a clear definition of extremism and such measures in place – multiple other groups which are not related to extremism could be included as well. It furthermore can have the effect of alienating (faith-)communities while at the same time driving non-violent extremism promoters further away from the public eye.²⁷⁴

²⁷⁰ See Immigration Act 2016 <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted> (Accessed: 25.11.2016); Devine, Laura 2016: Changes to the UK's Immigration Law – Immigration Act 2015-2016. <http://whoswholegal.com/news/features/article/33109/> (Accessed: 25.11.2016).

²⁷¹ Press Office, Prime Minister's Office 2015: The Queen's Speech 2015. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/430149/QS_lobby_pack_FIN_AL_NEW_2.pdf (Accessed: 25.11.2016).

²⁷² Smith, Lydia 2015: Human Rights Act: What is the row over British Bill Of Rights all about? *International Business Times*. 1.06.2015. <http://www.ibtimes.co.uk/human-rights-act-what-row-over-british-bill-rights-all-about-1503860> (Accessed: 25.11.2015).

²⁷³ Press Office, Prime Minister's Office 2016: The Queen's Speech 2016. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524040/Queen_s_Speech_2016_background_notes_.pdf (Accessed: 25.11.2016).

²⁷⁴ Carmichael, Alistair 2016: The Extremism Bill means that the Queen's speech might be the only one you hear from now on. *The Independent Online*. 17.05.2016. <http://www.independent.co.uk/voices/the-extremism-bill-means-that-the-queens-speech-might-be-the-only-one-you-hear-from-now-on-a7034116.html> (Accessed: 25.11.2016); Townsend, Mark 2016: Police and faith alliance attacks counter-extremism bill. *The Guardian Online*, 21.05.2016. <https://www.theguardian.com/uk-news/2016/may/21/muslims-jews-police-extremism-bill> (Accessed: 25.11.2016).



- **The NHS overseas visitors charging Bill** – presented as “delivering security for working people” and with the goal of having non-UK residents pay for their medical care costs in the UK, making free NHS care only available for people who are ‘ordinarily residents’ of the UK.²⁷⁵
- **Investigatory Powers Bill** – also called “the snooper’s charter” stands in line with the Counter-extremism Bill, as the Investigatory Powers Bill provides mainly new measures which target at the online communications of terrorists and other serious criminals. The Bill however widens also the bulk data collection of online and mobile communication and provides security services with the legal ability to hack into computers and networks – and has thus brought for a lot of criticism and opposition. As of November 2016, the Bill has passed both the House of Lords and the House of Commons and is thus set to enter into force at the end of 2016.²⁷⁶

Finally, the most controversial promise made by David Cameron prior to the 2015 General Election was the **EU Referendum Bill** – more commonly known as the Brexit. Starting as a promise on a referendum for the UK citizens to vote on the membership of the UK in the EU if the Conservative Party got a majority in the next government, it finally ended in a vote with a small majority of 51.9% being in favour of leaving the EU on the 23rd June 2016.²⁷⁷ The campaign for the Referendum was divided between three larger – cross-party – groups, of which one campaigning in favour of the UK remaining in the EU (Britain Stronger in Europe) and two for leaving the EU (Leave.EU supported by the United Kingdom Independent Party (UKIP) and Vote Leave supported by Eurosceptic members of the Conservative Party, the Labour Party and UKIP).²⁷⁸

The pro-Brexit campaigners relied in their argumentation heavily on the immigration of EU-citizens and the pressure by them on the British welfare system, as well as the necessity to reclaim the power regarding their national border controls. Especially unskilled labour of Eastern European countries was seen as a major threat for the British workforce and welfare system, not only creating a financial burden on public services but also lowering the wages of UK citizens – even though many of the claims of the leave campaigners have proven to be incorrect.²⁷⁹ The promise of the Conservative party to bring down net immigration to under 100.000 per year has thus been heavily used by the leave campaign and can be seen as one of the main arguments for the Brexit, despite David Cameron being officially in favour of the remain campaign.

A further argumentation which was increasingly used during the campaign related to the security or insecurity of Britain upon leaving the EU. Those in favour of remaining in the EU claimed that the national security of the UK has especially benefited of the intelligence gathering and sharing within the EU – being a cornerstone of the counter-terrorism work. These claims have been opposed by the Brexit-proponents that especially in terms of intelligence, the UK is not dependent of the EU, especially with the UK being part of the so called ‘Five Eyes network’ – sharing intelligence data between the US, Canada, Australia and New Zealand. This argument has

²⁷⁵ Press Office, Prime Minister’s Office 2016: The Queen’s Speech 2016.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524040/Queen_s_Speech_2016_background_notes_.pdf (Accessed: 25.11.2016).

²⁷⁶ Burgess, Matt 2016: Snooper’s Charter is set to become law: how the Investigatory Powers Bill will affect you. *Wired*, 16.11.2016. <http://www.wired.co.uk/article/ip-bill-law-details-passed> (Accessed: 25.11.2016)

²⁷⁷ BBC News 2016: EU referendum: The result in maps and charts. 24.06.2016. <http://www.bbc.com/news/uk-politics-36616028> (Accessed: 25.11.2016).

²⁷⁸ Dean, Will 2016: Faction stations: which Brexit campaign is which? *The Guardian Online*, 31.01.2016. <https://www.theguardian.com/politics/shortcuts/2016/jan/31/faction-stations-which-brexit-campaign-is-which> (Accessed: 25.11.2016).

²⁷⁹ BBC News 2016: EU migration: UK to face ‘free-for-all’ Michael Gove warns. 25.04.2016.

<http://www.bbc.com/news/uk-politics-eu-referendum-36126993> (Accessed: 25.11.2016); Cooper, Charlie 2016: EU referendum: Immigration and Brexit – what lies have been spread. *The Independent Online*, 20.06.2016. <http://www.independent.co.uk/news/uk/politics/eu-referendum-immigration-and-brexit-what-lies-have-been-spread-a7092521.html> (Accessed: 25.11.2016).



received involuntarily back-up by the terrorist attacks in France and Belgium, in which specifically intelligence sharing between the two countries has proven to be flawed.²⁸⁰

After the Brexit referendum, David Cameron resigned as Prime Minister and was succeeded by Theresa May – up until then Home Secretary. May saw the vote for the Brexit as “a very clear message about immigration” and that it will help to decreased the net migration into the UK through the “control of free movement from the European Union.”²⁸¹

Finally, a last election was the London Mayoral Election, in which Sadiq Khan of the Labour party was elected mayor, replacing Boris Johnson from the Conservative party and a pro-Brexit campaigner. The election of Khan got a lot of media coverage, as he is the first Muslim mayor of London. His ethnic background had shaped the election campaign on different occasion. Especially in relation to the IS attacks end of 2015 (and thus in the early campaign face), Khan addressed specifically the Muslim community in the UK, stating that:

“I believe that British Muslims have a special role to play in tackling extremism. A special role not because we are more responsible than others — as some have wrongly claimed. But because we can be more effective at tackling extremism than anyone else. Our role must be to challenge extremist views wherever we encounter them.”²⁸²

Although the election campaign was – topic-wise – mainly addressing issues like housing and public transportation, the campaign of Conservative Candidate Goldsmith has been criticised for having racist and islamophobic tendencies²⁸³ and linking Sadiq Khan with Islamist extremists.²⁸⁴ Addressing many of the recent events – relating to the immigration discussions and terrorism, Khan explained in his victory speech not only to be a mayor “for all Londoners” but also that “London has today chosen hope over fear”.²⁸⁵

The political events in the last year in the UK thus show how a reoccurring topic like immigration – strengthened by the events of the RMC in the EU which only sparsely affected the UK and linked to terrorist events – can shape entire political agendas. The outcome of the Brexit referendum and the policy initiatives of the Conservative government demonstrate the how the UK has chosen to address current crisis in Europe: by taking a national, more secluded approach – also for a country as ethnically diverse as the UK. Or to conclude with the words of David Cameron: “Britain is one of the most successful multiracial democracies in the world (...) [b]ut to sustain that success, immigration needs to be controlled”²⁸⁶ in order to provide a system of social security which benefits the British citizens.

²⁸⁰ Jones, David Martin and M. L. R. Smith 2016: Brexit and the myth of European security: Would the UK leaving the EU really undermine Western safety? *The Telegraph Online*, 28.04.2016. <http://www.telegraph.co.uk/opinion/2016/04/28/brexit-and-the-myth-of-european-security-would-the-uk-leaving-th/> (Accessed: 25.11.2016); Sengupta, Kim 2016: EU Referendum: Will Brexit make the UK more or less safe? *The Independent Online*, 31.05.2016. <http://www.independent.co.uk/news/uk/politics/brexit-uk-security-will-we-be-more-or-less-safe-a7058551.html> (Accessed: 25.11.2016).

²⁸¹ May, Theresa 2016: Engagemnts. *House of Commons* 20.07.2016. <https://hansard.parliament.uk/commons/2016-07-20/debates/1607202500019/Engagements#contribution-16072025000170> (Accessed: 25.11.2016).

²⁸² Crerar, Pippa and Nicholas Cecil 2015: Sadiq Khan: UK Muslims must do more to root out cancer of extremism. *The Evening Standard*, 19.11.2015. <http://www.standard.co.uk/news/mayor/sadiq-uk-muslims-must-do-more-to-root-out-cancer-of-extremism-a3118801.html> (Accessed: 25.11.2016).

²⁸³ Mogul, Priyanka 2016: London mayoral election 2016: British-Asians claim Zac Goldsmith is ‘racist’ in campaign. *International Business Times*, 19.04.2016. <http://www.ibtimes.co.uk/london-mayoral-election-2016-british-asians-claim-zac-goldsmith-racist-campaign-1555660> (Accessed: 25.11.2016).

²⁸⁴ BBC News 2016: Elections: Labour’s Sadiq Khan elected London mayor. <http://www.bbc.com/news/election-2016-36232392> (Accessed: 25.11.2016).

²⁸⁵ *ibid.*

²⁸⁶ Cameron, David, Prime Minister’s Office 2015: PM Speech on immigration. <https://www.gov.uk/government/speeches/pm-speech-on-immigration> (Accessed: 25.11.2016).

5 Synthesis and Conclusion

The reactions to the RC show how the sequence of events that we captured under the umbrella term refugee crisis have taken on specific, albeit to a large extent similar forms in a number of European countries. The challenges were met more or less successful with more or less effective cooperation between these countries. The fall-out produced at the level of European policy measures was quite significant. The RC as a number of crises before demonstrated the limits of a joint European policy approach but also the urgent need for the development of coordinated, effective and sustainable European measures beyond the level of national policy reactions. While in hindsight the transformation of a humanitarian crisis developing outside Europe into a security problem inside the European Union can be investigated, the involved actors in the Member States did not succeed to agree on a shared definition of the problems to be solved. The RC initiated different, contradicting policy initiatives counteracting a joint European approach.

Our brief analysis of policy and legal activities at European and national levels demonstrated the capacity of the political institutions to react in a timely manner to unforeseen events. At the same time these, sometimes hectic activities failed to produce the desired practical results in their target areas. There are different reasons for this deficit. At the national level the implementation of new policies, designed to better handle the situations the RC produced on the ground, ran into problems when administrative capacities and resources had to be activated under great time pressure and great logistical challenges had to be addressed. Also, the bilateral or multilateral coordination between countries proved difficult, producing frictions that could have been avoided, had there been a generally accepted European policy approach in place. At the European level, the output of proposals and initiatives was remarkable, producing ideas and suggesting procedures and practices intended as European solutions while at the same time taking into account and considering that Member States were affected differently by the RC. The limitation of capacities and resources for the implementation of policy initiatives observed at the national level surfaces in even greater magnitude at the European level, since the European Institutions not only lack resources but any meaningful tool to effectively enforce their policy output to create the desired impact in a reasonable time. The failure of the diverse attempts to put into force a relocation mechanism for refugees, taking the burden from southern border countries and working towards a more even distribution across all Member States clearly demonstrated the practical limits of a European approach to the RC. (Problems ranged from incompatible technical infrastructures, to cultural differences, language problems and conflicting definitions of the problems to be solved.) Insisting on positions shaped primarily by a type of reasoning considering only immediate effects at the level of individual Nation States prevents any effective coordinated reaction to a crisis faced by all Members though to a different extent at different times, creating different levels of urgency. This situation is worsened when a seemingly ineffective policy regime struggling to address a global crisis like the RC is used as pretext for strategic moves, playing uncooperatively and working against objectives and values accepted when joining the European Union as member.

At the level of public discourse and national perceptions of the RC societies in all Member States considered in our case studies displayed similar forms of reactions though with different intensity, producing different dynamics and controversies. Refugees were perceived in varying degrees as a threat to the fuzzy, nonetheless powerful symbolic object of a national or Western Judeo-Christian culture, fuelling conspiracy theories about hostile Islamic forces embarking on a crusade to conquer and destroy Europe. Linking single, spectacular acts of terrorism to the problem of refugees produced in some cases a toxic mix and a spill over of outright violence against refugees. Public debates also addressed the lack of effective and timely reactions by state authorities and Europe as a whole, fuelling anti-European sentiments. Ensuing controversies about the RC in some cases revealed deep-seated cleavages with regard to basic values and fundamental ideas making up civil society and at the same time unexpected levels of disregard, hostility and contempt among the citizens.



Two major strains can be identified in public discourse in all countries. The RC one the one hand is framed in terms of economic and fiscal effects, perceiving of refugees as competitors on labour and housing markets and as unacceptable burden to national welfare systems. On the other hand, the RC in many countries triggered a debate about national identity and culture. Refugees from outside Europe were perceived as a threat to the symbolic cultural order. This occasionally created unexpected discursive constellations, when e.g. conservative males, who typically held very critical views on gender equality and women rights, suddenly stood in the forefront to defend women from their community against sexual harassment from refugees.

What also can be seen in all countries is a new form of a re-politicised public discourse. Citizens voice their concern about the RC, using different platforms to unfold their views and – in some cases – also become immersed in controversial discussions about issues addressing the res publica. Strong statements were made in either direction of pro and contra opening Europe for refugees and the desired form society should take. While the rise of right-wing and anti-European voices in public discourse has been interpreted as detrimental to political integration and the culture of a democratic polity, it probably also points towards a revitalized public sphere. While the fact that (unsubstantiated) fears and security concerns to some extent drive this move towards a stronger engagement for collective issues may be seen as problematic, it at the same time entails the potential for political enlightenment as Immanuel Kant defined it in his famous quote: Enlightenment is man's emergence from his self-imposed nonage. Nonage is the inability to use one's own understanding without another's guidance. This nonage is self-imposed if its cause lies not in lack of understanding but in indecision and lack of courage to use one's own mind without another's guidance.