

University of Twente, Enschede, The Netherlands

Management, Society and Technology

First supervisor: Dr. Stefan Telle

Second supervisor: Dr. Carsten Wegscheider

**The development towards a stricter EU migration policy
since 2015: the influence of the member states on change**

Submitted by: Paulina Niemann

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Abstract

The aim of this thesis is to investigate the extent to which the migration and asylum policy has become stricter in the EU since the 2015 refugee crisis, under the impact of member state interests. The explanatory research question is: *"How has the EU migration policy changed since 2015 and what was the role of member state preferences in this process?"*. Based on the selected representative countries Italy (first entry country), Germany (destination country), and Hungary (transit country), the respective preferences are examined and contextualized. Using a content analysis, Liberal Intergovernmentalism is used to examine the expectations set out to answer the research question. The content analysis is carried out based on qualitative secondary literature, published by the EU and the respective government of a country. The thesis reveals that the attitude of the EU member states significantly impacted the compromise and closes the research gap on clarifying the fundamental factors that have contributed to the change in migration policy since 2015 and how the compromise leading to the New Pact on Migration and Asylum was achieved.

List of Abbreviations

EASO	European Asylum Support Office
EC	European Commission
ECJ	European Court of Justice
EU	European Union
EUAA	European Union Agency for Asylum
CEAS	Common European Asylum System
LI	Liberal Intergovernmentalism
QMV	Quality Majority Voting

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1. Introduction

At the beginning of the thesis, the background of the work is explained, along with the research problem and an explanation of how the research question will be answered.

1.1 Research Background

With the refugee crisis in 2016, the European Union (EU) is facing an international crisis for which it was not sufficiently prepared. Political disagreement both within the institutions and member states has significantly impacted the reaction of the EU (Collet & Le Coz, 2018). Already in 2015, there were massive difficulties with the border management of European countries, preventing many refugees to enter the EU. As a result, there were numerous debates within the EU, which led to over a hundred thousand refugees classified as illegal who were redistributed. Consequently, it can be said that the Commission has taken targeted measures not only to limit migration, but also to prevent arrivals in the EU (Human Rights Watch, 2016).

In 2023, an agreement was found: the Pact on Migration and Asylum. In the report of the European Commission (EC) about the “Achievements of the von der Leyen Commission” (European Commission, 2024a, p.1) it is stated that this pact aims at giving the member states not only more security in dealing with migration but is also intended to improve their border management as well as the protection of human rights (European Commission, 2024a). However, human rights organizations heavily criticize the new pact. According to such criticism, the regulations will diminish the rights of refugees, make it more difficult for people to access security and ensure less protection for people seeking asylum in the EU. The goal of unity is also not fulfilled as countries where people arrive first do not receiving direct support. Contrary to the claim that the new pact will generate more internal solidarity, EU countries can either invest in stronger external borders or pay other countries to prevent asylum seekers from migrating (Amnesty International, 2023).

At EU level, the issue of migration has also become a strategic priority. A widespread sense of fear has contributed to deepening political divides within EU member states (Pinto, 2024). In 2023, the EU Parliament approved an amendment to utilize European funds for stricter border management and surveillance (Pinto, 2024).

1.2 Research Problem

This raises the question of why countries like Germany, which emphasize human rights, are now also following a stricter migration policy. Although Germany states it is committed to "promoting the protection [of] dignity and fundamental freedoms of people all over the world" (Auswärtiges Amt, 2022, para. 2).

Migration is an issue of significant societal, economic, and political relevance. It intersects with various aspects of society and has a profound impact on both sending and receiving countries. As outlined earlier, the matter of migration policy is widely debated, as there are many different views on the subject. Therefore, the issue is not only politically important, but also in academic research (Helbling & Kalkum, 2018). Collet and Le Coz (2018) argue that even though the EU has taken numerous measures to address irregular migration, there is a risk that it is "no better prepared to face sudden changes than it was in 2014" (Collet & Le Coz, 2018, p.1). Hence, it is essential to prioritize the investigation and resolution of the fundamental factors contributing to the change in migration policy since 2015 and how the new compromise was achieved.

1.3 Research Approach

Contemporary research is based on how policies have changed on, the conflict within EU member states and the stricter border protection. The research gap identified is the development of the conflict over migration policy among the European member states and the attitude of countries towards a restrictive policy. Furthermore, so far, the Ukraine conflict (Brücker et al., 2022), has received little attention as a cause. Considering the issues at hand to address the literature gap, the following research question arises: *"How has the EU migration policy changed since 2015 and what was the role of member state preferences in this process?"*

To answer this explanatory question, three sub-questions are posed to clarify the research objective:

1. "What is the attitude of the selected representative countries with respect to migration and asylum policy?"

The first sub-question (SQ 1) aims at identifying which attitudes the countries take on migration policy. SQ 1 can also be used to identify the significance of the geographical location of countries. Depending on whether it is a country of first arrival, transit or destination, the interests of a strict migration policy and the negotiating power vary.

2. "What explains the increasing restrictiveness of the EU's migration and asylum policy?"

Sub-question two (SQ2) assumes that the outcome is achieved due to the different negotiating strengths of the member states. It is expected that transit countries, as the least affected countries, will have the greatest ability to block negotiations. They are the least vulnerable to migration and therefore do not need an urgent solution and can dominate the discourse with their interests. A decision will therefore correspond most closely to the preference of transit countries.

3. "How could a convergence of member states' positions on a compromise be achieved?"

The last sub-question (SQ 3) examines two assumptions that may have led to the compromise. Firstly, it was possible to agree on the pact in the EU because the pressure due to the Ukraine war and the handling of Ukrainian refugees was so high that the EU required a new plan for refugees from other countries as well. Secondly, years of stagnation in migration management have led to increasing dissatisfaction and the Commission finally had to find a compromise that the EU countries could accept.

It is also important to consider how this conflict about the policy has developed in recent years in relation to an increasingly sceptical attitude towards the EU. In addition to the three subquestions, in this way it can be explained where the causes of the stricter policies lie, how they have evolved regarding the member states preferences and how ultimately the new pact could be reached.

To begin with, the development of European migration policy from 2015 till 2023 - the agreement on the New Pact on Migration is explained. Irregular migration, to which this bachelor thesis refers, is then defined. The theoretical basis has subsequently been established and, building on this, liberal intergovernmentalism (LI) is explained

and the resulting expectations are formulated. The research question and the sub-questions are answered based on a content analysis and a coding of official documents of the EU and the representative countries. Finally, the hypotheses put forward can be tested. The thesis ends with the conclusion.

2. Theory

The theoretical part of this thesis first lays the foundations for the following analysis by defining and describing the underlying concepts.

2.1 Irregular Migration

This thesis refers to so-called “irregular” (Jacobsen & Karlsen, 2020, p. 1) migration, which means that only migration movements that are undocumented are considered. In this context, it concerns people who have entered a country illegally or are staying there without a permit. This includes various possibilities that are classified as illegal (Jacobsen & Karlsen, 2020). It means that: “Specific practices [...] in breach of the law can be referred as not legal” (Triandafyllidou, 2023, p. 16). On the one hand, there are people who have no “legal residence status” (Triandafyllidou, 2023, p. 17), and on the other hand, there are those who have entered a country illegally without having the adequate documents (Triandafyllidou, 2023). In addition, people whose visa is no longer valid or whose asylum application have not been approved can also be described as irregular. In the scope of this paper, the term “irregular migration” refers to all refugees who have entered or are staying in the EU illegally (Jacobsen & Karlsen, 2020).

2.2 Development of European Migration Policies since 2015

The following section provides a more detailed explanation of the development of the EU migration policy since 2015. With the high number of 1.2 million refugees (Niemann & Blöser, 2021), the Common European Asylum System (CEAS) was overburdened. The current Dublin Regulation, which stipulates that the country in which a refugee first enters European territory must accept him or her, has collapsed (Niemann & Blöser, 2021). Various EU measures were subsequently introduced to manage the high level of migration.

At the very beginning, in 2016, the EC proposed various reforms that affected the CEAS. Two years later, some of these proposals were agreed upon, but most member

states voted against them. There were major conflicts over how and in what form solidarity and responsibility between member states should be implemented. In 2020, the Commission introduced the New Pact on Migration and Asylum for the first time, based on the previous negotiations and setbacks (Dumbrava et al., 2024). The objective was to "strengthen and integrate key EU policies" (Dumbrava et al., 2024, p.1). At the beginning of 2024, the pact was approved by the member states (Dumbrava et al., 2024). The detailed content is elaborated below.

2.3 New Pact on Migration and Asylum

The pact was first initiated by the EC in 2020 (European Commission, 2024b). In October 2021, the so-called EU "Blue Card" was implemented with the aim of making the EU more interesting for trained workers needed in the EU (European Commission, n.d. a). In December of the same year, a new agency was set up to deal specifically with the issue of asylum. The European Union Asylum Agency (EUAA) is an extension of the Asylum Support Office (EASO), which was founded in 2010 (BAMF, 2022). The EASO serves as an actor to support the member states in "asylum and refugee protection" (BAMF, 2022).

In March of the following year, a so termed "return coordinator" was appointed "to establish a common EU system for returns" (European Commission n.d. b). Shortly thereafter, the EC made proposals regarding the attractiveness of the EU for jobseekers and skilled workers (European Commission, 2023). In June, the Voluntary Solidarity Mechanism was introduced, which includes the relocation of migrants within the EU (European Commission, n.d. c). This is a particular success, as the solidarity mechanism and the fair distribution of refugees across the EU had been a major point of contention between the EU member states, which is explained in more detail in the analysis (Neidhardt & Sunberg Diez, 2020).

In December 2022, a provisional agreement on the "Qualification Regulation" was then concluded. With this, the Commission wanted to establish a standardized regulation on who is entitled to protection (UNHCR, n.d.). Agreement was also reached on the "Reception Conditions Directive", which allows asylum seekers to work legally sooner than before (European Parliament, 2024). In addition, there exists the "Union Resettlement Framework Regulation", with the aim of making resettlement safe so that people do not have to rely on illegal traffickers (European Parliament, 2017).

In December 2023, an agreement on the updated "Eurodac regulation" was reached. It is the EU system used to record data on asylum seekers (BFDI, n.d.). In 2023, further agreements were reached on managing migration until April 2024 when the European Parliament voted for the new pact (European Commission, 2024b).

As the steps to the formal adoption in 2024 have been outlined, the pact will be illustrated in more detail: The fundamental purpose of the agreement is to ensure that the EU has a common system to coordinate irregular migration which all actors finally agreed on. The three main objectives of the EU are to promote solidarity between the member states and to secure the external borders while simultaneously safeguarding human rights (European Commission, 2024b).

The first pillar seeks to secure the EU's external borders. First, a "robust screening" (European Commission, 2024b) in which refugees who do not have the right to enter the EU are added to a database. Second, the Eurodac data system is used so that all irregular migrants or asylum seekers are recorded in a database. Third, the procedure for returns is made more efficient so that people can be effectively returned. In addition, mandatory border checks will be carried out on refugees who pose a "security risk" (European Commission, 2024b). Fourth, there will be specific protocols for acute emergency situations to prevent the instrumentalisation of migrants (European Commission, 2024b).

The second pillar involves efficient migration management. It defines uniformly the responsibility of a country for applications and guarantees that the rights of migrants are protected equally in all member states. It also clearly determines who is seeking protection and is therefore authorised to enter the EU as a refugee. Finally, there are fixed rules that asylum seekers must adhere to, with consequences if these are not followed (European Commission, 2024b).

Third, the pact assures that countries receive help when necessary. It allows EU countries to decide how they fulfil their responsibilities. They are free to choose between "relocations, financial contributions, operational support, request deductions, and 'responsibility offsets' " (European Commission, 2024b). The EU will also guarantee countries more financial support. Furthermore, asylum seekers must remain in the country of first arrival and apply there until it is clear which country is responsible for them (European Commission, 2024b).

Finally, The New Pact on Migration and Asylum stipulates that FRONTEX, the European border agency, will play a key role in border management and that the countries the EU cooperates with will be supported to prevent emigration. Additionally, the illegal smuggling and trafficking of migrants is to be combated more vigorously. This also includes the return of refugees to their countries of origin. A new goal is to strengthen legal routes into the EU. Through the "EU Talent Pool", non-EU citizens can be recruited to work or study in the EU (European Commission, 2024b).

An examination of the content reveals that because of the reform the EU migration and asylum policy has become more restrictive. Above all, it is noticeable that the EU's main objective is to strengthen the mechanisms for returns and thus increase the number returns. This is affirmed by the introduction of the return coordinator and the increased border protection. It is also noticeable that cooperation with third countries is characterised by the limitation of irregular migration. Countries of origin should be encouraged to prevent people from fleeing to Europe. Another aspect is the fight against refugee smuggling. Furthermore, it is criticised that the EU does not sufficiently comply with and guarantee the protection of human rights (Papuc, 2021).

2.4 Liberal Intergovernmentalism

Liberal Intergovernmentalism (LI) developed as an alternative to neofunctionalism. Fundamentally, the theory assumes that nations are the key in the integration process (Sauer et al., 2017). Besides, the actors are ought to act rationally and calculate the benefits of possible scenarios and, ultimately, act in such a way that they have the greatest benefit (Moravcsik & Schimmelfennig, 2019).

The LI theory is suitable because in contrast to traditional schools of European integration, it specifies the motivations of social actors, states and leaders. It argues that integration cannot be explained by a single factor, but instead seeks to combine multiple ones (Moravcsik & Schimmelfennig, 2019). Therefore, LI is the most appropriate way to analyse the dynamics and preferences between member states, to understand why countries' perceptions towards migration policy have changed. The theory recognizes that the EU member states are still sovereign and that their individual decisions are most important. Interests are pursued through mutual negotiations and not through institutions like the EU (Moravcsik & Schimmelfennig, 2019).

LI can be divided into three stages. With these, the outcome and process of a compromise can be illustrated. Firstly, "Forming National Preferences" (Moravcsik & Schimmelfennig, 2019, p. 66). The preferences and the strategies nations use to achieve their goals are affected by several factors. Secondly, "Reaching a Substantive Bargain" (Moravcsik & Schimmelfennig, 2019, p. 67) means that each state has different interests. LI argues that the resulting policy emerges from these differences in views, due to the so called "bargaining power" (Moravcsik & Schimmelfennig, 2019, p. 67). States must achieve co-operation for mutual benefit. In general, those actors who are least dependent on a specific agreement, are in the best position to block negotiations and thus force the others to make compromises. Once states are ready to find a consensus on their policies, LI theory enters a third phase. In this stage, LI explains international institutions based on a "regime theoretical [...] account" (Moravcsik & Schimmelfennig, 2019, p. 69) that understands them as instruments for managing the outcome a cooperation between states can have (Moravcsik & Schimmelfennig, 2019).

Nevertheless, LI can also be criticised. Even if LI is suitable for a deductive approach to test assumptions, it is claimed that LI takes too little account of the influence of crises and that the view of the EU can be categorised as too positive. In addition, the focus is solely on inter-state negotiations, which excludes the extent to which other supranational institutions can have an impact (Cini & Pérez-Solórzano Borragán, 2022). Furthermore, the first stage of the theory does not take sufficient account of the role of EU regulations and the subjective interest of a state, which is shaped by national identity. Also, the EU is considered as too weak an influential factor and thus also its institutions. It is not recognised that the consequences of cooperation between the member states could "destabilise" (Cini & Pérez-Solórzano Borragán, 2022, p. 77) the EU. In addition, it is criticized that LI has a simplified view of the countries' preferences, making it difficult to take a differentiated view on their attitudes. This is why "new intergovernmentalism" (Cini & Pérez-Solórzano Borragán, 2022, p.78) has emerged, as a reform of LI. This approach focusses on explaining the European integration process since the Treaty of Maastricht. Nevertheless, the LI is seen as an effective way to analyse decision-making processes, as the new intergovernmentalism is currently developing (Cini & Pérez-Solórzano Borragán, 2022).

2.4.1 Expectation 1: Asymmetric Interdependence

It can be assumed that all member states regulate irregular migration in such a way that it conforms to their respective national objectives. LI is based on the principle of “asymmetrical interdependence” (Moravcsik & Schimmelfennig, 2019, p. 75), which affects the resulting cooperation between member states. Depending on the geographical location of the country, it is affected differently by migration, which impacts the individual interests (Moravcsik & Schimmelfennig, 2019). This makes negotiating a compromise complex. To answer sub question one: “Which countries has which positions”, three different expectations can be derived. Countries of first entry such as Italy, are very interested in restrictive migration policies, as they are the first to be confronted with irregular migration, but only in short term. Expectation two is about the position of destination countries, for example Germany, which due to their status, are highly interested in solidary migration policies. Lastly, transit countries, such as Hungary, can impose their opinions, but are least affected by people on the run and can thus use them to block negotiations. Accordingly, the focus of intergovernmental negotiations has been on reducing irregular immigration into the EU, because all member states show this interest (Wiener et al., 2019).

2.4.2 Expectation 2: Bargaining Power

The second expectation assumes that European migration management will be driven by a common interest of the member states. In this way, sub-question two can be addressed: “What are the reasons for a stricter migration policy?”. According to LI, the reason is bargaining power. Hence, the following assumptions: member states can quickly agree on limiting external immigration but an agreement on internal solidarity is blocked by transit countries. And: The result of an internal solidarity mechanism will come closer to the interests of the transit countries, as they are least dependent on a solution.

2.4.3 Expectation 3: Commitment

The third expectation relates to the pressure exerted on the EU. Since the war in Ukraine has erupted, for example, Ukrainian have been treated differently compared to others (Alsbeti, 2023). It is therefore possible for the EU to act quickly after all. Furthermore, after years of legislative and political stagnation, the Commission could be pressured by the ongoing disagreements to present a new pact that primarily reflects the concerns of the member states. Finding a compromise on the Dublin

system and border procedures could help to overcome the political impasse. However, it must be considered critically that new incentives by the Commission will be restricted with the least possible agreement between the member states (Neidhardt & Sundberg Diez, 2020). This leads therefore to the question: How can the compromise between the member states be explained? The third phase of LI is about commitment. The EU, and especially the Commission, has managed to build trust and understanding between the member states through the new agreement. Or, due to the increased migration pressure because of the Russian invasion in Ukraine, negotiations simply had to come to a result.

3. Methodology

The following section explains the methodological structure of the thesis in more detail. It also discusses the research approach, which data is collected, and how the results are analysed.

3.1 Research Design

To find out why the EU migration policy has changed since 2015 and how EU member states have affected this process towards the agreement of the New Migration Pact in 2023, a textual analysis in the form of a content analysis is most appropriate.

Text analysis is a research method used to investigate “meanings, values and messages” (Smith, 2017, p.1). The theory is used as a critical lens through which the textual data is developed insight on the topic (Given, 2008). Due to the limited scope, not all member states can be included. This thesis will focus on the political positions of representative cases. Italy is examined as an example of a first country of arrival. Hungary is analyzed as a representative of transit countries and Germany is presented as a typical destination country.

The research design provides the basis for data collection in empirical research and is essential to adequately answer the research question. There is the so called “interpretive method” (Bhattacharjee, 2012, p. 35), in which an inductive approach is used to derive a theory from the data. This approach is not suitable, as the aim is to use LI to explain why the representative countries have a certain preference for limiting irregular migration and why the agreement process has taken so long. For this, it is useful to follow the “positive method” (Bhattacharjee, 2012, p. 35) which tests hypotheses based on a chosen theory (Bhattacharjee, 2012).

The following hypotheses based on LI are to be tested:

The first expectation aims at examining how governments in the selected sample countries reacted to the Commission's proposals in 2016. Because of their geographical position in the escape route, they have different salience on the issue of migration policy and negotiating power. For the second expectation, Italy, Hungary and Germany will be analyzed to understand which positions the governments maintain on the reduction of external irregular immigration and the solidarity mechanism. Transit countries can influence the outcome the most, as they are least dependent on a solution.

For the third expectation, it is necessary to examine the Commission's reopening of the debate with the member states in 2020. It will discuss what measures have been taken to build confidence, how governments' positions have evolved after the Russian invasion and if the migration pressure led to the new pact.

A case study aims to provide in-depth information (Astalin, 2013). However, representative cases are used to analyse the development towards a stricter migration policy. The results can be transferred to the other member states. This is not an in-depth and detailed analysis on the respective countries. A multiple case study should have been carried out for this design. These are most convincing. However, the profound analysis of several countries is difficult to reconcile within the given framework (Yin, 2003).

In discourse analysis, language is understood as a means of constructing and reproducing the world. The focus is on how meaning is constructed in discourses in different contexts as an exercise of power. Nevertheless, the underlying research is not about investigating the media discourse on migration policy, or working out the meaning behind words through which claims, beliefs, values and norms are reproduced (Given, 2008).

Content analysis is thus best suited. This type focuses on systematically analyzing the content of a text. The aim is to determine which topics occur most frequently in the analyzed texts, in which context and how they can be linked to each other (Bhattacharjee, 2012). It also aims at making theory informed inferences about the messages of the texts as well as identify the ideological or strategic use of language (Given, 2008). This method is particularly effective for establishing the preferences of the sample countries. Moreover, it allows an examination of how the content of the

documents has not only changed at EU level, but also how the positions of the countries have evolved since 2015 and the way in which these changes are framed. Finally, it is crucial to consider three main characteristics that influence the quality of research design. For the “internal validity” (Ellinger et al., 2005, p. 338), it is necessary to show how the investigated conditions can be directly connected (Ellinger et al., 2005). For the research question, this means that the geographical position of the countries influences their preference in migration policy. The second key issue is “external validity” (Ruona, 2005, p. 247), which refers to the transferability of the results. The researcher must explicitly argue and provide evidence for claims so that the reader can assess their validity. Lastly, the objective in qualitative research is to be dependable. This means that it is possible to understand that there is a consistency of the findings (Ruona, 2005).

3.2 Method of Data Collection

The content analysis is performed with secondary qualitative data. Secondary data analysis is based on data that was collected by other researchers as primary data. The advantage is that it is an efficient way to work with limited time and resources. Also, it increases access to information (Vartanian, 2010).

The data that will be used in the study are not only documents at country level, but government programs, speeches by the respective heads of state and ministers. In addition, official documents published by the ministries provide a comprehensive data basis. Policy documents can be used to analyze whether and how the EU's migration and border policy has become stricter and changed since 2015 up to the pact in 2023. Moreover, documents from the Council of the European Union are important to use, as it consists of “the heads of state and government of the EU member states” (Fabbrini, 2015, p. 269). Furthermore, proposals from the Commission, particularly in 2016, 2018 and 2020 will be studied.

The above-mentioned documents are primarily collected from the official websites of governments, ministries and the EU. This certifies that the positions of the countries are reflected as accurately as possible. By analyzing officially published documents and speeches by heads of state, it is possible to make sure that the preferences can be examined clearly. Documents will be analyzed at critical points in time. Firstly, from 2016 dealing with the collapse of the European system of frontiers (Hess et al., 2016), to new proposals in 2018 and the withdrawal of the EU Commission's migration policy

in 2020 (Dumbrava et al., 2024). It is critical to consider documents dated after the start of the Ukraine war in 2022 to verify whether changes have occurred in relation to irregular migration. Finally, data from 2023 after the agreement must be included. This provides a comprehensive overview of the tightening migration policy since 2015. It is essential to compare how the EU institutions have reacted and how the interests of the selected representative countries have developed. This way, the selected data will align with the research design in terms of the theoretical assumptions of LI.

Furthermore, government programs or EU documents can be biased. The countries and the EU want to present themselves in an ideal light. Accordingly, it can be assumed that migration policy in documents is not completely in line with reality. As mentioned above, the EU maintains that the compromise enables more human rights and solidarity, but external actors claim the opposite. When analysing, it is crucial to consider not only one's own bias but also the nature of the documents.

Finally, the availability of documents should be borne in mind when collecting data. Especially regarding documents from Hungary and Italy. Here it is more difficult to get access to official government documents. Another factor is the language barrier. Although documents can be translated, this can lead to deviations in content. Moreover, to have sufficient data material for the investigation of the two countries, it is also possible to draw on documents from other studies. This is another influencing factor that must be taken into account regarding the informative value.

Due to the high availability of EU documents, their data retrieval is conducted very effectively here. There is also a large stock of available documents from 2015 and 2016 that are suitable for coding. Regarding the EU, a comprehensive data analysis can therefore take place at the selected points in time to be able to analyze the EU's position as accurately as possible.

For Italy, finding documents is more difficult, mainly due to the language barrier. Furthermore, there are few documents published by the Italian government on the official government websites or in the archives. Instead, there are press releases and speeches. From 2016 to 2020, it is difficult to find data and there are few possible texts available. Therefore, as described above, third-party publications must be used. This must be considered in the analysis and evaluation.

The data from Hungary's government are very extensive, Press releases and speeches from the heads of government and ministries could be found for the years selected. However, it should be noted that there are no publications on migration plans, strategies or similar. This limits the comparability with EU policy documents, for example, as speeches are a specific political stylistic device.

Regarding the preference for Germany, various documents can be found. Such as, Press releases and contributions of the Federal Government. Despite this, access to documents from 2015 and 2016 is limited. It is therefore difficult to find relevant documents in the archives of the Government.

3.3 Method of Data Analysis

As already pointed out, content analysis is a systematic analysis of the textual content. Initially, the researcher selects texts with relevant content from the entirety of the data to be analyzed. These are then divided into segments that form a separate unit of analysis. Lastly, one or more concepts are developed and applied to the text segment. In this way, the coding process is started. For coding, a coding scheme is used that is based on the themes that were previously defined. Then the corresponding texts are searched or inductively added. Finally, the coded data can be analysed (Bhattacharjee, 2012).

The coding is done by a deductive approach using the Atlas.ti. This tool can help to keep a good overview of search terms and codes. The program allows the researcher to link codes and tables to text sections and thus code the texts (Smit & Schermann, 2021). According to the hypotheses, critical statements about migration will be found in data material about Hungary, as well as negative views about the solidarity of EU countries and the distribution of refugees. In the case of Italy, inferences such as excessive immigration figures will be found. Accordingly, the texts of the destination country will, as expected, contain statements that solidarity is important, that refugees must be distributed fairly and that there is a high level of interest in appropriate measures. It should also be mentioned that an inductive approach is used. During the coding process, additional themes can be identified and added. Here too, attention must be paid to validity, as the researcher can be influenced in his subjective attitude. Detailed documentation is therefore essential during the process (Maxwell, 2009). It is therefore considered that some codes will not only occur in texts in which they would

be inductively prescribed. The complete Atlas.ti file, with all coded data, can be provided on request.

3.4 Preliminary Coding Scheme

Code group	Code	Subcodes
First entry country Transit country Destination country European Union	Excessive immigration figures	Migration not manageable Close borders
	Critical attitude towards migration	No internal solidarity Irregular migration is negative
	Solidarity	Distribution of migrants Appropriate measures Internal solidarity
	Trust	New Agreement Cooperation
	Increased pressure	Ukrainian War Interests of member states

Table 1: Preliminary Coding Scheme

3.5 Improved Coding Scheme

Code group	Code	Subcodes
First entry country Transit country Destination country European Union	Excessive immigration figures	Migratory challenges
	Critical attitude towards migration	EU sceptical Sovereignty Irregular migration is negative No internal solidarity
	Solidarity and Responsibility	Increase funding Support
	Trust	Cooperation with third parties
	Increased pressure	Ukrainian War Interests of member states

	Migration Management	Combat migrant smuggling Effective migration management Enhance legal migration Human rights Increased border management Prevent irregular migration Strengthening external borders Stricter measures
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Table 2: Improved Coding Scheme

As stated in the methodology, the coding scheme was expanded deductively after the analysis. A new code was added, "Migration Management", with eight subcodes. The other codes were found in the analysis of the texts, as previously assumed. The first code, "Excessive immigration figures", contained the subcodes "Migration not manageable" and "Close borders", which were not mentioned in the selected documents. A new subcode, "migratory challenges", has been added. For the second code, "Critical attitude towards migration", two new subcategories have been added. One is "EU skeptical" and the other is "Sovereignty". In addition, the subcode "no internal solidarity" has been merged with "Sovereignty". The third code has been expanded to "Solidarity and Responsibility". Moreover, two new categories have been added: "Increase funding" and "Support". The three subcodes "Internal solidarity", "Distribution of migrants" and "Appropriate measures" have been removed. In the fourth code, the subcode "Cooperation" has been expanded to "Cooperation with third parties" and the other code could not be identified. The last code "Trust" as well as the subcodes have not changed. A coding scheme with respective example quotes can be found in the Data Appendix.

4. Empirical Findings Analysed According to LI

In this chapter, the findings and coding of the sample documents are discussed and interpreted in relation to LI. This enables the hypotheses that were previously formulated to be investigated.

4.1 Positions of the Cases

The content analysis and Atlas.ti were used to examine whether the dependence on a solution, which results from the structural position as a country of first entry, transit or destination has a different influence on political views on the topic of irregular migration.

4.1.1 Position of the European Commission

To begin with, the results describing the EU Commission's general position on irregular migration will be explained in more detail. Reflecting on the development of EU migration and asylum policy since 2015, it is evident that the EU was not adequately prepared and equipped for the large number of refugees. Many initiatives, such as the relocation described above, have failed over the years. It was therefore important to reach an agreement and reform the common migration and refugee policy (Dublin System) (Collet & Le Coz, 2018). In terms of the timeline, the EU's initial goal in the European Agenda on Migration was to reduce irregular migration, combat smugglers and respect human rights, as well as to cooperate with countries of origin (Council of the EU, 2015), and strengthen external borders (European Commission, 2016). As the new asylum reform outlined above shows, these are also the aspects that are to be primarily implemented but significantly strengthened in the future.

From the documents published by the EC, two political priorities have been particularly emphasized. The first is "Solidarity and Responsibility" and the second is "Cooperation with third parties". Its main objective of combating irregular migration is primarily based on these two measures. The new form of solidarity is fundamental, as it should enable particularly affected member states to ask for assistance. Furthermore, there is also a strong focus on improving cooperation with third parties. In addition to combating the causes of flight, the aim is also to prevent people from fleeing and simplify returns (European Commission, 2020). Beyond this, the Commission wants to focus even more on the protection of human rights. The Commissioner for Home Affairs highlighted that the new pact will create more opportunities for legal migration and, above all, "fundamentally [...] protects the right to seek asylum" (European

Commission, 2020, p. 1). Through its actions, the EC also seeks to support the member states in dealing with irregular migration. For instance, EU agencies related to migration have been improved, to provide additional support to the member states (European Commission, 2024a). Measures at the external borders are to be further strengthened as well. The EU is working on numerous projects in this area. In addition to technological innovations to facilitate data collection, a considerable amount of money is to be invested in better combating smugglers. And the coastguard will play an important role in locating and rescuing refugees at sea, as well as taking rapid action if a country is in acute need of help (European Commission, 2018). Moreover, there should be stricter measures for all refugees and a faster asylum procedure. This will begin at the border, where biometric data will be recorded, and background checks performed. If a person is considered a “danger to national security” (Drumbava et al., 2024, p. 7), they can be returned more quickly without having entered the EU (Drumbava et al., 2024).

<i>Codes</i>	<i>EU</i>	<i>Codes</i>	<i>EU</i>
Cooperation with third parties	36	Support	24
Effective migration management	31	Increase funding	20
Solidarity and Responsibility	34	Excessive immigration	7
Stricter measures	26	Internal security	7
Prevent irregular migration	15	Irregular migration is negative	0
Human rights	19	EU sceptical	0
Combat migration smuggling	12	Migratory challenges	3
Strengthening external borders	24	No internal solidarity	0
Critical attitude towards migration	0	Trust	5
Enhance legal migration	12	Ukrainian war	4
Increased legal migration	25	Increased pressure	4
Sovereignty	0	Interest of MS	4

Table 3: Total number for each code in all EU documents

4.1.2 Position of First Entry Countries

The first expectation is that the countries of first entry, in this case Italy, are in favour of a stricter policy as they receive the largest number of refugees. In 2017, the then foreign minister explained that the measures had already improved significantly compared to 2015 and procedures were initiated, such as stricter border controls and the recording of biometric data at the frontier (Ministry of Foreign Affairs and International Cooperation, 2017). Furthermore, Italy's focus from the outset was on combating migrant smuggling due to its position by the sea and not giving smugglers the opportunity "to decide who can and who cannot reach the European Union" (Ministry of Foreign Affairs and International Cooperation, 2017, p.2). In 2024, this "war on the human traffickers" (Italian Government, 2024, p.4) is still an important aspect. What has changed is the demand for more solidarity. At the beginning of the refugee crisis, it was primarily countries of first arrival that were affected by the large numbers of refugees. As they were overwhelmed by the numbers of refugees, they demanded more help from the EU and a fairer distribution of refugees. This is still the case but Italy is now focusing primarily on cooperation with third countries, particularly Africa, to preventively address the causes of flight and thus reduce the number of refugees. The Italian "strategy [...] rather focuses on [...] working with the countries of origin and of transit" (Italian Government, 2024, p. 4). All in all, however, the Italian President is positive about the New Pact on Migration and Asylum and perceives it as a success.

As mentioned above the coding of documents from the Italian Government confirmed this assumption. Italy's main goal is less the fair distribution of migrants within the EU than combating migrant smuggling at the external borders and preventing irregular migration from the outset. Analysing the documents from 2023 and 2024 has shown that Italy is particularly focused on working with Africa to ensure that migrants do not set off and arrive in Italy in the first place. This can also be confirmed by the codes. "Combat migrant smuggling" appears most frequently, followed by "Cooperation with third parties" and "Solidarity and Responsibility". The documents indicate that Italy often felt left alone by the EU, especially at the beginning of the crisis. In 2020, Deputy Minister Ivan Scalfarotto said that crises in Europe "must be managed by the whole Union" (Ministry of Foreign Affairs and International Cooperation, 2020, para. 5). To

summarise, it can be said that Italy is primarily committed to addressing illegal immigration in a fundamentally preventive manner.

<i>Codes</i>	<i>Italy</i>	<i>Codes</i>	<i>Italy</i>
Cooperation with third parties	24	Support	0
Effective migration management	6	Increase funding	2
Solidarity and Responsibility	16	Excessive immigration	5
Stricter measures	5	Internal security	0
Prevent irregular migration	19	Irregular migration is negative	1
Human rights	12	EU sceptical	0
Combat migration smuggling	23	Migratory challenges	7
Strengthening external borders	2	No internal solidarity	1
Critical attitude towards migration	0	Trust	1
Enhance legal migration	9	Ukrainian war	1
Increased legal migration	2	Increased pressure	0
Sovereignty	0	Interest of MS	4
Total amount of Codes: 137			

Table 4: Total number for each code in all documents about Italy

4.1.3 Position of Destination Countries

In the third selected example country, Germany, a development towards a stricter migration policy has been noticed since 2016. This is particularly evident in the measures implemented and communicated in recent years. In October 2023, German Chancellor Scholz said that irregular migration is too high "and therefore it is necessary that we also limit this irregular migration" (Federal Government, 2023, para. 1). An important aspect of this is the "repatriation package" (Federal Government, 2023, para. 2), which means that illegal migrants can be returned to their countries of origin more quickly. Moreover, there are to be more border controls with neighbouring countries (Federal Government, 2024a). In addition, a payment card will be introduced for refugees and further countries will be categorised as safe so that refugees from these

countries will no longer be entitled to protection in Germany. In addition, it is announced that further projects for regulation are to be discussed and implemented (Federal Government, 2024a).

The second presumption is that destination countries, are most interested in solidarity mechanisms and the fair distribution of migrants. The coded documents illustrate that Germany is significantly in favour of the solidarity mechanisms. The Federal Chancellor explicitly praises the new regulations and sees them as a great success (Federal Government, 2024a). In addition, it has been confirmed that Germany is in favour of establishing better migration management in line with the expectations derived from LI for destination countries. their geographical position. The codes "effective migration management" and "stricter measures" indicate this. Unlike arrival and transit countries, whose main aim is to prevent irregular migration or to stop migrants at the borders, the destination countries are also interested in ensuring that asylum procedures can be processed quickly and that people can be returned without the right to stay. The German Foreign Minister emphasises that the need for effective migration management is "faster returns and deportations of people without the right to remain in Germany" (Federal Government, 2024b, para. 1).

This is primarily because migration in Germany is now being standardised and organised, with clear rules. Furthermore, this leads to the EU having "binding rules with humanity and order" (Federal Government, 2024c, para. 6). It is also repeatedly stated that "European law and human rights must be respected at Europe's external borders" (Federal Ministry of the Interior and Home Affairs, 2022a, para. 3). In addition, Germany and Italy are reinforcing cooperation with third countries to reduce migration.

<i>Codes</i>	<i>Germany</i>	<i>Codes</i>	<i>Germany</i>
Cooperation with third parties	13	Support	0
Effective migration management	30	Increase funding	2
Solidarity and Responsibility	13	Excessive immigration	4
Stricter measures	22	Internal security	1
Prevent irregular migration	10	Irregular migration is negative	0
Human rights	17	EU sceptical	0
Combat migration smuggling	7	Migratory challenges	1
Strengthening external borders	7	No internal solidarity	0
Critical attitude towards migration	0	Trust	2
Enhance legal migration	9	Ukrainian war	2
Increased legal migration	1	Increased pressure	0
Sovereignty	0	Interest of MS	0
Total amount of Codes: 141			

Table 5: Total number for each code in all documents about Germany

4.1.4 Position of Transit Countries

Based on the selected documents, it can be argued that the Hungarian stance on migration has been very critical from the outset and that the Hungarian Prime Minister not only sees migrants as a threat, but also exploits the issue politically to “politicise the immigration issue” (Bíró-Nagy, 2022, p. 409). Furthermore, it can be claimed that the critical view of migration has developed into the basic attitude of Orban’s party (Bíró-Nagy, 2022). Hungary appears to frame refugees as a threat to Hungary and Europe and everyone who does not agree with this view (Bíró-Nagy, 2022). In 2016, the Prime Minister’s chief advisor on homeland security said they do everything possible to “protect Hungary” (Hungarian Government, 2016, para.1). It also stressed that Hungary’s sovereignty is the most important factor from the very beginning (Cabinet Office of the Prime Minister, 2018).

The coding of documents to determine the position of Hungary showed although Hungary is the least affected by migration, it has the most negative attitude towards the subject. The code “critical attitude towards migration” appears most frequently. To begin with, it is striking that Hungary is the only one of the countries and the EU analysed that speaks of “illegal migration” (Prime Minister’s Office, 2018, para. 5). Furthermore, it is repeatedly emphasised that the EU is “to blame for the refugee situation and has failed to establish effective migration management and protect the external borders (Hungarian Government, 2019). Hungary therefore has “no reason to believe that they will be able to do so tomorrow” (Prime Minister’s Office, 2019). Moreover, Hungary is the only country with an eurosceptic position in the selected documents. On the one hand, Brussels is often mentioned negatively, according to Orban, as criticism of “Brussels politicians and bureaucrats – who act as if they were the centre of an empire” (Hungarian Government, 2018a, para. 11).

On the other hand, there are a small number of codes on how migration can be better coordinated. For instance, such as “border management” or “migrant smuggling”. It is often underlined that more should be invested in dealing with migration at its origin. In an interview, Justice Minister Judit Varga clarified that “we must concentrate on the “external dimensions” of migration policy and [...] terminate the causes of migration [...] instead of bringing problems to Europe” (Ministry of Justice, 2020). In this interest Hungary and Italy overlap. The coding suggests that “solidarity and responsibility” is not of interest to Hungarians. In this respect, Italy and Germany overlap, as both consider more solidarity to be relevant.

Hungary repeatedly refers to the sovereignty of the countries. The EU should not impose obligations on the countries. One example is the proposal that the Commission should no longer decide on migration and border protection, but rather a new institution consisting of the interior ministers of the countries (Prime Minister’s Office, 2019). According to Orban, Hungary “must preserve the right to decide who can live within Hungary’s borders” (Hungarian Government, 2018b). Hungary explicitly speaks out against internal solidarity and “refugees must seek asylum in the first safe country on their journey” (Ministry of Justice, 2020, para. 5).

<i>Codes</i>	<i>Hungary</i>	<i>Codes</i>	<i>Hungary</i>
Cooperation with third parties	1	Support	0
Effective migration management	1	Increase funding	0
Solidarity and Responsibility	0	Excessive immigration	3
Stricter measures	0	Internal security	5
Prevent irregular migration	6	Irregular migration is negative	12
Human rights	0	EU sceptical	12
Combat migration smuggling	0	Migratory challenges	0
Strengthening external borders	5	No internal solidarity	9
Critical attitude towards migration	35	Trust	0
Enhance legal migration	1	Ukrainian war	0
Increased legal migration	1	Increased pressure	0
Sovereignty	26	Interest of MS	0
Total amount of Codes: 117			

Table 6: Total number for each code in all documents about Hungary

All in all, it can be said that all actors analysed are generally in favour of stricter policies. Methodologically, it must be pointed out that the frequency of the codes and the associated findings are only representative to a limited extent, due to the selection and

number of documents. Hungary clearly shows that there is a strong anti-migration stance. Consequently, the EU countries should not be forced by the EU to accept refugees. Hungary also claims that the pact is not strict enough and that they do not consider the solidarity mechanism to be useful. “The European Union has made unsuccessful attempts to handle the problem of migration [...]. Resettlement quotas also do not provide a solution” (Hungarian Government, 2016, para. 3). Furthermore, the external borders should be further strengthened so that irregular migration can be prevented.

Since 2015, Germany and Italy have also shown a trend towards stricter policies on migration. Looking at the codes, by 2024 there is an increasing number of codes to strengthen action at the EU’s external borders, deport people more quickly, simplify legal migration and increase cooperation with third countries to combat the causes of migration and support countries of origin. This is also reflected at EU level. The new agreement of late 2023 concerns “all stages of asylum and migration management” (Council of the EU, 2023, para. 1). Initially, irregular migrants will be checked directly at the border and their data recorded. It will then be determined which country is responsible for the asylum application and cooperation and solidarity between member states will apply. In addition, the so-called “adequate capacity” (Council of the EU, 2023) is calculated for each country, which means that the people who are admitted do not exceed the country’s capacity and procedures (Council of the EU, 2023).

4.1 Reasons for Stricter Migration Policies

It is further assumed that the migration policy is based on the common interest of the member states. Therefore SQ 2 is raised: “What are the reasons for a stricter migration policy?”. According to LI, these are the interests and bargaining power of the member states. This implies that member states can agree on regulating migration, but internal EU mechanisms, such as solidarity, are blocked by transit countries. All three cases have an interest in lowering migration, but only Germany and Italy have an interest in a solidarity mechanism. In terms of bargaining power, this means that Germany and Italy have a higher salience than Hungary in establishing a solidarity mechanism. This increases Hungary’s bargaining power. But the Council votes by qualified majority (QMV). This means that at least 16 out of 28 member states must vote in favour of the proposal (55%). Moreover, the proposal must be approved by member states representing 65% of the total EU population (Hüttmann, 2021). This, in turn, weakens

Hungary's negotiating power due to its size and low representation compared to other EU countries.

According to LI, Hungary is the least dependent on a solution and can use this negotiating advantage and move debates in its favour. Therefore, it is essential to examine what the final compromise entails. What political direction has the Pact on Migration and Asylum taken? Hungary is not the largest and economically most influential country in the EU. It is important to examine whether Hungary nevertheless has a strong influence on migration policy.

In 2015, the EU Council of Ministers adopted Decision 2015/1601 by majority vote, which was intended to ensure that refugees from countries of first arrival, could be redistributed to countries throughout the EU. Accordingly, Hungary, for example, would have had to take in around 1294 asylum seekers (Boros, 2017). Besides Hungary, Romania, the Czech Republic and Slovakia also voted against the relocation of 120,000 refugees but they were unable to prevent the decision (Traynor & Kingsley, 2015). As a result, Hungary and Slovakia took legal action against the quota before the European Court of Justice (ECJ). To make this possible, a law was passed in Hungary under the Fidesz government which stipulates that only the member states have the right to determine whom they want to accept. In 2017, the ECJ rejected the two countries' appeal on the grounds that the crisis justified the decision. The Hungarian Prime Minister then took several legal measures to prevent the quota (Boros, 2017).

In principle, it is crucial to discuss the relevance of QMV in this context. As mentioned above, this form of voting limits the bargaining power of the minority. If, for example, voting was to take place under unanimity, Hungary would have a much greater opportunity to influence the decision and a much bigger bargaining power. Nonetheless, it can be argued that by playing hard-ball and escalating the issue-specific conflict to a challenge of the supremacy of EU law, Hungary managed to reinforce its bargaining power. In this way, it forced a concession from the EU.

In 2017, the EC initiated infringement proceedings against the Czech Republic, Hungary, and Poland before the ECJ, as they refused to accept refugees (European Commission, 2017). In 2020, the ECJ ruled that all three countries had violated EU law. However, the decision was only valid until September 2017 and neither Hungary,

Poland nor the Czech Republic complied with the decision (Deppe, 2020). The Hungarian Prime Minister said in an interview in 2018 that even though the court ruled in favour of the decision, “more than twenty member states had failed to implement their quotas, yet only we are being criticised” (Hungarian Government, 2018b, para. 4). Poland and the Czech Republic are nevertheless in favour of their behaviour (Deppe, 2020). Ultimately, not only Hungary, but the Czech Republic and Poland have resisted an EU regulation and yet successfully prevented the binding quota for the admission of asylum seekers.

On 13 June 2024, the ECJ sentenced Hungary to a fine of several million euros and a penalty ruling that Hungary must pay “for each day of delay for failure to comply with a judgment” (European Court of Justice, 2024, para. 1). The court found that Hungary had committed a serious breach of EU law by not complying with the asylum policy. In 2020, the ECJ already found Hungary guilty of failing to comply with relevant procedures around refugee reception. As the EC concluded that Hungary had still not fully complied with the judgement four years ago, they again filed an infringement action (European Court of Justice, 2024). The current example proves that even if the EU repeatedly takes measures against such behaviour, it is not able to stop it.

Following a summit on migration in 2023 with Austria and Serbia, the Hungarian Prime Minister declared that the new EU legislation on migration does not resemble the successful Hungarian system. Here he refers to the policy that no one is allowed to cross the border and enter the country until a decision has been made on asylum status. He is also explicitly in favour of not implementing the new regulations, especially the solidarity mechanism, and calls for a defence against “illegal migrants [...] and against Brussels” (Cabinet Office of the Prime Minister, 2023, para. 2).

Considering all the above, migration policy has moved in the direction of the interests of Hungary and that a disproportionate influence of transit countries can be identified. Proof of this can be seen in the constant ability to resist EU laws and rules and, hence, prevail. Hungary shows no intention of complying with the measures of the new pact. Furthermore, countries that have a negative attitude towards migration are not necessarily obliged to accept refugees but can also compensate for this with payments. In addition, the tightening of external borders is also in Hungary’s interests, alongside cooperation with third countries to combat the causes of migration.

It can be said that, overall, the new pact is a compromise for all member states, especially for countries of first arrival and destination. Although the Hungarian government is not satisfied with the new regulations, the influence is evident. This confirms the assumption that countries that are least affected can utilize their bargaining power.

According to LI, transit countries should in general have the highest negotiating power because they are the least dependent on a solution. However, the Qualitative Majority Vote in the Council severely limits the power for the minority. In this case, Hungary is in the minority with its anti-migration position. Nevertheless, the minority has managed to pursue its concerns, with their strategy to further escalate the conflict. Thus, the non-implementation of the relocation. From this it can be concluded that it was less Hungary's low dependence on a solution and more the ability of increasing the conflict. The escalation consists in the fact that the potential damage to the EU legal system was increased by Hungary's action and its failure to follow EU rules.

Another cause is that countries repeatedly succeed in their behaviour of not complying with EU law without fearing major consequences. This has increased the bargaining power more than the lower reliance on a solution. A key contributor of the thesis to theory development, improving LI, can be seen in this. Especially since the new intergovernmentalism is in development. It could be a further point of improvement to reduce bargaining power not only to the assumption that an actor is least dependent on a solution. Instead, other influencing factors should also be included to explain how a decision can be influenced through negotiations.

In the final vote on the New Pact, which required a QMV, the Czech Republic and Slovakia abstained. Both, Poland and Hungary voted against it (Liboreiro, 2024). Since Hungary has already announced that it will continue to oppose EU regulations, this is evidence of a continuation of the escalation strategy which so far has been successful.

4.3 Explanation for the Compromise Reached

The last hypothesis concerns the compromise reached. Two possible explanations have been put forward for this. Firstly, the pressure from the Ukrainian war, which has shown that the EU can act quickly related to migration issues. The war increased the pressure to find an adequate solution for the migration issue. In addition, this external shock has also influenced the member states, as many refugees are seeking protection in a short space of time, comparable to 2015. This strengthens the bargaining power

of Hungary and Italy but reduces Germany's power. This is why Germany was forced to move towards stricter rules and less an ambitious solidarity mechanism. Secondly, the years of deadlock within the EU and that a solution had to be found urgently. The aim is to rebuild trust and strengthen cooperation. This means that the Commissions effort to re-built trust within the EU. As LI argues, the EU is responsible for coordinating the outcome that cooperation between the member states can have and facilitating cooperation between them.

4.3.1 Pressure from the Ukrainian War

Initially, the influence of the war has shown that it is possible for the EU to make quick political decisions regarding refugees in crisis situations. An immediate EU measure in 2022 was to apply a "special protection scheme" (Guild & Groenendijk, 2023, p. 1) for all Ukrainians and people who were living in Ukraine at the time which opens more opportunities for them compared to refugees from other countries (Guild & Groenendijk, 2023). This directive provides that all Ukrainian refugees receive a residence permit immediately and without application, as well as a work permit, health insurance and the opportunity for children to receive education directly (European Commission, 2024a.). Federal Minister of the Interior, Nancy Faeser, claimed that Germany, for example, could only accept so many Ukrainian refugees due to the general strict migration measures for all other refugees (The Federal Government, 2024b).

The large influx of Ukrainian refugees affected especially the preferences of destination countries and as already mentioned, weakened their bargaining position. The statement of the Minister of the Interior confirms this argument. The fact that the EU has allowed so many Ukrainian refugees to enter the EU has increased the pressure on countries like Germany. Since the destination countries have already taken in many refugees from other countries, they have to create the capacity to take in so many people. This is why Germany's dependence on an EU solidarity mechanism increased. Only by distributing refugees to other countries can the pressure on Germany be reduced. This in turn weakens the negotiating position due to the reliance. Furthermore, this would explain why a country like Germany, which has human rights as its top priority, is moving towards a more restrictive policy, as mentioned in the introduction. Because of the national benefit, a reduction in irregular migration is more

beneficial for the country and therefore a compromise in the protection of human rights is acceptable.

4.3.2 Rebuilding Trust and Strengthen Cooperation in the EU

As explained in the theoretical part, the CEAS collapsed in 2015 and thousands of refugees died on their way to reach Europe (Oetjen, 2024). It was not only the Dublin system that failed, but also agreements on EC measures from 2015 to 2020. There was great disagreement on the admission of refugees to the member states, as well as on internal solidarity (Oetjen, 2020). The process for a common migration and asylum policy was therefore restarted in 2020 to overcome these differences.

The contradictory positions of the member states were already clear in 2020 with the start of the drafting of the New Pact on Migration and Asylum. For this reason, the Vice President and the Commissioner for Home Affairs of the EU held meetings with the members to find common ground and build understanding. With the increasing conflict at the border between Turkey and Greece, as well as the corona pandemic, the need for a new and effective EU migration policy became apparent (Neidhardt & Diez, 2020). In particular, the questions of the extent to which the EU prioritises border protection over human rights and cooperation with third countries have come to the fore. In addition, there are multiple documents that emphasise the results outlined above. All EU countries support stricter measures and regulations in all areas of migration and asylum policy (Neidhardt & Diez, 2020).

With the start of the Commission's proposal in 2020, only a few steps were taken by the EC on an ongoing basis until 2022. The key measures were implemented from 2022 until adoption in 2024. The main components of the pact were developed during these years. Firstly, the Voluntary Solidarity Mechanism and then the other components, namely all regulations that define the procedure at the borders, as well as the asylum system and migration management (European Commission, 2024b). The EC has therefore attempted to resolve the years of failed negotiations with the member states by making a new start and establishing a standardized system. Which clarifies the rules transparently for everyone and does not represent a temporary interim solution. In this way, no member state is left alone on the issue of migration and all countries are obliged to adhere to fair measures while respecting human rights (European Commission, n.d. d).

Ursula von der Leyen, President of the EC, claims the pact demonstrates that trust has not only been established between countries, but also with EU citizens. The compromise is proof that the European Union “can take extraordinary steps to reconcile diverging perspectives” (European Commission, 2020, para. 5). After years of disagreement, the new pact is labelled as urgently needed to tackle migration together in the EU. According to the Vice-President, the pact serves as a compromise for all member states and considers the different and individual problems of the countries (European Commission, 2020). In her 2023 speech at the International Conference on Development and Migration, Meloni also points out that mistrust and the resulting dissatisfaction within the EU has been a major disruptive factor for migration policy. Above all, the lack of trust “made it difficult to make progress on solutions” (Italian Government, 2023, para. 4) on the topic of migration. Germany also refers to this element. With the aid of the new migration policy reform, the EU has “overcome the deep divisions in Europe” (Federal Government, 2024c, para. 3).

An examination of the New Pact on Migration and Asylum in the light of the LI leads to the conclusion that this compromise was reached based on the subjective interests of the member states and their negotiating power. The EU takes on an administrative role in this process, “by reducing the transaction costs [...] and extent of interstate existing agreements” (Wiener et al., 2019, p. 69). In particular, the EC acts as a mediator between the states to strengthen trust and to harmonise interests. The EU ensures “common norms, standards, and procedures that permit more predictable policy alignment” (Wiener et al., 2019, p. 69). This implies that the new agreement will apply fixed rules and guidelines. But only the framework is set, and the countries can decide for themselves how they want to participate in migration policy through the new solidarity mechanism. In addition, the EU will enforce compliance with the mechanism, thus providing security. After the war of aggression in 2022, there are significantly more and faster successes with the measures of the EC. This suggests that the positions of the member states have started to converge towards the proposals of the commission. This is because the individual benefits for the countries, through the regulation of migration, are highest because of the reform. Furthermore, cooperation with third countries by the EU is more cost-effective for the countries, through the outsourcing of measures against irregular migration. The costs for this are lower than “the costs of asylum within Schengen” (Wiener et al., 2019, p. 79). What is more, the EU, most of

all, the member states, must find a solution regarding the future and the forecast for possible further migration movements (Grieverson et al., 2021).

5. Conclusion

The aim of this bachelor thesis is to identify the extent to which EU migration and asylum policy has become stricter in the interests of the member states following the collapse in 2015 and to find out how the New Pact on Migration and Asylum was achieved after years of stagnation and disagreement. Using selected representative cases, a qualitative content analysis is carried out to determine the attitudes.

The examination of the hypotheses derived from the LI revealed that the member states have a significant influence on migration and asylum reform. In general, the geographical location of the representative countries influences their interests. The content analysis clarifies that it is in the interest of Italy, as the first country, to reduce irregular migration and to implement stricter measures. In addition to greater solidarity within the EU and a fairer distribution of refugees, Italy's interest has shifted to the prevention of irregular migration. Cooperation with Africa is intended to reduce the number of refugees arriving by sea. Germany, as destination country, supports the new solidarity mechanism. Beyond this, it is focusing on the faster deportation of migrants. It wants to tackle irregular migration at its roots by concluding agreements with third countries to facilitate the return of refugees. As a transit country, Hungary is opposed to these positions and is reluctant to accept refugees. Transit countries are the strongest advocate of a very strict migration policy.

The increasing restrictiveness of EU asylum and migration policy can be explained by the attitudes and negotiating power of the EU member states. Transit countries have the most negotiating power compared to countries of first entry and destination. Specifically, the study shows that Hungary's negotiating power – contrary to theoretical assumptions – results from its ability to escalate the migration policy conflict to force the EU to come closer to its interests. Countries are not forced to accept refugees under the New Pact on Migration and Asylum but can compensate for this with money.

SQ 3 shows that the compromise could be reached based on the interests of the member states and their negotiations. Through its measures, the EU was able to mediate between the countries and foster trust. Following the Ukrainian war, the positions of the member states have moved closer to the Commission's proposals.

This is because the individual benefits for the countries, through the regulation of migration with the EU, are the highest due to the reform and cost efficiencies.

However, the above findings are only representative to a certain extent. Due to the limited scope of the study, the qualitative and quantitative analysis was restricted to important points in time and a selected number of documents. A further shortcoming is that not all EU member states could be analysed and therefore the representative cases were selected. These can be generalized in their attitude, but this does not imply, for example, that all transit countries are taking the exact same measures.

Further research is needed to determine whether the new pact is feasible, how the EU ensures compliance and to what extent the new measures will be effective in the long term. Otherwise, it will not be possible to assess whether the impasse has been overcome. In addition, the extent to which transit countries will continue to pursue their strategy and successfully defend themselves against the EU must be examined. The current European elections have shown a trend towards a more conservative and therefore anti-migration policy. The question is whether the dynamics between member states will change once Hungary's position is no longer in the minority. Furthermore, from a human rights perspective, the question arises as to what extent human rights are being enforced and actively implemented.

This research filled the knowledge gap on why the EU migration and asylum policy has not only become stricter but is also subject to the disproportionate impact of transit countries in the EU. It was established how the new reform can be impacted by different attitudes of the member states. Furthermore, an extension to LI has been identified. This adds a new possibility for improving the New LI. It can be argued that not only the low dependence on a solution can lead to an increase in bargaining power, but countries can also ensure that agreements move towards their position by escalating the conflict.

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