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Master Thesis

EU's security practices in the Mediterranean borders: Stakeholders' views on the role of the Dublin System and burden-shifting *vis a vis* immigrants' rights

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Abstract

EU's border management approach is currently being challenged as the turmoil in neighboring states around the Mediterranean is pushing the current security, immigration and asylum policies closer to the limits of their efficiency. The increasing inflow of irregular immigrants has put the Dublin III Regulation under the microscope as more voices of concern are being heard regarding the so called burden-shifting effect it allegedly encourages. This thesis provides an outline of the security practices applied by both the EU and individual Member States in the common Mediterranean borders and presents the main provisions of the Dublin framework as shaped throughout the years, while also examining in short the implications concerning the rights of immigrants. As a means to search for any possible links between security practices and asylum legislation, outside the literature review, semi-structured interviews with certain stakeholders were conducted and the results are presented following a process of thematic content analysis. The results demonstrate a clear adoption of the idea that more solidarity needs to be induced to EU's current strategies as well as that other aspects of the latter need to be reviewed, although, their other deficiencies aside, no concrete causal relation was established linking the Dublin Regulations neither to the securitization of the common borders nor to the violation of immigrants' rights.

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List of Abbreviations

AFW	Analysis Work File
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CEAS	Common European Asylum System
CEEC	Central and Eastern European Countries
EASO	European Asylum Support Office
ECtHR	European Court of Human Rights
EMP	Euro-Mediterranean Partnership
ENP	European Neighborhood Policy
EU	European Union
EURODAC	European Dactyloscopy
EUROSUR	European Border Surveillance System
FRA	European Union Agency for Fundamental Rights
FRONTEX	Frontières extérieures
HLWG	High Level Working Group
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ILO	International Liaison Officer
IOM	International Organization for Migration
JHA	Justice and Home Affairs
LEA	Law Enforcement Agency
MEDA	Mesures d' accompagnement
MMO	Mediterranean Migration Observatory
MS	Member State
NGO	Non-Governmental Organization
NCC	National Coordination Center
SIS	Schengen Information System
SIVE	Sistema Integrado de Vigilancia del Estrecho
TACIS	Technical Assistance to the Commonwealth of Independent States
UK	United Kingdom
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
VIS	Visa Information System

I. Introduction

"I will never forget the sight of 280 coffins today. I will bear this with me for the rest of my life and I think they express something that we need to think about in the European Union, this isn't the European Union we want. The recent tragic events call for action at EU level. In order to prevent these tragedies we have to act in the short, medium and long term."[1]

-Former EU Commissioner for Home Affairs, Cecilia Malmström, 23-03-2014

The tragedy that occurred just outside the shore of Lampedusa in Italy in October of 2013 sparked a chain of reactions and re-invigorated discussions on all levels concerning the European Union's asylum policies and border security practices, especially in regard to the prism, through which 'aliens' are viewed upon their illegal arrival in EU's territory. In the Eurobarometer 60 of 2004 immigration was ranked above issues, such as defense, terrorism, taxation and education in terms of importance for the EU (Luedtke, 2005, p. 84).[2] The relatively recent developments mostly in Northern Africa commonly described as the Arab Spring, in combination with the civil wars in Mediterranean states of Asia, such as Syria and Lebanon have also prompted EU officials to proceed with developing changes to the policies concerned since increased migratory waves are anticipated and much work lies ahead waiting to be done.

The main avenue for the much needed changes is EU legislation. European law in the form of Directives and Regulations has the potential to change EU's migration and asylum policies more than national norms or political traditions. The European public awaits decisive

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[1] Speech - Commissioner Malmström's intervention during the press conference in Lampedusa, http://europa.eu/rapid/press-release_SPEECH-13-799_en.htm?locale=en

[2] For the relevant table, see p. 9
http://ec.europa.eu/public_opinion/archives/eb/eb60/eb60_rapport_standard_en.pdf

solutions and EU's institutions, in line with this current, are pushing towards the adoption of a Common European Asylum System (CEAS).

1.1 Study Aim and Research Question

The European policy integration in a number of fields and the close cooperation dictated by shared competences, lead to the assumption of the European Union as one actor speaking with a single voice, which in turn presupposes the ultimate degree of homogeneity among Member States. In reality, the European Union is a multilayered organization, in which several different actors are heavily involved, like the Member States, the various European Institutions as well as businesses, industries, non- governmental organizations (NGOs), the media and the public. All those different actors with their different interests take part in the negotiations and ultimately influence the legislators, who seek agreement on a certain topic to allow for the fruitfulness of the decision-making process. It is an interesting question where and how such consensus is found, especially concerning disputed and polarizing topics.

One such disputed topic is the Dublin Framework or Dublin System, which has been scrutinized by observers with humanitarian sensitivities as well as from the political world mostly on the basis that it enhances the division between North and South within the EU in an unfair burden-sharing system lacking the necessary solidarity elements. The academic world, (Carrera & Guild, 2010, Lenart, 2012, Klepp, 2010, Broeders, 2007) has also voiced concern by drawing a similar picture where the Dublin Regulations do not leave adequate space for peripheral Member States to maneuver issues related to the migratory inflows, thus encouraging security and border-policing to take center stage in place of alternative approaches, such as humanitarian aid operations..The Dublin System will be the focal point of the study, albeit it is not the single crucial factor that shapes EU's policies and practices regarding asylum and border security. Other factors, such as the increasingly unmanageable

migratory flows, the short- term effectiveness of intense securitization, the public's demand for a safe Europe as well as the lobbying of security industries and national security actors play a role but they, will not be analyzed or examined in depth. What ultimately binds Member States to pre-determined practices and procedures though are legal obligations. Therefore, the most disputed Regulations on the topic, namely Council Regulation (EC) No 343/2003 -Dublin II- and Regulation EU No 604/2013 of the European Parliament and of the Council -Dublin III- are more appropriate for a closer look and evaluation.

The research problem could be summarized in the question of whether and how the Dublin System promotes and encourages the public security approach of immigration control instead of other approaches, such as the approach of domestic social justice, liberal constitutionalism or other ones more rooted in cosmopolitanism, all examined through the prism of various stakeholders' views and experience.[3]More specifically, the aim of the study is to examine whether a set of regulations of procedural nature has the capacity to pre-define and shape the landscape of this policy field, not only by determining the procedures, but also the general intentions and approaches adopted.

The core hypothesis is that since the adoption of the Dublin II Regulation and the Eurodac Regulation, southern Member States are obligated to host every irregular immigrant passing through their borders while examining their asylum application even when they have managed to travel further into the EU. Since the vast majority of irregular immigrants enter the EU through the Mediterranean's naval passages, southern MS's are tasked to apprehend and detain a large, ever-increasing number of people. The easiest solution would therefore be to not allow them in at almost any cost through surveillance equipments, databases, border patrols and funds drawn from the EU. The alternative being to formally confront the EU on

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[3] For a useful table on the most common ethical frames on immigration control, see; Balabanova & Balc, 2010, p. 384

such as sensitive political issue and demand and to demand radical changes in approach and implementation, it only makes sense that national governments would prefer to delegate some authority to the agencies of the EU and share accountability for all that is happening outside their external borders.

Aside from academic journals, official documents, court rulings, speeches and news articles insight will be sought through interviews. A number of officials and representatives of a variety of prominent institutions, organizations and agencies working on issues concerning migration were interviewed as part of the research to examine this thesis' hypothesis. The participants shared their views on EU's migration related challenges, the security approach of managing irregular migration as well as the Dublin Regulations and express their opinion on a possible correlation between EU's Regulations on asylum and the security measures applied at the external common borders, all as a means to possibly solidify the findings of any of the detected research and papers that seemed to agree with the hypothesis in their conclusions.

1.2 Motivation for Selection of Topic

Having noticed that in spite of how keen commentators and scholars seem to be when it comes to condemning the Dublin system it is not easy to detect research that seeks to establish a causal relation between the Dublin system and securitization, this thesis seeks to take a small step towards this direction. Bandwagoning is particularly common regarding Dublin, but no clear-cut conclusions have been presented so far connecting it to the increase of border management militarization. In addition, tragedies such as the one of Lampedusa have sadly become a standard routine. News on casualties of aspiring immigrants on the shores of numerous Greek islands is barely news anymore and the only constructive alternative practices approach proposed from Greece's national political stage has been the possibility of officially condemning the Dublin regulations and accepting the consequences of

the Schengen Agreement. Starting from this baseline the interest is focused in examining whether that could actually bring about the much needed change and relieve the Mediterranean common borders of the European Union from immigrants chased away from their countries of origin to their deaths at EU's external borders. Moreover, this topic combines in one issue an array of interesting aspects, namely international law, EU legislation, issues of solidarity and sovereignty, increased integration in asylum policy, the much discussed supposed division between the EU's North and South as well as crucial human rights issues.

1.3 Definitions

A sensitive matter, such as the ones of migration and human rights requires to be approached with caution and accuracy in terms of the terminology applied when examined. Following UNHCR's concerns over the wrong terminology used in relevant media coverage, a code of conduct regarding asylum seekers, refuges, victims of trafficking and migrants was agreed by Italy's National Council of the Journalists' Association and the Italian National Press Federation. According to the Rome Charter, as it is called, asylum seekers are persons outside their country of nationality who submit an application to be granted refugee status, or other forms of international protection, in a another country as per the 1951 Geneva Convention on refugees. They are asylum seekers and have the right to reside in the host country legally until a final decision is made by the competent authorities. Asylum seekers are therefore not irregular migrants, though they may enter the host country without identity papers or in an irregular fashion together with irregular migrants in what is called 'mixed migration flows'. Refugees are the persons who have been granted such a status as per the 1951 Geneva Convention on Refugees. This status is granted when individuals are able to prove that there is a danger of individual persecution or general threat in their country of origin. Migrants/Immigrants in general are individuals, who leave their country based on their

free will to seek for better living conditions and future prospects and they may return to their country without fears regarding their safety. Finally, irregular immigrants/migrants are considered to be the ones who avoid detection during the crossing of borders, the so-called 'overstayers' who keep residing in a country past the expiration of their visa/travel documents and also the ones who do not leave the host county despite an expulsion order.[4]

1.4 Thesis Outline

The thesis is composed of two main parts; the literature review and the empirical findings' analysis. In the first chapter of the literature review the history of European policy integration on asylum and migration is presented. A subchapter deals with EU's practices whereas a second one focuses on the practices of individual border Member States of the South. Furthermore, the second chapter narrows the scope geographically to the Mediterranean region while the third chapter presents the human rights related discrepancies linked to the currently materialized policies and practices. The next chapter exhibits the main provision of the Dublin Regulation while also providing the history of its development in short. The fifth and last chapter of the literature review demonstrates a number of analyses that detect a causal relationship between the Dublin Regulation and a significant increase in the securitization of EU's Mediterranean borders. The second part provides clarifications mainly on the method followed for the findings' analysis and the tools applied for the latter while it also introduces the participants to the research. The next chapter, divided in six subchapters, includes the analysis of the data provided by the respondents, which constitutes the main component of the research. The division in subchapters is based on the categories that were formulated by the content analysis process applied to the responses. In the final chapter conclusion are drawn

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[4] Rome Charter, Annex: Glossary, p.3 http://www.media-diversity.org/en/additional-files/documents/A%20Guides/Charter_of_Rome.pdf

upon the results of the analysis, which is also evaluated on the basis of its contribution to a better understanding of the study's topic.

II. Literature Review

2.1 Gradual Policy Integration Overview

A most proper manner to begin the examination of the matters of interest to this thesis is to summarize the evolution of policy integration regarding immigration within the European, initially exclusively intergovernmental, context as it develops into binding EU-legislation. European governments have been collectively and individually seeking to regulate the reduction of immigration since the economic recession in the 1970's and began institutionalizing such restrictive regulations since the opening up of the Eastern bloc in 1989 (Favell, 1998, p. 2, Lavenex, 2001, p. 24). These issues became increasingly politicized in the 1980's and acquired a prominent position in the public debate agendas of European states. Convergence in the European Union in the policy field of immigration started emerging in the early 1990's with the European Commission's call for integration in the EU's external policy and the 1992 Edinburgh European Council agreement for coordination regarding immigration and asylum policy. In the same year, the Single European Act came into force lifting restrictions in the movement of workers within EC's single market, as did the Schengen Agreement in 1995, which abolished border controls between the states that signed it (Boswell, 2003, p. 621).

This particular development increased the vulnerability to irregular entry to certain EU Member States and coordination of border management became a pressing necessity. In other words, the socio-economic integration of the Schengen *acquis* resulted in a spill-over to the domains of immigration and security because of the need to adopt compensatory measures for the abolition of internal border controls. Great importance was given to the security aspect, as showcased with the creation of the Schengen Information System, the intensification of the

cooperation between police and immigration officers as well as the enhanced external borders controls (Berg & Ehin, 2006, p. 59, Caviedes, 2007, p. 291, Hellmann *et al*, 2005, p. 152).

Additionally, all states aspiring to join the EU were obligated to successfully implement the regulations and actions dictated by the Schengen Agreement and especially the provisions regarding the securing of their borders as described later in the 2006 Schengen Borders Code. The importance of such commitments was underlined by the signing of the 1998 Pre-Accession Pact against Organized Crime, which included human trafficking and illegal immigration, and the extension of the pre-existing PHARE (Poland and Hungary: Assistance for Restructuring their Economies) program of economic development assistance towards southeastern EU-accession applicants to the Justice and Home Affairs field. The latter development was prepared by the "Langdon Report", which called for coordinated efforts to enforce border controls and establishing the necessary institutional infrastructure for the adoption of a common asylum system (Lavenex, 2001, pp. 27-28, 35).

Prior to that, the ground was prepared by the secretive proceedings of intergovernmental fora, such as the Trevi Group, the Schengen Group and the Ad Hoc Group on Immigration formed in 1986 had set the stage for the Dublin Convention of 1990 and the External Frontiers Convention of 1993, that focused on the aspect of controlling migration, set restrictions to asylum applications and called for further collaboration between European States (Baldwin-Edwards, 1997, p. 498, Huysmans, 2000, p. 755). Such intergovernmental fora constituted the main venues where national security actors had been promoting their agenda ever since the mid-1980's on the basis of transnational cooperation long before the pillarization of EU's structure. When the latter happened security and migration control experts were already at advanced talks with one another having also established a common basis for further collaboration on the EU level (Guiraudon, 2000, p. 260). The Treaty of

Maastricht in 1992 introduced that policy structure of three policy field pillars with the third being the one about Justice and Home Affairs and thus non-economic aspects of foreign policy began being more integrated into EU's structure of governance (Stetter, 2011, p. 722). Although of intergovernmental management, immigration policy was also in the competence of the first pillar according to Art K9 TEU with the Commission having the right of shared initiative regarding combating illegal entry, residence and work matters. Also, Art K3 enabled the Council to adopt joint positions, joint actions and conventions, but without legal effects nonetheless. A crucial shift occurred after the Reflection Group at the 1994 EU summit and the Intergovernmental Conference of 1996 supported the view that matters of immigration and asylum policy were ineffectively managed in the third pillar and that they should be brought under full Community competence (Baldwin-Edwards, 1997, p. 503).

The signing of the Amsterdam Treaty in 1997 brought this significant change and asylum and immigration policies came under the supranationally administrated first pillar in the new Title IV on 'Visas, Asylum, Immigration and Other Policies Related to the Free Movement of Persons'. The Council and the Commission issued an action plan regarding the external aspect of JHA with provisions that included an assessment of countries of origin and information campaigns to transit countries and after the 1998 Vienna European Council both were incorporated to the plan for the implementation of the Treaty (Huysmans, 2000, p. 760, Lavenex, 2001, p. 26, Boswell, 2003, p. 628, Caviedes, 2007, p. 293)).

The Amsterdam Treaty communitarized the Union's competences in asylum and immigration policies incorporated the Schengen Agreement into EU's legal order and introduced the Area of Freedom, Security and Justice as an official EU objective. AFSJ developed a strong external dimension, which translated into the High Level Working Group (HLWG) on migration and asylum. It followed the footsteps of a Dutch government initiative

attempting to integrate the internal and the external dimensions of migration policy by assigning responsibility for such matters to the foreign affairs ministry rather than the justice ministry. The HLWG endorsed the approach and even produced action plans in 1999 for a number of countries in the Middle East, North Africa and Eastern Europe with the focus being the root causes of migration (Geddes, 2001, p. 30, Geddes, 2005, p. 792, Rijpma & Cremona, 2007, p. 2).

The 1999 Tampere European Council overtook the HLWG initiative with its conclusions that JHA should be integrated with Union policies particularly in external relations among others. These common policies should include cooperation with countries of origin, the establishment of a Common European Asylum System and the common management of migratory flows. The Council and Commission drew up a report of specific recommendations on objectives and measures of EU's external JHA external action, which was presented to the European Council in Feira in 2001. The report was welcomed and the initiative was supported in the 2001 Laeken European Council, which in turn put emphasis on the subject of managing migratory flows (Boswell, 2003, p. 629, Lutterbeck, 2006, p. 64). The Council in Seville in 2002 set more control-focused goals, such as combating illegal immigration, especially in the EU's maritime borders, thus enhancing the security dimension. That Council introduced an intergovernmental logic that was later mitigated in the 2003 Thessaloniki European Council, which reestablished the Community's role by introducing a qualified majority voting for decisions on migration. The Hague Program or New Tampere was approved in 2004 and constituted another indication of the focus being the control rather than the prevention aspect of immigration policy as well as underlined the importance of migration regarding EU's policy towards its neighbors. In the same year, the "Wider Europe" strategy, the AENEAS

program for financing third countries to cope with migratory issues[5]. The European Neighborhood Policy further strengthened the foreign agenda of managing migratory flows, establishing readmission agreements and combating irregular migration with Europe's eastern and southern neighbors (Aubarell & Aragall, 2005, pp.10-11, Battaini-Dragoni, 2003, p. 492, Rijpma & Cremona, 2007, p. 3). The proposed Directive on asylum procedures produced by the Hague program was criticized by UNHCR on grounds of imminent breaches of international law regarding the prevention of asylum applications to be examined in EU's territory, especially since the 'safe-third country' was not deemed particularly trustworthy (Guild, 2006, p. 645).

The ENP offers customized measures and action plans for each neighbor, promoting thus differentiation, and also a conditional stake in the single market and the four freedoms based on commitments on good governance, rule of law and respect for human rights. Most of the neighboring states do not have the prospect of earning a membership in the EU, but the latter may provide them with better market opportunities and a limited opening of its institutional boundary, in return for the expansion of its legal boundary extraterritorially and enhanced integrated border management (Berg & Ehin, 2006, p. 60). The successor of the Hague Program, the Stockholm Program of 2009 was adopted after the 2007 Lisbon Treaty, continues the tradition of the framework behind integration of borders management, encouraging utilization of high-tech equipment and tools and went as far as to reintroduce the obscure proposal of the Hague program for a common decentralized European system of border guards. As in the preceding programs, the external dimension is again of particularly high importance (Gruszczak, 2010, p. 11, Marin, 2011, p. 133). Centralization is the main focus of the Stockholm Program and to that end, the Lisbon Treaty has also removed the veto

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[5] http://ec.europa.eu/europeaid/sites/devco/files/publication-aeneas-programme-projects-funded-2004-2006_en_7.pdf

powers that Member States have enjoyed over legislation concerning immigration and asylum (Jackson, 2011, p. 18, Zapata-Barrero, 2012, p. 1187).

2.1.1 EU Security Instruments and Practices

The main agencies that implement security strategies in the EU's external borders aside from national police, army and coast guard forces are EUROPOL and FRONTEX. Based in Hague, the European Police Office specializes in human trafficking and illegal immigration among other fields and assists the Law Enforcement Agencies of the competent Member States. When two or more Member States are concerned with an issue within EUROPOL's competence, the latter is requested to conduct an Analysis Work File by which analytical support is provided to national LEA's. The AFW regarding immigration is called "Checkpoint". Apart from operational information EUROPOL may be of assistance by participating in Joint Investigation Teams in a supportive capacity. EUROPOL has also signed an agreement with FRONTEX to enhance their cooperation mostly through information exchange (Korontzis, 2012, pp. 191-192).

The Warsaw-based European Agency for the Management of Operational Co-operation at the External Borders of Member States or FRONTEX was established in 2004 following a strong initiative by the Greek Presidency a year before and its full title is rather self-explanatory of its mandate. Carrying out risk assessments, training national LEA's, keeping a record of each Member States' surveillance equipment, coordinating cooperation between MS's and conducting Join Operations at sea borders are its most noteworthy tasks (Monar, 2006, p. 12, Rijpma & Cremona, 2007, p. 14, Geddes, 2005, p. 794). FRONTEX is rather active in the southern borders of the EU and its contribution has been regarded as indispensable, despite the lack of executive powers of its own entirely. Its entirely self-funded

Rapid Border Intervention Teams are deployed for a limited period of time following an urgent increase in migrant mobility and its joint command operations, such as POSEIDON and NAUTILUS, which include surveillance of international waters and the coasts of third countries are FRONTEX's main methods of security work. Coordinating International Liaison Officers, border patrol units and national police forces, they have achieved reducing the number of apprehended illegal migrants substantially, although the diversion of migratory flows seems to be the main factor behind this success (Korontzis, 2012, p. 193-194). The EU has also sought to fortify its external borders by utilizing and developing technological tools. The most significant are the aforementioned SIS, which is a database of migrants listed as unqualified to be allowed entry, the European Dactyloscopy system (Eurodac), which serves as a fingerprint database for identifying asylum seekers, the VIS system for visa requests, the SIVE surveillance system, the Registered Traveler Program and the Entry/Exit System for migrants who stay in EU's territory more than initially allowed (Marin, 2011, p. 140). The most prominent project, the European Surveillance Border System consists of three phases. In the first phase Member States will create National Coordination Centers to collect intelligence from all agencies involved in the guarding of their borders. The EUROSUR Network will become active for selected Member States in the southern maritime and eastern land borders in cooperation with FRONTEX. The next phase involves the gathering of NCC's information to form National Situational Pictures to be managed by NCC's and a European Situational Picture as well as a Pre-Frontier Intelligence Picture to be managed primarily by FRONTEX. In addition efforts will be targeted to improve the utilization and performance of surveillance tools, such as satellites and Unmanned Aerial Vehicles. The third and final phase will be focused on maritime areas and will be based on the integration of all national and supranational sectoral information systems and databases. This common information system will be open to use for all national and EU agencies and authorities involved in the maritime

domain. Finally, EUROSUR will become active in the South Atlantic area near the Canary Islands and the Black Sea.[6]

2.1.2 MS Security Instruments and Practices

Militarization and security-focused management of borders has also been a national policy of certain EU Member States and has been evolving both autonomously and alongside the supranational integrated policies. In Italy, the *Guardia di Finanza* customs police are organized as a military force and are officially acknowledged as such even though they report to the Ministry of Finance. Since the 1990's they have been increasingly mobilized against human smuggling and illegal immigration and have seen their staff, budget and equipment upgrades dramatically increase. In Spain, the paramilitary *Guardia Civil* is the predominant force in the field of irregular migration and answers to both the Ministry of Interior affairs and the Ministry of National Defense. Similarly to *Guardia di Finanza* their specialization is border control in maritime areas and they have also been upgraded substantially over the years. In 1999 alone, €200mil was provided to the force for the construction of the SIVE coast surveillance system. The *Sistema Integrado de Vigilancia del Estrecho,* as its full name stands, combines various military technologies, such as aerial vehicles and helicopters, boats, radars and infrared sensors. Even Member States that lack the security infrastructure of such scale or do not have a force of this kind are largely dependent on FRONTEX's services and equipment. In Greece, it is characteristic that in the last years either a RABIT or a Joint Operation is always ongoing. Militarization of border management is not an exclusive competence of paramilitary forces and supranational agencies though, as even the navy forces of certain states have been deployed to assist (Korontzis, 2012, p. 193, Lutterbeck, 2006, p. 66). The Italian Navy has been active in the Adriatic since the early 1990's and at least a quarter of their navigation time has been spent on preventing illegal immigration. The French

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[6] http://frontex.europa.eu/intelligence/eurosur

Navy has also been conducting operations in the Mediterranean like Operation 'Amarante' to tackle human trafficking. Multilateral naval operations have taken place as well. The 2002 Operation 'Ulysses' in the Straits of Gibraltar and from the west Sahara until the Canary Islands combined the forces of France, Spain, Portugal, Italy and the UK. In the same year, the NATO's naval forces were dispatched to combat irregular migration, among other objectives, in the Mediterranean in the Operation 'Active Endeavour'. Other important joint operations were 'Triton', 'Rio III and IV', 'Nettuno I and II' as well as 'Semper Vigilia I and II' during 2003 and 2004 (Marin, 2011, p. 139, Monar, 2006, p. 8, Lutterbeck, 2006, pp. 67-68).

2.2 The Mediterranean Region

This particular region is the geographical focal point of the study as it is most affected by the increased migratory influx and could thus be characterized as the main 'theater' of EU's operations to take action and possibly control of the situation. The Mediterranean lies amidst diverse and complex migratory flows from the Maghrib area, northern Africa, the Balkans and Turkey. Countries like Italy, Spain, Greece, but also newer Member States like Malta and Cyprus have turned from migration source countries in the past into destination and transit countries. These flows are characterized from great mobility and a rapid increase as a result of the human trafficking networks operating mostly in Morocco and Algeria among other factors (Aubarell & Aragall, 2005, p. 5). According to the International Centre for Migration Policy Development, more than 100.000 irregular immigrants cross the Mediterranean every year. More than half of them originate from neighboring countries. The shortest routes utilized from the south are the Straits of Otranto between Italy and Albania, the Straits of Gibraltar separating Spain and Morocco and from the east the Aegean Sea between Greece and Turkey. The numbers of undocumented migrants apprehended have been increasing rapidly since the

mid-1990's as well as the numbers of deceased would- be immigrants (Lutterbeck, 2006, pp. 62-63, Papadopoulou, 2004, p. 173).[7]

Immigration was not perceived as a problem of critical proportions from governments in the Mediterranean Member States until the 1990's. Hardly any regulations were introduced to address the issue in Portugal, Spain, Italy and Greece. The collapse of the Soviet bloc lead to mass migration mostly to Italy and Greece and the topic gained a prominent place in public debates. In Spain it was evident that some of its regulation reforms like the one of 1994 were not reflecting its own concerns rather the pressures of its EU partners. In the case of Greece, its governments were keen to encourage supranational involvement to its borders management mostly due to its geostrategic disputes with Turkey over the Aegean Sea, which they hoped to resolve through EU's backing (Baldwin-Edwards, 1997, p. 507, Gil-Bazo, 2006, p. 576).

At this point, it would be important to define the two distinct approaches adopted by the EU simultaneously as described by the terms "external dimension" and "externalization" of immigration policy. The first term refers to the mobilization of a third country to implement certain provisions, regulations or actions for controlling migration in an indirect way. Externalization or "extraterritorialization" describes the process of directly co-managing the borders from inside a third country, namely by appointing International Liaison Officers in the territory of third countries to inspect documents of aspiring migrants or by warning airlines for the "Carriers Sanction Directive" and potential penalties in case they allow transportation to inadequately documented migrants. The activity of ILO's is supposedly of advisory capacity, although the lack of transparency and the influence of the sanctions they may warn about, in their contacts with foreign officials, may suggest that their work is

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[7] For tables showcasing this trend see Salt, J. (2006), p. 5-6, tables 1 & 2: https://remi.revues.org/2828

actually determining the outcome on restrictive decisions of access to migrants (Mc Namara, 2013, pp. 329-331).

Externalization of immigration policy has not been an exclusive characteristic of the area of the Mediterranean with its neighboring states. There have been bilateral agreements between central and eastern European countries (CEEC's) of EU and their neighbors, such as the 1991 agreement between Estonia and Russia following the recent independence of the former. In compliance to the EU's legal framework regarding borders management, the two states co-managed their common borders to combat organized crime, reduce the influx of Russian immigrants after EU's relevant pressure and organize the reuniting of families divided by the new border regime by conducting specific visa arrangements. Similarly, Romania's implementation of the EU-accession Copenhagen criteria, as described in the Schengen Agreement, lead to cross-border cooperation with Moldova, with which there were strong ethnic and kinship ties, under EU auspices and extraterritorial activity. Apart from establishing an intra-regional free trade zone this cooperation was also focused on strengthening the control of their shared border. In addition, generally concerning CEEC's there were also the Partnership and Cooperation Agreements and the 1991 Technical Assistance to the Commonwealth of Independent States or TACIS program for countries of Eastern Europe and Central Asia (Berg & Ehin, 2006, pp. 63-64, Lavenex 2004, p.688).

In the examined area of the Mediterranean the integration of migration and external relations began in 1995 with the Euro-Mediterranean Partnership as introduced in the Barcelona Conference. The EMP was created as a framework for bilateral and multilateral economic, social and security cooperation. Migratory policies were not given particular attention in the following conferences in Malta (1997), Palermo (1998) and Stuttgart (1999), but the 2000 Brussels Conference highlighted the need of promoting common immigration

strategies. Two years later, the Valencia Action Plan had incorporated provisions and objectives about JHA matters, such as immigrant integration, managing of migratory flows and combating illegal immigration and human trafficking. The end result was the aforementioned European Neighborhood Policy, which declared that envisioned a "ring of friends" sharing common fundamental values and objectives (Aubarell & Aragall, 2005, p. 13, Gil-Bazo, 2006, pp. 582-583). ENP Action Plans were issued after specific country reports prepared by the Commission and each of them had a clear focus on legal and illegal immigration, readmission agreements, visa and asylum provisions and border management. Large-scale cooperative projects on JHA matters were subsequently launched within the framework of MEDA (*Mesures d' accompagnement*) striving for combating corruption and enhancing the operational capacity of Mediterranean countries in fighting irregular migration and organized crime (Rijpma & Cremona, 2007, p. 16, Lutterbeck, 2006, p. 70).

The 2003 Euro-Mediterranean Conference in Naples highlighted the goal of security concerning the ENP Action Plans and confronted irregular migration as a threat to be dealt with, whereas the 2004 Dublin Conference adopted a more global and optimistic view, supporting that managed migration could be of benefit for the Mediterranean's socio-economic growth in the long term. The Hague Conference that took place the same year constituted a return to the Naples approach with the exception of addressing the root cause of migration as crucial factor to be taken into consideration (Aubarell & Aragall, 2005, p. 14). In 2007, after a decision of the European Parliament and the Council, namely Decision No 574/200/EC, the External Borders Fund was established to support Member States with managing the Union's external borders and enhance the efficiency of the cooperation between national authorities and the Commission in forming programs to tackle illegal immigration (Korontzis, 2012, p. 195). Mediterranean Member States have also been discussing such matters in informal fora with Dialogue 5+5 being the most prominent one (Lavenex, 2008, p.

950). The initiative involves 10 countries around the West Mediterranean sea, namely Mauritania, Morocco, Algeria, Tunisia, Libya on the southern rim and Portugal, Spain, France, Italy and Malta on the northern rim. In December of 2003, Heads of State and of Government participated to the Forum for the first time. The Dialogue 5+5 complements the work of other initiatives in the Mediterranean, like the Mediterranean Forum and the Euro-Mediterranean Forum.[8] Other prominent programs would be EUROMED, which is a network on data collection concerning migration in the Mediterranean and CARDS, which also enhances cooperation in border control on a regional level in southeastern Europe (Samers, 2004, p. 39-40).

The main issue for EU Mediterranean states has been the Dublin II Regulation regarding the criteria and the mechanisms for determining the state responsible for examining asylum applications submitted by third country citizens. The criterion of first illegal entry has been regarded as contrary to the principle of equitable responsibility sharing. Member States, such as Italy, Greece and Malta have openly opposed a system that places the entire burden to their efforts. First illegal entry is geographically impossible or at least only theoretically possible in states like Luxembourg or Ireland. Additionally, the European Mediterranean states are hardly a final destination of migrants, rather transit countries from where they seek to travel further into Europe and apply for asylum once they do (Korontzis, 2012, p. 190, Gil-Bazo, 2006, p. 578). Apart from national governments, a number of NGO's, refugee watch groups and even UNHCR have issued reports claiming that Dublin promotes burden-shifting towards the South, to which the Commission replied in partial agreement albeit with no actual changes to follow in EU asylum law (Junker, 2006, p. 301).

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[8] http://www.medea.be/en/themes/euro-mediterranean-cooperation/dialogue-55-western-mediterranean/

2.3 Human Rights Implications

The strategies developed and implemented so far by the European Union and its Member States to control and manage migration, imply a fear of immigrants as threats to the symbolic control over territorial boundaries. It can be argued that the intense efforts for border fortification can be partially explained by the post-Cold War socially constructed notion of a new threat, that of the South. Technological advances in the military and security fields have thus found a more fruitful ground that allows them to be utilized to preserve the notion of the need to protect the threatened internal security. This cultivated social unease, enhanced by an adopted terminology, which criminalizes immigrants, has also been condemned by the UN *Rapporteur* on Human Rights as encouraging to xenophobia and fear (Bigo, 2002, p. 77, Creppeau, 2013, p. 10).

Despite the Treaty reform that established the binding character of the Charter of Fundamental Rights, there are still many alarming issues concerning human rights of immigrants that derive from both the securitization and the externalization of EU border's management. Regarding securitization, the practices of the Italian Navy are indicative of the problematic nature of the approach. The UN Convention on the Law of the Sea does not allow shipping authorities to inspect vessels of a foreign flag take place on illegal immigration grounds, but when the suspected vessel is of doubtful nationality inspections can happen and this has been the most common excuse by the EU and Member States to proceed with this practice. Since the Albanian refugee crisis of 1997, the Italian Navy was given the authority to stop and divert suspicious vessels in the Straits of Otranto. Both Amnesty International and the United Nations accused Italy of having established a naval blockade in the Adriatic and the European Court of Human Rights followed by censuring these practices are inhuman. These accusations were highlighted by the accident that took place in March of 1997, when an

Italian warship collided with a boat carrying migrants and more than 100 lost their lives (Thym, 2013, p. 728, Litterbeck, 2006, 68). The Italian Navy has claimed ever since to have adopted a more mild approach with a focus on rescuing immigrants, but in spite of these claims similar and often deadly accidents have continued happening. Similarly in Spain, the second largest number of immigrants dying in the sea was during the interception of the vessels carrying them by Spanish authorities (Rijpma & Cremona, 2007, p. 22, Lutterbeck, 2006, pp. 69).

This approach has two significant consequences that both leave aspiring immigrants unprotected. The first is the diversion of migratory flows, which puts immigrants in danger of traveling through naval passages more difficult to navigate through, with the purpose of avoiding the safer, albeit more heavily guarded entry points. The accident that occurred in October of 2013 in Lampedusa with 366 casualties has brought the issue under the spotlight of international attention once again. The maritime south of Italy and the area of Sicily have replaced the Straits of Otranto as the most preferred entry point by human smugglers and this has lead to an increase in casualties. The same development happened in the Straits of Gibraltar, which was gradually replaced by the Canary Islands as the most busy entry point. Again, this was not without cost in human lives, as the casualties have increased due to the turbulent waters between Morocco and the Canary Islands. The second consequence is the growth in human smuggling,[9] since traffickers are more experienced with avoiding border patrols. This goes especially for the area around EU's Mediterranean borders as showcased in a recent study conducted by the International Organization for Migration comparing casualties of migrants between 2014 and 2015.[10] This result also leaves aspiring immigrants unprotected as the smugglers have increased their financial demands, but also being more

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[9] According to UNODC human trafficking has been increasing globally during recent years: http://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf p. 9

[10] http://www.bbc.com/news/world-europe-32387224

important than ever, they may take advantage of people who reach for their help (Creppeau, 2013, p. 6, De Blouw, 2010, p. 344, Lutterbeck, 2006, pp.75-76). The recent reports of sexual violence from traffickers towards migrants of the Lampedusa tragedy, underlines this aspect of intense securitization indirectly weakening of immigrants.[11]

Externalization of immigration policies has also consequences for the human rights of immigrants. It is extraterritorial strategies mostly that have significant human rights implications. Third state territory can be characterized as the "final frontier" of European migration control since it is there that the latter can be exercised without always engaging ECtHR jurisdiction. However, the Court of Justice of the European Union has not ruled on the extraterritorial applicability of the Charter of Fundamental Rights. Regarding international waters, the ECtHR with its decision in the *Hirsi* case in 2012, where Italy's *Guardia di Finanza* intercepted a vessel carrying immigrants and returned them to Libya and was accused of breaching the European Convention on Human Rights, constituted a positive departure in protection of asylum seekers and established the principle of border authorities responsibility to protect immigrants and their rights outside their territory. In other words, the immigrants carried back to Libya were considered to be under Italy's *de facto* and *de jure* control and thus extraterritorial jurisdiction was exercised (Mc Namara, 2013, pp. 324-325).

Cooperation with third countries on migratory matters may also have implications especially when the third state does not have an adequate record of human rights protection or is not a party to the Refugee Convention. Libya stands out as the third state that cooperates with the EU multilaterally and Italy bilaterally and falls under both categories. Additionally, the UN High Commissioner for Refugees has no official status in this state and Amnesty International has issued numerous warnings about the complications of collaborating with a state of such a human rights background. Expulsions of immigrants in Libyan detention

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[11] BBC news, 08/11/13 http://www.bbc.co.uk/news/world-europe-24866338

centers back to their countries of origin without consideration of the non-refoulement principle are the most concerning of issues. Libya is though a State Party to the Organization of Africa Unity, which recognizes the Geneva Convention on Refugees and on top of that the European Council seems to have faith in the potential of Libya to fulfill its commitments on asylum on human rights, although such expressions of trust have been accused of serving as a way to speed up cooperation (Gil-Bazo, 2006, pp. 595, Hamood, 2008, pp. 24-25).

In a concluding note regarding alternative routes for EU's approach to migration macro-management, Adam Luedtke presents a broad sample of other academics who support the view that EU's migration policy is becoming less liberal with fewer rights and privileges for immigrants and a clear promotion of national border control over uniform immigration policy in practice (Luedtke, 2005, p. 91). Many other academics, such as Ralf Dahrendorf, Richard Falk and Bryan S.Turner (van Steebergen, 1994, pp. 8-9) present alternatives to the current dominant perspective of citizenship, such as the concept of 'world citizenship', in which freedom of movement and sustainable development for all should not be limited by other citizenship models, the 'ecological 'global citizenship', which is essential for people to collectively protect the environment in an efficient manner and finally the 'cultural' citizenship', which dictates the necessity of any citizen's inclusion to any cultural practices that in essence allow belonging to a national culture.

Concerning Europe in particular, Etienne Balibar states that the 'citizenship of Europe' is only a recent construct shaped from 1974 Treaty after Treaty until consolidated in 1992 and Maastricht (Balibar, 2009, p. 10). On top of that, the Schengen rules brought forward a discretionary character to EU's borders against the rights to movement and self-determination of immigrants and aspiring refugees, thus leading to what he calls a 'European *apartheid*' with a normalization of their exclusion being enforced through thorough policing of the

borders. In other words, the unwillingness of EU's states to grant immigrants equal rights and recognition constitutes an obstacle towards a more 'cosmopolitical' democratic citizenship (Balibar, 2010, pp. 319 & 321). Apart from these '*anti-universalistic* effects of globalization' Balibar also delves into cosmopolitanism and presents a number of versions that could substitute the current nation-centric perspective. The most prominent would be the 'Global Network' model, which suggests a gradual fading of the borders the way we know them, similarly to what is happening within the Schengen area, due to globalization. Another example would be the 'Cross-over' model, which allows culturally hybrid social formations to emerge and thus present an opportunity for a reduction of conflict in the long-term (Balibar, 2006, pp. 8 &12).

2.4 The Dublin System: Provisions and Shortcomings

2.4.1 Dublin Convention

The Dublin Convention signed by all Member States but one in 1990 at the Immigration Ministers' meeting was meant to deal with two main issues, namely the "refugees in orbit" phenomenon and the "asylum shopping" tactics of immigrants. The former term describes the state of immigrants drifting from one Member State to another, seeking for one that would ultimately take responsibility for examining their asylum request, whereas the latter term refers to immigrants simultaneously issuing multiple asylum requests in more than one Member States. Responsibility is the key theme and as in Schengen's case the goal is not procedural harmonization, but rather the establishment of uniform criteria for determining said responsibility. Following the abolishment of internal borders a back-up measure was of the essence and such was the function of the Convention as also stated in its very preamble (Marinho & Heinonen, 1998, p. 2, Vink, 2002, p. 10). In effect, Schengen's asylum provisions and specifically chapter VII of the Convention Applying the Schengen Agreement,

were replaced by Dublin four years later and allowed Member States to consider each other "safe third countries" on the basis of multilateral conventional mechanisms. This replacement was agreed in the Bonn Protocol signed during the Schengen Executive meeting in 1994 (Hurwitz, 1999, p. 647).

Once the Convention entered into force on 1 September 1997 allocation of responsibility to strictly on Member State per asylum request was without significant delays in processing or exhaustion of resources. [12] The first of the criteria providing a guideline for allocating responsibility was regarding family reunification as per UNHCR's concerns and allowed immigrants to lodge an asylum application in the State where members of their families had already gained refugee status. Furthermore, as the second and third criteria suggested, the Member States responsible to examine requests were the ones that first issued a valid residence permit and a valid visa respectively. In case of legal entry the Member State that controlled said entry was responsible. The final criterion concerned cases of illegal entry and according to it the Member State whose borders were breached was held responsible. Asylum applications were then to be examined on the basis of national and international legislation, such as the Geneva Convention. Since the Dublin Convention did not provide for procedural harmonization, it was presupposed that all Member States would comply with such legislation and proceed accordingly. Finally, the Convention included an opt-out clause in case a Member State decided to examine an application with the immigrants consent even when it was not obligated to as well as a humanitarian clause according to which a Member State could relieve another due to humanitarian reasons and examine asylum application on their behalf (Marinho & Heinonen, 1998, p. 3). Dublin's deficiencies regarding mostly the distribution of migrants inside EU's territory were showing from early on, which in 1992 lead Germany to proposing an alternative asylum burden-sharing system on the basis of a

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[12] In Sweden and Austria the Convention entered into force on 1 October 1997 and in Finland on 1 January 1998

negotiable formula including GDP, population, employment rates and others. Consensus on the fixed distribution keys never materialized due to the opposition of a number of Member States, although he discussion led to the Council Directive on Temporary Protection in the Case of Mass Influx much later in 2001 without any binding mechanisms and with voluntarism being a definite prerequisite (Thielemann, 2004, p. 58).

2.4.2 Dublin II

Following the Tampere meeting of 1999 and the established need for the creation of an Area of Freedom, Security and Justice, the wheels were set in motion for the inception and adoption of Council (EC) Regulation 343/2003 after a relevant proposal by the Commission in June of 2002 'establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national'. The otherwise also known as Dublin II Regulation was published on 18 February 2003 and entered into force twenty days later. Together with the Implementing Commission (EC) Regulation 1560/2003 the new system foresaw the rules for the charge, take-back procedure and the following transfer of third-country nationals to the responsible Member State. The Dublin II Contact Committee, a group of Member States' experts, meet twice per year in Brussels with the Commission presiding, in order to discuss matters of implementation and conflicts of interpretation among the responsible authorities. The Regulation covering 30 states in and outside the European Union was contested from early on due to the disproportionate burden sharing between the Member States of the periphery and those of the central European mainland (Papadimitriou & Papageorgiou, 2005, p. 303, Peers, 2002, p. 18, Filzwieser, 2006, pp. 3-4).

The aforementioned Eurodac is the second main component of the so-called Dublin System, since the mechanisms and criteria from Dublin I were preserved almost intact without

major differences. What was new though, was the introduction of Eurodac as an essential tool in determining the Member State responsible for examining an asylum application on the basis of the point of first entry in the European Union's territory with the use of a central database containing the fingerprints of all asylum claimants over the age of 14 (Broeders, 2007, p. 77). Council Regulation No 2725/2000 establishing a system for comparing fingerprints of asylum seekers and some categories of illegal immigrants did not become operational until January of 2003. Inclusion of illegal immigrants was an addition to the initial concept promoted by Germany in 1998, a year after the Schengen Executive Committee first came up with the idea of such a database. Two out of three categories of fingerprints are stored in Eurodac. The first category are the fingerprints of asylum applicants older than 14, the second category includes irregular immigrants apprehended after a an irregular crossing of a Member State's external borders in case they could not be turned back and the final category are the fingerprints of those found illegally present in a Member State, only the last fingerprints are not stored after being compared with those of the first two. Eurodac contributes to the work of expulsion policy implementing authorities as it circumvents the common obstacle of identifying asylum applicants as the number of 'hits' for irregular migrants climbed from 1181 to 7674 just in the first year of the system's operation (Broeders, 2007, pp. 83-84).

2.4.3 Dublin III

The Regulation (EU) No. 604/2013 or Dublin III is largely based on the same principles as the ones before it. The Dublin renewal process was initiated with a report of the European Commission. In its Evaluation Report of Dublin II from the 6th of June 2007 the Commission expressed its concerns about the practical implementation and effectiveness of the system. In

addition, it underlined deficiencies in the protection of asylum applicants.[13] Other actors, such as the European Council on Refugees and Exiles (ECRE) [14] and UNHCR[15] supported through their reports that a recast process was much needed to improve protection of seekers of international protection.

On the 3rd of December 2008 the Commission voted on the proposal for the new Dublin III Regulation, which was later forwarded to the Council and the European Parliament. After official discussions began in 2009 and after the work on the Regulation was slowed down due to the adaptation period following the entry into force of the Lisbon Treaty, the European Parliament and the Council signed the Regulation on the 26th of June 2013. The turning point of the Dublin system's perception by the public, but also by EU's institutions was the *M.S.S. v Belgium and Greece* case and the relevant ruling of the European Court of Human M.S.S., an Afghan asylum seeker whose name has been disclosed, was sent back to Greece by Belgian authorities as per the dictates of the Dublin II Regulation. In Greece the applicant suffered from a violation of his rights as except from the particularly low living standards during his detainment, he also alleged that he was the victim physical violence from police officers as well (Mallia, 2007, p. 109).[16] According to Strasbourg's judgment, the violation of Art 3 of the European Convention on Human Rights by the two member States occurred just by implementing the Dublin II Regulation. Greece was held accountable for the degrading treatment of M.S.S., while Belgium actions were considered indirectly in breach of Art. 3 despite the sovereignty clause in Art .3 (2) of the Regulation, as Belgium could potentially still refrain from transferring the applicant back to Greece and not presume that Greek

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[13] European Commission, Proposal, COM (2008) 820 final, 2008/0243

[14] ECRE identified a number of deficiencies in the application of Dublin II and provided a few recommendations: http://www.refworld.org/docid/513ef9632.html

[15] UNHCR also detected certain areas requiring improvement in the application of Dublin II from early on: http://www.refworld.org/pdfid/4445fe344.pdf and therefore later greeted the Commission initiative for proposals to restore certain imbalances of the Regulation: http://www.refworld.org/pdfid/49c0ca922.pdf

[16] For more testimonies on similar situations and other breaches of the EU Reception Conditions Directive 2003/9/EC, see: "Twenty voices – Twenty reasons for change", ECRE AD2/3/2007/ext/CN

authorities would respect their international law obligations (Gragl, 2012, p. 2).[17] The Court's ruling did not fundamentally dismantle the Dublin, but it would not be an overstatement to say that it compromised its basic rationale and exposed its limits, underlining thus the urgent need for a reform, especially given the inefficient and unfair practical application of the regime (Moreno-Lax, 2011, p. 20).

The Dublin III Regulation constitutes a step towards the Common European Asylum System that addresses both the needs of asylum applicants as well as the concerns of the Member States. Through the recast of the Dublin Regulation only a few, non-fundamental changes were made. The main points addressed by the Commission in its proposal were a mechanism of suspension of Dublin transfers to ensure that Member States experiencing systemic difficulties on their asylum systems are not further overburdened, the clarification of circumstances and procedures for the responsibility of Member States as well as the right for an appeal. Additionally, the proposal re-approached the right of family reunification, provided an improved definition of rules applicable to unaccompanied minors and also sought to avoid asylum seekers being transferred back to Member States, which are in no position to offer an adequate level of protection or living standards.[18] From the Commission's viewpoint most objectives were fulfilled in the common position of the European institutions and it could be regarded as an integral step to secure the treatment and rights' protection of asylum applicants under the Dublin procedure. Granting the right to information and access to effective remedies against a transfer decision alongside free legal assistance, additional favorable conditions for reuniting families and the strengthening of rights for unaccompanied minors were the most significant adjustments to the previous system. Thus, the Commission drew the

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[17] For similar rulings by the Luxembourg Court of European Justice see Joined cases C-411/10 and C-493/10 N. S. and M. E. and Others http://ec.europa.eu/dgs/legal_service/arrets/10c411_en.pdf

[18] European Commission, 2008: IP/08/1875

conclusion that "*the substance of the Council's position is, therefore broadly in line with the Commission's proposal and can be supported*".[19]

The most significant addition to the previous system, namely "A mechanism for early warning, preparedness and crisis management" has been added as Article 33. This mechanism assists preparation for and prevention of situations of critical systemic deficiencies in hosting asylum applicants occurring in the future. The European Asylum Support Office, an agency of the EU, gathers information on the CEAS, which is then presented to the Commission. If this information supports that there is a risk of the application of the Dublin Regulation putting excessive pressure on a particular Member State's asylum system or that there are issues with the asylum system, the Commission is tasked to draw up a preventive action plan for that state. Member States may also draw up their own action plan and present it to the Commission.[20] Moreover, the Member State whose asylum system is affected is obligated to take all measures necessary to deal with the situation and ensure that deficiencies are identified and addressed.[21] If the preventive action plan is proven to not be effective, or in case of a risk that the asylum system of the Member State may be affected by a crisis, the Member State could be requested to draw up and implement a crisis management action plan.[22] Throughout the preventive process and the crisis management, the Council closely monitors the situation. Finally, Art. 33 states that "*the European Parliament and the Council may, throughout the entire process, discuss and provide guidance on any solidarity measures as they deem appropriate.*"[23] Nevertheless, the article does not clarify what the solidarity measures may entail. Additionally, Art. 33 could be regarded as an encouraging step towards acknowledging the current situation as it does admit that not all Member States may be

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[19] Communication from the Commission to the European Parliament, 2013, 416 final, 2008/0243 (COD)
[20] Regulation (EU) No 604/2013 of the European Parliament and of the Council 604/2013 Art. 33(1)
[21] Regulation (EU) No 604/2013 of the European Parliament and of the Council 604/2013 Art. 33(2)
[22] Regulation (EU) No 604/2013 of the European Parliament and of the Council Art. 33(3)
[23] Regulation (EU) No 604/2013 of the European Parliament and of the Council Art. 33(4)

efficient in managing the pressure being put on their asylum system as well as that that not all Member States necessarily have the same level of protection or access to protection. However, this article does not adequately explain on when transfers to a particular Member State may be suspended or what exact steps should be taken as preventive action or as crisis management. Scholars like Bačić argue that the recast of Dublin II is a missed opportunity from the Commission to address the imbalances and dysfunctional aspects of conformity with international standards of refugee protection and therefore the newest Regulation does not bring the EU much closer to fulfilling the objectives dictated by the Geneva Convention (Bačić, 2012, p. 76).

As a final remark on the new Regulation, it would be safe to assume that the ongoing process of establishing a CEAS can potentially constitute a setback with regard to the proper application of the relevant EU legislation and protocols, since harmonization in terms of common asylum procedures and uniform refugee status criteria do not take the specificities of each Member State into account. In addition to that, fixed standards could increase costs for the overburdened peripheral host countries and undo whatever benefits of the current ineffective, albeit more tolerable minimum standards approach (Monheim-Helstroffer & Obidzinski, 2007, p. 93, Thielemann & Dewan, 2006, p. 365).

2.5 Dublin and the Securitization Trend

As much as academics and observant have been eager to condemn the Dublin System or the so-called 'Fortress Europe' approach to border security, it is very rare that the two are being grouped in a single problematic scheme. The hypothesis briefly presented in the introduction would be a way to combine the two, albeit no significant part of the relevant literature seems to aim at establishing a concrete causal relation. Daniel Thym (2013)

connects the current security approach and more specifically rendition practices while authorities intercept arriving immigrants, to lack of cosmopolitanism in EU's approach regarding affairs of migration and cross-border movements in that it lacks any universalist conceptions regarding freedom of movement as a human right and alternative forms of identity beyond the current state-centric one (Thym, 2013, pp. 726-728, Balabanova & Balch, 2010, p. 384). Dublin is not mentioned in his study though, even though it embodies the lack of said cosmopolitan values and ideas in EU's approach. Other scholars, such as Silja Klepp (2010) take a step further and imply a connection between security practices and the Dublin System since the burden shifting that is occurring allows the 'street level bureaucrats' of the peripheral Member States to significantly shape refugee law at seas through the consolidation of their practices. These Member States have been drawn to the forefront of handling EU's external borders security and given the pressure put to them they proceed to more effective informal practices, which are gradually being 'formalized' (Klepp, 2010, pp. 18-19). Joanna Lenart (2012) wishes to be even clearer and more specific while examining this connection, as she claims that Dublin has established a clear link between responsibility concerning asylum applications and illegal cross-border entries, thus indirectly encouraging implementing authorities, such as FRONTEX, to avoid granting access to EU's territory to irregular immigrants and apply practices that do not comply with EU's international law obligations concerning refugees' protection, such as the Geneva Convention or even its own European Convention on Human Rights (Lenart, 2012, pp. 14-15).

Dennis Broeders (2007) sees Eurodac as the main development that Dublin II brought after replacing the original Convention and on the basis of its broadened function since the Regulation first entered into force he claims that together with the Visa Information System (VIS) EU has developed a digital infrastructure, which significantly enhances its borders' policing capacity. He therefore questions whether these databases will be mainly used to

increase expulsions of irregular immigrants as their movement within EU's territory will be surveyed well past their crossing of the borders (Broeders, 2007, pp. 87-89). Sergio Carrera and Elizabeth Guild (2010) observe that governments of southern Member States, such as Greece, prefer to avoid discussing the security practices applied at their borders and instead only focus on channeling funds for security from the EU, mostly from the External Borders Fund, in a somewhat compensatory manner for the burden-shifting that Dublin and the Schengen Borders Code produce. Therefore, their security and detention practices are not monitored or sanctioned enough as long as they comply with EU's migration and asylum policy. This has started to change though, as infringement proceedings against Member States' practices have begun to be informally opened by the Commission (Carrera & Guild, 2010, pp. 12-13).

Additionally, Nicholas De Blouw (2010) is of the opinion that Dublin puts prevention to the forefront, which is clearly indicated in an incident he uses as an example concerning a ship called *Pinar*, that was stranded for three days in international waters between Malta and Italy as the two feuded over responsibility while two casualties happen on board of the boat in the meantime (De Blouw, 2010, p. 353). Finally, Michael Samers (2004) places the Dublin framework together with 'safe third-country rules' within a 'securitarianism' context wherein restrictive immigration policies serve a 'remote control' type of border security. The main objective is to prevent aspiring immigrants from ever reaching EU's shores, which in turn leads to the phenomenon of migrants probably entitled to asylum entering EU's territory irregularly out of fear of EU's 'Fortress' nature (Samers, 2004, p. 29). Indicative of such an approach is the poor distinction between smuggling and trafficking, which are mostly dealt with within a coherent policy despite the fact that the two are practically overlapping albeit not interchangeable phenomena (Samers, 2004, p. 35).

III. Research Findings

3. Methodology

3.1.1 Research Objectives and Questions

The objective of the study is to include the opinions and views of various stakeholders involved in EU's migration and asylum policy regarding the main research questions and sub-questions. These have been identified after the study of the relevant literature and the preparation of the interviews and will be presented in the 'Results' section. The choice of interviews as a means to complement the literature review emerged from the observed lack of such an approach in the academic material studied and the need to establish the idea that certain discussed issues in the present study have been of concern to many involved actors as well.

3.1.2 Application of Data Collection

The participants were selected on the basis of their role and degree of involvement regarding EU's migration and asylum policy. The objective of the research was to include a diverse group of actors, such as EU institutions, independent organizations and research institutions. As the interviews were semi-structured with open-ended questions the topics were chosen beforehand, but the order of the questions varied between interviews. Therefore it was within the micro-social context that that the interviews were guided from one topic to another. The respondents were informed on the nature of the interview, the research aims and main hypothesis examined and were presented with the questions days before the arranged date for the interviews. They were also informed that the conversations would be recorded. Most of the interviews were conducted via telephone while the rest via Skype. The duration of

the interviews ranged from 30 to 60 minutes and they were all conducted in English. The interview guide (see Appendix I) consisted of two main sets of questions. The first set included questions on the current asylum policies and legislative packages ruling said policies, while the second set concentrated more on the criticism these frameworks and practices have been receiving as well as on the respondents' estimations or ideas regarding future developments. In the end of the interview the respondents were asked if they wanted to add anything extra as to not leave out any important remarks or statements they wished to make. The material to be analyzed consisted of the transcribed answers and notes taken during or after the interview. The interviews were transcribed verbatim and word-for-word and cross-checked against the recordings. Transcriptions would take place within two days maximum following the interview to ensure accuracy.

3.1.3 Data Analysis Method

The method applied for the analysis of the data that emerged from the interviews was thematic content analysis. After the interview transcripts were read numerous times, recurring patterns and important statements were noted and assigned to codes. Later these codes were grouped into broader thematic categories. Further into the classification process these initial categories shaped the final six categories, based on which the analysis proceeded. The main objective was for the codes included in each category to be as mutually exclusive as possible, as in not belonging to more than one category at the same time. Such an objective was proved to be challenging due to the interconnected nature of the topics touched upon during the interviews, but the outcome was satisfactory enough in the sense that none of the codes noted and included in the analysis seemed out of place given the topic of each respective category. The six final categories ended up referring to an alternative point of view to the burden-shifting narrative, the exogenous factors as more precarious than asylum policy, externalization as a divisive debate on risk, security as a priority over human rights protection,

unequal burden-sharing as a Dublin byproduct and finally to solidarity as key to viable alternatives.

3.1.4 Presentation of the Participants

The **European Asylum Support Office (EASO)** is an agency of the European Union set up by Regulation (EU) 439/2010 of the European Parliament and of the Council. Based in Valletta, Malta, they act as a centre of expertise on asylum, contribute to the development of the CEAS, help Member States fulfill their European and international obligations on international protection to its beneficiaries and provide practical and technical support to Member States and the European Commission.[24] They were represented by Jean Pierre Schembri, Executive Officer and Spokesperson of the Office.

The **International Organization for Migration (IOM)** was established in 1951. Based in Geneva, Switzerland, IOM is the leading inter-governmental organization in the field of migration and cooperates closely with governmental, intergovernmental and non-governmental partners. With 157 member states IOM is dedicated to promoting humane and orderly migration, to promote international cooperation, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants. This mission is materialized by providing services and advice to governments and migrants.[25] They were represented by Florian G. Forster, Head of Immigration and Border Management in the Department of Migration Management of IOM.

The International Centre for Migration Policy Development (ICMPD) was founded in 1993, on an initiative of Austria and Switzerland. Based in Vienna, Austria, the organization serves as a support mechanism for informal consultations, and to provide expertise and

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[24] http://easo.europa.eu/about-us/what-is-easo/
[25] http://www.iom.int/about-iom

services, to promote innovative, comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organizations.[26] They were represented by Martin Wagner and Meagan Hendow, Project Officer and Research Officer of ICMPD respectively.

The Mediterranean Migration Observatory (MMO) was created in 1998 by Martin Baldwin-Edwards (formerly of Queens University Belfast) and Prof. Xanthi Petrinioti, Panteion University. In 1999 it was established as a research unit of the Research Institute of Urban Environment and Human Resources, Panteion University of Athens. MMO is composed of two committees, namely the International Advisory Board, consisting of recognized scientists and researchers on Mediterranean migration, and the Hellenic Scientific Committee, composed of many of the leading Greek researchers, that functions in an advisory capacity concerning the research strategy of the Observatory.[27] They were represented by Martin Baldwin-Edwards, Academic, Senior Researcher, Co-Founder and Former Director of MMO.

Directorate-General (DG) Migration and Home Affairs as part of the European Commission and under Commissioner Dimitrios Avramopoulos and Director General Matthias Ruete prepares EU-level rules on cross-border issues, such as asylum, migration, border control, organized crime and terrorism and monitors their implementation. They work to develop a balanced EU migration policy and to build a safer Europe, by promoting police cooperation, by preparing to successfully respond to emerging crises as well as by spearheading the promotion of cooperation with non-EU countries to form a partnership and

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[26] http://www.icmpd.org/ABOUT-US.1513.0.html
[27] http://www.mmo.gr/profile.htm

jointly confront common challenges.[28] They were represented by Alexandra Cupsan-Catalin, Policy Officer of Unit HOME B.2 on Asylum of DG Migration and Home Affairs.

3.1.5 Limitations

The initial goal was to interview either officials or spokespersons of the most prominent organizations and institutions working on issues regarding migration. The main obstacle towards this were the heavy schedules of some organizations, namely UNHCR, Amnesty International and ECRE, who kindly turned down the inquiry concerning an interview on grounds of heavy workload and limited time for media briefings and participation in academic research thus limiting the sample size. Other organizations or agencies, such as FRONTEX denied participation altogether claiming that they were not in a position to answer most of the question included in the study. Consequently the target group of the research had to be broadened as to include alternative albeit no less important participants. Furthermore, the ones who expressed an interest were usually unsure about the date of the interview as their schedules were not less busy. In other words, long waiting times were a factor that hindered the progress of the study. Unexpected re-scheduling for reasons, such as unplanned trips of the respondents away from their base was another obstacle for the completion of the empirical research.

Moreover, some of the respondents ended up providing less time than originally agreed due to last-minute schedule changes, which lead to some questions being left unanswered. A similar outcome was not avoided in other cases as some interviewees kindly denied answering some questions as their official role was not leaving room for making comments on specific issues no matter their personal views on these matters. Finally, the nature of interviews conducted via telephone lead to the limitation of their empirical value as body language or

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[28] http://ec.europa.eu/dgs/home-affairs/who-we-are/index_en.htm

facial expressions could not be observed contrary to voice intonation and inflection. Same goes for Skype calls as no video connection was available in the two occasions this means of communication was chosen over the telephone.

4. Results

4.1 Introduction

As stated before, and more explicitly in chapter 2.5, the literature brought up further questions that added to the two main ones, namely whether Dublin encourages securitization of the borders and whether it is linked to the incidents of immigrants' rights abuse once apprehended. In the interview guide, the first two questions examine the relation of EU's relevant legislation and security increase as well as human rights abuse. Security measures at EU's borders were a central issue discussed as some aspects of them are being met with criticism and are subject to ongoing debates. As the most significant developments seem to be taking place outside EU's territory, the discussion naturally moved to the topic of the externalization of migration policies in cooperation with third countries. Furthermore, the research seeks to shed light on the burden-shifting issues that have emerged after the application of the Dublin system and whether the relevant criticism holds some truth or not. The final research question is whether an alternative to Dublin can be agreed upon and applied following a broad consensus and thus the interviews concluded with questions regarding the future of EU's migration and border management policies.

4.2.1 An Alternative Point of View to the Burden-Shifting Narrative

So far in the study it has been consolidated as a general observation that EU's southern Member States of the Mediterranean are confronted with a situation that constitutes a more substantial challenge for them than for the rest of the Member States. Such a view though is not adopted by everyone and although not contested altogether it may still not describe the whole picture adequately. The number one reason being that the majority of immigrants, both regular and irregular, and asylum seekers intend to begin their new lives in the central or northern MS's as that usually seems to be the safest choice when looking for an occupation and welfare. And it is exactly this right to free movement that is almost in unison advocated from the respondents.

As Wagner puts it: "*Whether we think that the root causes of migration could be effectuated with border management, I don't think so. Migration cannot be stopped neither can the root causes of migration, at least I don't know how to do that, because if a person wants to move it's difficult to be stopped. I also don't see the reason why you should stop the person*". Baldwin-Edwards shared a similar opinion on the inevitability and necessity of such a right to mobility: "*Practically if you give formal refugee status to people they have the right to move around within the EU. And we know that people want to go to wherever they have relatives etc and we would expect to see that the location allocation would not pertain, the people would move*". Forster also sums it up with enough clarity: "*The integration of immigrants is important. They need to be able to get to a place where they might be able to ensure their welfare in Europe for a long time [...] Because the reality is despite any tension, that people can move on and they do move on. People will want to survive and get a better life*".

He then adds that this undeniable activity comes with a clear tendency: "*Well the discussion has mainly spurred from the southern Member States with demands for more burden-sharing and solidarity in the EU and when it comes to asylum seekers it makes sense for Italy and Greece because even though they arrive there they mostly want to move to the North [...] The thing is that many people do not ask for protection or asylum, but instead prefer to re-enter and head to the North and then ask for protection. Because if you apply it has to be in the first country of entrance, according to Dublin, so that there's no asylum shopping; that's the idea. And then you give you fingerprints and biometric data for Eurodac and many people choose not do that*". "*They would move to Sweden, where they have lots of friends and relatives from their own countries, in the UK and maybe Germany and Denmark; where the largest asylum populations already are. Also where they might perceive that they have better life chances for employment, education etc. So the countries they are least likely to go in the re-distribution would be the southern countries*" as Baldwin-Edwards explains as well.

As a debate is shaping regarding which MS's are the recipients of the most pressure, we observe that such a discussion could be relevant even among the southern MS's. As we open this parenthesis, an important perspective to take into account would be that the pressures of migration influx are subjective for each country and they should be assessed proportionally to each country's funds and infrastructure: "*For example, if a country like has an influx problem, let's say Bulgaria, a small country without such an advanced system, if they regularly have a thousand asylum seekers and then have a thousand more that's a 100% more and that's a lot for them because their reception facilities are not proper and they don't have the money to take into account new venues. What is for me interesting is that actually an influx can mean very different things. For a small country influx means much more than for Germany or for Sweden because they are used to confronting bigger numbers*".

So in other words it is becoming apparent that the European South's rationale might not be coming with clear-cut evidence to show for. To that end Wagner brings up a study that showcases this vagueness of the current situation: *"About that study[29], I found it very interesting that the border countries were actually not as affected as one would think at first instance. This was a bit surprising for me. This might have changed since we wrote this article. On another note probably for me it is also interesting when I think about Italy, for example, and to speak very openly, Italy is one of the G7/8 countries and they say that they can't handle the inflows. I completely understand it for Malta. Malta is a very specific situation, it's a very small country, it's an island and it is very difficult for them to deal with such big numbers. How many from the EU border countries are really affected by that? I was surprised by the very low numbers"*.

Such a view describing an unequal burden-sharing even among the southern Member States could be furthered explored from another angle, namely the degree of the migrants' integration and that of the degree of their acceptance from the nationals of the hosting state. Baldwin-Edwards proceeds to extensive comparisons on just that basis after being asked to comment the role of national electorates: *"In Greece, the fence they have constructed along the river of Evros for example was partly a populist move […] But I think there's a tremendous anti-immigrant sentiment in Greece, especially since 2009/2010 and I think it's been much easier for center and center-right governments to just play up the 'immigrant-threat' issue. So in Greece, yes. In Spain no, we just recently starting seeing the beginnings of an anti-immigrant feeling, but it's very mild. Also a lot of immigrants in Spain are now going back to Morocco and also from Greece to Albania. But the issue of asylum seekers is not exactly the same in Spain as it is in Greece for the simple reason that when the economy was functioning most of the northern Africans were easily employed in the greenhouses and the*

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http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509989/IPOL_STU%282014%29509989_EN.pdf

agricultural sector in southern Spain and in cities in Barcelona and Madrid they were employable in cheap labour conditions, I suppose similarly to Greece in that case, in bits of industry and low level work like washing and cleaning. But it was never as politically contested as it was in Greece. Spain has always had an acceptance of immigration. Then again Italy has had some problems with some of the islands, like also Malta; they have very large numbers arriving to islands. That's also a problem to Greece with having too many islands. But I think it's much worse in the cases of Malta and Lampedusa for example. But the interesting thing is that Lampedusa officials appear to be very pro-immigrant and not have a Golden Dawn-type reaction at all".

Circling back to the broader debate regarding EU's North and Center consensus is formed yet again as Baldwin-Edwards and Forster respectively point out in the following quotes, the Member States most attractive to asylum seekers would be Germany and Sweden: "*Germany has a larger share of the asylum seekers and always did, more or less along with Sweden; they have a very large sum of asylum seekers in Europe. Not so much now as before, but still quite a lot; s*o Germany is the country bearing the greatest burden". "Look at the numbers. The highest number of asylum seekers is not in the Mediterranean, it's actually in Sweden […] The countries of the central and northern Europe have more people granted asylum in comparison to the southern countries; that's the reality. Of course now the situation is more challenging since the numbers are very high; many more [asylum seekers are arriving] than before".*

Therefore the current system has far from evaded becoming subject to significant changes. Voices of doubt are seemingly growing regardless of geographical factors and as Cupsan-Catalin informs us regarding the immediate future of Dublin III: "*In 2016 the Commission will have to evaluate the way in which Dublin III operates and there are already lots of*

voices, surprisingly not of southern, but of northern Member States putting into question some of the underlying principals of the Dublin Regulation and the way in which the asylum seekers are distributed. Germany and Sweden get more than say Italy and Malta. So surprisingly there is a call from the northern Member States for re-thinking some elements of the Dublin Regulation. The Commission for the time being is in the process of monitoring the implementation as the Regulation has been put into force as of January this year and has just become applicable. Early next year we are to start an evaluation and to have an evaluation report sometime around July of 2016 and of course we will do what is called a 'Dublin health-check'. So we will look at the way in which Dublin operates in a comprehensive manner. So that would be not only the legal implementation of the Regulation, but also all the economic and social implications of the instrument".

4.2.2 Exogenous Factors as More Precarious than Asylum Policy

Any voices of concern that push for a re-examining of the current system aside, Dublin III and the CEAS are for the time being still well consolidated and accepted by the majority of EU's decision-makers as a better alternative is yet to appear. Therefore the two are defended for the welcome changes they have brought as well as for their prospects in regard to the immediate future. Schembri of EASO explains so as he is part of an ongoing common effort to make the current system work: "*We try to assist Member States with the implementation of the CEAS. Now on whether it is good or not, it is definitely desirable because it creates a fair system and that's what we are all working on to implement it coherently for all Member States. Some Member States are more challenging than others. At the end of the day we are all working towards a common goal*". For Cupsan-Catalin who is also found amidst this effort the CEAS has a lot to offer and is not to be contested with much skepticism: "*In the Lisbon Treaty in particular it is stated regarding the second stage of the CEAS that the goal is not the closing of the borders, but to make the control of the borders compatible with the objectives,*

which ensure the asylum procedure. So as I was saying in the beginning it would be a little simplistic to say that this Regulation must consist with this purpose, because it is not the purpose of the Regulation".

She then took a similar position regarding Dublin III specifically to extensively underline the unfairness of its critics approach when they state that the Regulation has not changed in its core past the recast: "*On whether Dublin III has not changed much compared to Dublin II, I totally disagree with this actually. Dublin II was an instrument only conceived as a tool between Member States. It was only devised to receive information on the application of the Regulation in a general, vague way and there was not even an exquisite right to make an appeal against a transfer decision.* […] *So it was really a tool to the efficiency of the asylum cases without including anything on the rights of the applicant. Dublin III changed the legal landscape completely in that respect. So Dublin III is not any more a tool for the Member States only, but it includes specific rights of the applicants. So starting from the right to information, which is extremely detailed in Dublin III and contains also the implementing regulations,* […] *and from the right to information to the right to a personal interview. And then to the right to stay on the territory and make an appeal* [...] *and all the other provisions. So Dublin III changed the landscape considerably, for instance also regarding the criteria there is significant increase of the rights of the applicants when it comes to family reunification etc. So to say that nothing has changed I think is really harsh".*

There is of course more sophisticated criticism directed towards the CEAS as in claims that fixed standards could potentially undo any benefits the minimum standards approach has thus far produced. On the same basis it is a relevant concern whether the specificities of each Member State's structural and legal backgrounds should be taken into account: "*The specificities of each Member State should be taken into account and if the Member States*

want to have higher standards than those of the Asylum Package then they can. We are not saying that they can't. However we are saying that the Asylum Package produces a number of legislations and we are there to help the Member States in the implementation of these legislative instruments. This is what our work is all about" Schembri explains, with Cupsan-Catalin assuring that the Commission is not unaware of any such potential complications that could divert the policy from its essential objectives: *"This is a very rough question. And of course you know we are working on a CEAS and we are now in the second stage of the CEAS. The idea is not to have identical standards, but harmonized standards; harmonized standards and good standards of protection. So now we are still speaking about Directives that leave a margin of opposition to the Member States in order to take into account the specificities of each national system. We work very closely with the asylum authorities in each specific Member State. […] So basically the objectives are there, the standards and the way in which they are implemented on the national level is really different because they have different administrative traditions and there are distinct specificities in their systems. So having a CEAS does not depend on Member States not keeping the specificities of their system. What is important is to have common and harmonized standards while enabling however some Member States to have even higher standards of protection than the others. The local objective would be to enable an applicant to have more or less the same treatment. More or less, it will never be the same because of the specificities of each system. But I think all a CEAS will guarantee is effective access to the asylum procedure and the applicant rights to be respected".*

Having clarified this she moves on to expressing her clear doubts on the hypothesis of the study as projected through the interview questions, namely the possible existence of a causal relation between the Dublin Regulation and the detention centers' hosting conditions as well as the increase of security around the area of the common Mediterranean borders: *"There is*

no direct link between the two. I don't see what the link is between that [Dublin] and the detention centers' conditions in the South. If they are poor, they are poor for all applicants, not only for those who could be accepted by other Member States. So I don't see what the aim of your question is. […] *But when it comes to detention conditions for us there is no direct link between Dublin and the detention conditions. This is an issue of course for all asylum seekers. So the issue for Dublin applicants would be more relevant when it comes to detention conditions and whether his or her rights are going to be respected or not. But for detention conditions as such, this is an issue for all asylum applicants, not only for Dublin asylum seekers".* And as for the security increase she appears to be even firmer: "*Well, that is a simplistic view.* […] *It depends on how you see it. Of course, these asylum-related objectives would have to be put in perspective, but I would say that 'no".*

Forster adopts a position quite close to that as he appears to be skeptical about any potential link between the variables despite being familiar with the line of thinking behind the hypothesis: "*During this time with the wars around the Mediterranean, I wonder, would Italy receive fewer immigrants if there was no Dublin?* […] *Ask yourself; what would be the situation like with no Dublin?* […] *I'm just trying to challenge the hypothesis, even though I've read these things myself".* At this point he explains that when it comes to the pressures the southern Member States are dealing with it would be somewhat too easy to find a culprit in EU' asylum policy when the political circumstances in the surrounding area of the Mediterranean are as unstable and precarious as they currently are: "*There is war in their country.* […] *Europe is still a destination after because it is much richer in comparison to the countries where they come from.* […] *But you have to put everything into perspective. Such conflicts are always going to be there.* […] *Compare the numbers of Syrian refugees from before to now for example. And yes, for the EU our Regulations play a role, but let's face it,*

there are other developments around the EU, which are also very real; they have a civil war there."

Having explained that, he admits that there is still a lot to be done or fixed in EU's strategy as the current situation is far from ideal and there is still room for constructive intervention especially when it comes to EU's neighboring countries:"*An affordable solution that we might have would be to deal with the smugglers who have no problem risking lives of the people they are smuggling in the EU. Also it would be much better to have resettlement systems to safe third countries. The popular solution would not be to have no border control, but to have these people in a country where there is actually no longer threat.*[…] *It's not migration that needs to be prevented, but human trafficking; the exploitation of migrants. Their protection is the objective; that should be the idea".* That very same notion is supported by Baldwin-Edwards as he points out that the organized smuggling and human trafficking going on outside EU's borders is where concern and attention should be focused, especially when its own policies have the potential to indirectly empower smugglers: "*It's possible that with the fence in Greece, the increased presence of border guards to the increased coast guard activity in the northern Aegean, there has been a build-up of irregular migrants in Istanbul, which has been happening in the past on some occasions; the build-up of large numbers of people illegally or semi-illegally living in Istanbul waiting to go over to Greece*".

4.2.3 Externalization as a Divisive Debate on Risk

In a similar fashion many remarks were made following relevant questions regarding the situation either just outside the borders or in the interior of third countries; even further away from the any security activity on behalf of the EU and its Member States. Forster compares the burden of other states to that of EU's border MS's and he presents a direr reality for the neighboring countries: "*Actually most people go to countries that are not in Dublin or*

Schengen at all, they go to Lebanon or Jordan because there is war in their country. Also people from Iraq go to the Kurdish region because they have an asylum system where they are not threatened. […] But still, the situation and the pressure for countries with the population and the wealth of like say Italy is not as critical as it is for Lebanon for example where they have over a million refugees. The numbers that arrive here are substantial, but there are many other countries that are worried with the situation; it's much more dramatic elsewhere. It's something to look at, but it's not as dramatic for the EU of a population of about 280 million people as it is for the neighboring countries. Look at Turkey, they kept their borders open, they let all the people in; huge numbers. And then 200.000 for the EU is not as much".

Consequently, these hardships of EU's neighbors that indirectly, albeit acutely, affect the Union itself constitute a call to action by themselves as every respondent asked would appear to believe. Schembri speaks of EASO's hands-on experience in third countries and the impact it has had on his views concerning this issue: "*The external dimension is we believe an important element of the asylum policy. In fact, although we are a small and new agency we have already embarked in projects with third countries like Morocco, Jordan and Tunisia where we are engaging on a legislative project within the European Neighborhood Policy. We cannot solve all the migration problems of all these states. Syria for example, look at the numbers of Syrians who come to Europe, but also the numbers of Syrians who come to Jordan are all very high. So it is also our interest to help these states benefit from our best practices, our training programs and so on. […] What we can do is to endorse best practices, we can enforce the in our training and help them with how we believe it should be done (the practices) and it is up to these stats to decide whether to follow these new practices or not. But this depends on them. However, our role is to involve them as much as possible in our system. Now you cannot look at our support; the support of the European asylum policy in a*

vacuum. I mean, there are other support programs. You obviously know the situation when it comes to foreign policy and the agreements with these countries. Just look the big picture basically".

Along the same lines Forster also underlines the need to incorporate third countries to EU's system and not abandon them in their efforts to cope with their burdens as the only true victims of that tactic would be immigrants and asylum seekers themselves: "*The approach of the EU cannot also be that we won't work with countries that are not as developed as us. We have to work together. It is important that we work with them to make sure that people are properly protected, that international law is respected; this is actually essential. It would be wrong of the European countries to not work with the others. It is important to work with these countries on mandatory rules and make sure that solutions can be found for both sides. Also to manage the flows through say welcoming centers, that would be interesting, instead of them paying a smuggler to put them on a boat for Europe. There should be a system and a process before you do that even, before migrants end up on the water. Like they could do all the paperwork etc in these countries without taking a boat first. Of course these things only work if you open the proper legal channels.*"

Wagner of ICMPD appears convinced that such an approach would be mutually beneficial for all involved parties and that the current efforts seem quite promising: "*Just to add also, about the programs that you have listed here* [as part of the relevant question], *TACIS is practically an exchange program and it means that practices or knowledge should be transferred from one country to the other. The Euro-Mediterranean Partnership is also an exchange platform among countries. What I want to say is that these are all tools that are used within the EU regularly. I think this is a very beneficial way of dealing with it because there is a lot of practice where you don't have to invent the wheel anew. You can share*

experience, you can share migration flows and it can help both ways. It can help European countries, but also outside countries."

Baldwin-Edwards provides some additional insight to the efforts of the EU and individual MS governments. His involvement in the writing of a report on the REGINE Project's[30] aim and progress is valuable as he talks us through the objectives and practices of the project: "*They have been engaged for a couple of years by the European Commission on multimillion euro programs to advise the governments of North Africa and sub-Saharan Africa on migration policies. And what they basically told me they are doing, is they're writing immigration laws and rules, part of which is to give legal status to transit migrants so that they can stay in Morocco and places like this without being illegal and there's also less incentive for them to go to Spain or Italy or wherever. So they are trying to bring North Africa and other countries, such as Senegal, I don't know which countries are involved, it's all very secretive, so they are actively engaged in reformulating the migration controls of Africa in order to deter people from being able to leave for Europe. So that's a positive thing I suppose. That's an intelligent approach. The Spanish have started doing this some time ago. They were trained to be directly engaged with African governments and put some investment to training centers and economic development issues to try and discourage immigration. And at the same time to persuade the governments to enforce exit controls*".

Moreover he describes his impressions from his own field experience to endorse the idea that progress in the systems of EU's neighbors is possible and that would be a hopeful avenue for the EU to pursue: "*I was in Tunisia a year ago and it seemed to me that they were making a serious effort to improve management and human rights. It seemed to me that they had engaged good people who even spoke fluent English, which for a French-speaking country is a big deal and it seemed that they were trying to collaborate with Europe and modernize. It*

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[30] http://research.icmpd.org/1184.html

seemed that the country that started the Arab Spring was actually making some attempt at becoming more democratic and more capable of dealing with human rights. But it's a very superficial impression".

Not everything is risk-free of course and the EU engaging in sensitive matters, such as protection of human rights in countries outside its territory could not be an exception. Therefore even the most optimistic of the respondents had a number of cautious or even outright assertive remarks to make in order to raise awareness about the potential dangers that such an endeavor might entail. Hendow of ICMPD talks of her own experience in working with third countries: "I*n our research for the FRA (the European Union Agency for Fundamental Rights) concerning third country nationals at the EU external borders, we went to air borders, land borders and sea borders and we spoke with all the different stakeholders that were there, I think most European actors wouldn't say externalization is the answer and there are major issues. Actually we discussed them. They are outlined in our research for the FRA and some of them are outlined in a FRA research called 'Fundamental Rights at Europe's Southern Sea Borders'[31]. It looked at those migrants who were returned to those countries of origin, like for example Tunisia before the revolution there. I think there are of course some issues there. Can we trust countries outside the EU to comply with certain minimum standards? I'm not sure I have a negative or positive answer on that, it's a lot more nuanced than yes or no I think*".

The issue of trust begins to be underlined and Hendow's ICMPD colleague Wagner proceeds to highlight the risks and the possible mistakes to be avoided even more: "*Externalization of migration policy cannot be the tool for this by, for instance, trying to find safe havens outside the EU and by leaving migration policies outside of the EU. And this brings me to a term you used, namely the 'safe third countries'. A safe third country means*

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[31] http://fra.europa.eu/sites/default/files/fundamental-rights-europes-southern-sea-borders-jul-13_en.pdf

that the EU would say that 'a person who comes from a country, which is considered as a safe third country, would have the possibility of finding protection in this country' and therefore the EU would send back such a person. But they are really not [safe]. None of the countries around the EU are considered safe as 'safe third countries'. We are not that far unfortunately".

Even Baldwin-Edwards with his aforementioned hopeful experience cannot abstain from making some serious remarks when the bilateral cooperation between Italy and Libya – later between the EU and Libya - is brought up in the discussion. It is not only about being careful, but it also appears to be a matter of principles as well: "*So the Italians in the past have been in agreements with Libya, where Libya was controlling exits. And it was the removal of Gaddafi that led to the big problems for Italy. Because Libya is falling now apart as a country and the IOM is helping them with managing migration issues, I'm not sure if ICMPD was in that country, but basically there's no effective government, it's a country in chaos. And in such a case it's obvious that people are going to be able to exit and leave quite easily. And they can also be considered legitimate asylum seekers in such a case. So I think third countries don't have a good record on human rights protection and Libya in particular has not acceded to the Geneva Convention and various other international instruments. They did not recognize UNHCR as a legal entity for example. Under Gaddafi that is, but I don't think they do now even. So basically it is outrageous that a European country and then the EU should enter into formal legal relations with Libya on human rights protection. It's absolutely unacceptable. That's all finished now for the reasons I told you about; Libya is falling apart. But we can say the same for Turkey. It's very clear that Turkey has a very poor record on human rights. It's very clear that we should not engage with Turkey as a protector of human rights until this is corrected, but the security interest is to use Turkey as a buffer-zone because they come from Turkey specifically to Greece and Bulgaria and a few other countries as well and it's*

convenient to forget that Turkey is actually incapable of protecting human rights. It's a big

problem".

Further on the topic of Italy's bilateral agreement with Libya, Wagner had also some assertive statements concerning the actual reasoning behind this cooperation effort: "*I completely agree with the Libya connection. It was a big problem because it was more or less a deal to keep migration outside of the EU. I think one can say it as bluntly. Also the same with Morocco. And if you recall, four or five years ago there was an idea to have the detention centers outside of the EU, for example in Libya; Ukraine also wanted to have one. I think the majority as far as I remember from that time was actually against these plans, but these plans are floating once every while.*"

On a final note Baldwin-Edwards sums up the essence of the alarming shortcoming in the systems of the neighboring states. Even where there is capacity for infrastructural and legal reform, it is the political traditions and the political will of those governing that eventually dictate the pace of the much expected improvements in human rights protection. On top of that, the EU keeps trying to cooperate with these states and involve them in its processes thus also risking the safety of the immigrants on its doorstep, which lead him to a rather bleak observation; a statement that will be further examined in the next part of the analysis: "*With the exception of Algeria, I think North Africa is less of a problem than the Middle-East and they are safer even than Turkey. Turkey is a strange case, I know it well enough, it's like a funny version of Greece. It's sort of an Islamic Greece in a way.* […] *But the human rights position is worse than it's in Greece and the capacity of the Turkish state to do things is much greater than the capacity of the Greek state. In particular, they are very aggressive; the police and security services are very successful on immigration to non-Turks or even Turks who sympathize with Kurds and other foreign groups. And the situation has gotten much*

worse in the last few years. And so the idea that we are using Turkey as a buffer-zone is really unbelievable. They have no protection for asylum seekers. What little activity there is for example in Istanbul, there's a 'pouch' of Istanbul, some regional authorities that look after what they call refugees and asylum seekers. But technically they are illegal immigrants and they provide them with food and shelter, but it's all voluntary. Even if it's part of the state that's doing it it's still voluntary. There is no legal framework to protect foreigners and to protect refugees. So it's outrageous that the re-admission protocol has been signed without such a guarantee. But this is what they're doing; prioritizing security over human rights."

4.2.4 Security as a Priority over Human Rights Protection

This last issue was brought up frequently during the interviews with those respondents who were in a position to discuss security related topics. Again, just as in the previous part of the study the findings were relatively inconclusive as the answers were including elements and arguments from both sides of the debate on whether security is steadily becoming a priority for the EU and individual Member States' governments over a humanitarian approach of defusing the pressures while relieving those seeking international protection. As the discussion is of a more nuanced nature that cannot always afford to be summed up in assertive one-sided answers this outcome was expected. Not few were the arguments that supported that security is not the most important aspect of the currently materialized EU policies. Forster explains how the priorities are set: "*We have to look at the people who arrive at Europe in an irregular fashion and that's a major problem for the countries that they go to. So in the situation that we have right now with the people arriving by boats in an irregular fashion is not just the militarization of the external borders, but we also have many 'search and rescue' operations and attempts like 'Mare Nostrum'. It is just concerning that these attempts won't be slowly phasing out and then have less 'search and rescue' attempts. And as for FRONTEX they don't act as naval guards, they are only there to coordinate and not*

enforce anything as European agents. And all this is not to push people away. So what is actually happens in Europe now is that people arrive and the mandate is not to push them away, so there brought to the shore, where people may enter the 'refugee system' and be profiled or say that 'I'm not a refugee' and then be sent to a safe third country etc. But the policy is not to push anyone away". Evidently 'search and rescue' operations are thought to be of crucial importance to border management: "*Regarding the 'search and rescue' operations the numbers have gone up. The Mare Nostrum operations have saved thousands of lives and brought them to the shores*".

In the same spirit, Hendow adds that securitization is one side of the coin as humanitarian assistance is also provided to those in need arriving at EU's southern shores: "*I think at the moment it's becoming more varied. So to say there's only militarization is not the complete picture. I think there's also an interesting study[32] of ICMC (the International Catholic Migration Commission) that looked at the provision of services upon arrival and there are some issues there about whether NGO's are granted access to detention centers in order to provide services for those arriving irregularly. But they are involved and I think it was a really interesting study to look at how they are involved, how they are not and where they are involved.*"

Some practices though cannot go unnoticed and with another addition in a long list of tragedies at sea[33] the discussion takes a turn towards the most concerning incidents, which include repeated negligence and misinterpretation of the Carrier Sanctions Directive by private actors. Forster assertively takes a definite position: "*I think it is wrongly interpreted*

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[32]

https://www.google.gr/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2F www.icmc.net%2Ficmc-attachment%2F2012%2F&ei=Acv4VNH2Gsf-UKLJgfgH&usg=AFQjCNHI7aVDkWoWZ8ZKYT0_2Jdutf3Ehg&sig2=71o2qL59Hb_9bUa2aYuAnQ&bvm=bv.875198 84,bs.1,d.d24&cad=rja

[33] http://news.yahoo.com/over-200-migrants-missing-mediterranean-boat-tragedy-094912765.html

and shouldn't be managed in a way that constitutes an actual threat for people when their lives are put at risk. So to let a person drown would be a matter of wrong interpretation; it's totally wrong. To do this as a preventive measure for people not to come would be unacceptable. The solution would be that whenever they arrive they get brought to the shore and if there's a reason for them to be protected, should they ask for this, they should enter the system and those who cannot stay and don't have protection needs should be assisted to return on a voluntary basis; that's the solution. But to have a situation at the borders where people are dying, that would be unacceptable. You cannot solve these pressures that are there by letting people die; that would be absolutely unacceptable. Of course that's not EU's official policy, but it's certainly an issue of wrong interpretation, but as far as I understand international maritime law there are no such rules that would allow you to not rescue somebody, that would lead you to the European Court on Human Rights. Strasbourg would never accept that practice."

The alarming aspect, as Wagner states, is when private actors are heavily involved to such sensitive procedures: "*Regarding what you already mentioned in the question about the Carrier Sanctions, this is also quite an issue I would say and when you make carriers responsible for bringing in non-documented migrants. And I had once the chance to see the way UK would deal with that and what you do is you deter seekers of protection to come to your country when you make more or less the airline responsible for taking on board or even give benefits to the airlines that bring less irregular migrants to your country. This is a tool to really deter people from coming to your country*".

Hendow, also of ICMPD is quick to add that such a policy leaves disturbingly much room for procedural malpractice regarding the core of ideal border management, specifically allowing asylum seekers to apply for international protection: "*That's where you also see a lot*

of involvement from private actors like airline representatives who are checking visas at the point of departure. And this is something that can be quite problematic. So the idea is that all the checks are done before departing or on the way by using public information available and making use of private actors. That can be quite problematic in terms of protection because if you don't have a proper visa you are not even allowed to leave in order to claim asylum. So this can be problematic if this is the vision going forward together with more private actors doing these government checks. There is also privatization of the visas, like the UK visas are now dealt with by private companies in Poland so that's something that I've been looking through my work; how private actors are involved into the management of the borders".

The EU is despite of that still more cautious with maritime border management at least in comparison to other practices taking place in other parts of the world as Baldwin-Edwards illustrates: *"It's a very gray area legally because it's a duty under the law of the sea to aid and rescue any people in distress. And it's a fine line between looking for people in distress and responding to people in distress. […] In my older publications I talked about this issue ten years ago and I discussed the American and Australian approaches to ships. The Americans have a very aggressive policy. They basically stop ships in international waters from ever getting to the American coast. The Australians do something different. They board the ships in international or Australian waters and detain the migrants and put them on an island in the north-west of Australia. I discuss this in some length in the article and how this could not realistically work for Europe. But in the last few weeks I've heard discussions about this. 'Maybe we should board the vessels and arrest everyone etc' so this mentality is creeping up on us now. So again security it's the security dimension. It has nothing to do with handling genuine asylum seekers, it has nothing to do with protecting people's lives; it's all a security issue"*.

It is not denied though that much needs to be re-examined and re-evaluated concerning certain security measures that do not help the EU to steer clear of the 'Fortress Europe' criticism. Wagner expresses proceeds to express his personal concerns on the matter: "I*t's a more personal opinion, I don't speak of ICMPD's opinion, but things like big fences like we have in Evros or in Spain it the enclave of Melilla, these are very questionable measures to take. And from a security perspective they might be very efficient, but I think from a humanitarian approach they are not very reassuring*".

Moreover, a contradiction was observed among the respondents' ideas regarding the role of FRONTEX. The need for a multilateral coordination by an independent agency is summarized by Wagner: "*There is the principal that a country has the sovereignty to protect its own borders. But you know most likely that there are several issues with this general principle. The sovereignty somehow comes not in when we are talking about people seeking protection because there are international standards and international organizations. For example those countries that signed the Geneva Refugee Convention and have to grant access to the people who are in need of protection. [...] It's up to the Member States and countries to protect their borders however they want, but if it comes to a situation where those people who are in need of protection don't have access to protection then it's a problem*".

As was stated previously some would endorse the official position regarding FRONTEX's mandate and purpose. Forster repeats his conviction that the agency enhances cooperation between Member States' security agencies, who are the main actors in charge: "*Well, national naval forces are much bigger than FRONTEX anyway; the latter are just for coordination*".

Contrary to that belief though there is heavy criticism pointed at the direction of FRONTEX regarding the actual magnitude of their role and the consequences of their

activities. Baldwin-Edwards doubts their public image and proceeds to extensively show his disbelief on their capacity to improve border management in a sustainable and acceptable manner: *"I think even things like FRONTEX are pushing Member States into more aggressive policing of borders and coasts. One of the things that have become very strangely obvious is that FRONTEX puts forward a principal in all the press interviews and everything else is that they conform to international and EU law on every occasion etc. But when you come and look at things in practice, which is difficult because they are secretive you'll find very different things happening. I recall reading a few years ago that on the Greek-Turkish border some of the German border guards who'd been brought in by FRONTEX to help on this border, a very problematic border with push-backs, they consulted with Germany, their employer, about the behavior of FRONTEX on this border and they were requesting to return to Germany due to the human rights abuses at this border. I think it's like with all other European agencies, FRONTEX is not under political and legal control and what it is they think they are doing I don't know They claim to be providing expertise. So what I would expect is that any European agency with real technical expertise would be able to tell you what that is, what their mission is etc. Some of that you can read on their website, but they won't tell you anything about it in interviews to be made public or even in meetings. So it's a very peculiar thing.*

He continues by stating what seems to him to be their function: *"I mean there clearly is experience at managing borders within the people in FRONTEX, they do produce research reports and they have access to privileged information that I know I cannot get, from the people they detain. They interview them etc, but there's always scrutiny, there's no control over it. They just do what they do. They have the institutional identity and they have autonomy from politics and it's not clear exactly what their function is. But you can deduce what their*

function is. Their function seems to be to provide practical experience and some practical management issues about border security. It's all security, nothing else".

When the discussion focuses on the diversion of migratory flows Baldwin-Edwards again finds FRONTEX responsible for this undesired corollary: *"The effect of much of the activity, say of FRONTEX as an example, seems to be to divert the flows of migrants and asylum seekers from one route to another. So some years they are going through the river of Evros, some other years they're going through the northern Aegean etc. It's all about diversion of irregular migration routes and not about managing the basic problems"*. An outcome that also IOM's Forster disapproves: *"Shifting people to more dangerous paths is a failure"*.

Aside from the role of FRONTEX there seems to be a pessimistic notion concerning the future of EU's border management approach. Contrary to Forster's previous observation that 'search and rescue' operations are increasing, Baldwin-Edwards claims that the contrary is what is actually happening: *"It simply comes down to bigger issues [...] like what you do with boats that are arriving at your shore. What do you do about it? And you know, they* [Italy] *abandoned the 'search and rescue' approach"*.

As one would expect, when the 'search and rescue' approach is being abandoned all the room is left for more security-focused tactics. The question then naturally is what the outcome of such a direction is. Baldwin-Edwards proceeds to a bold statement about the results of the currently materialized security measures: *"I think it's all futile; the border defenses. It's aggressive; it kills a lot of migrants. There's a project going on now from the Free University of Amsterdam on border deaths and the European governments don't want to know. They don't want this research to be done. The numbers may not be enormous, but it's enough to worry about. People are dying at the borders and many of them are children and women in particular. It's less likely to be young, healthy men than it is to be weaker members of society*

that are crossing borders. And of course if you look at the nationalities in recent years it's been more Syrians. And we would expect Syrians to have very good claims for international human rights protection; not to be dying on the border. This is something bad, but nobody wants to speak about it. The European Commission and the other do not want to discuss it. It's a very strange mentality they have. But it is basically a security issue as opposed humanitarian protection or managing a difficult situation. It's become very negative without any positive policy objectives. And at the time Syrians are being accepted into Germany and Sweden and mainly Turkey of course".

He later expresses his firm belief that the roots of all problems could be traced in the early stages of EU's migration and asylum policies' planning: *"I think that, like with all EU things, you have to view it through its historical context and where the policy came from. And I was one of the first people to write about Dublin and the early Schengen agreement in 1990 and I was critical at the time and I think I've become more critical since. I think the basic issue is that the main instigator of the Dublin Convention in 1990 was the UK. And it was always the security issue and it was always about opposing even the beginnings of the concept of an asylum seeker-burden sharing".*

Naturally his view on any prospects for radical change is marginal as he detects a lack of self-criticism and a worrying avoidance of steering towards another direction on behalf of Europe's political stage: *"So if you have an area, which you can look at where you can see it's failing then you can see that this cannot in principle apply to any other area either. So I'm not at all optimistic that we're going to get any movement at all towards common standards for asylum. I'm sure they will continue doing what they've been doing for the last fifteen years, which is passing Directive after Directive, Regulations as well, insisting on a European policy and then the country will do something different. I know everyone will say 'it's all*

working fine' apart from the UNHCR, which is complaining bitterly and NGO's as well, and all the politicians and the Commission will insist that everything is wonderful. So I have a very glooming view regarding Europe as you can see. I think we are in a serious institutional crisis".

4.2.5 Unequal Burden-Sharing as a Dublin Byproduct

Many interesting opinions were heard when the discussion shifted towards the issue of unequal burden-sharing possibly as a result of the Dublin Regulations – or not. The pressure applied to the southern Member States, their own responsibilities and relevant shortcomings and general issues with EU's policy making capacity were all commented on. ICMPD's Wagner explains a difference between border MS's and the inland ones, namely the more troubling efforts for bilateral cooperation with neighboring countries: **"*The other thing is, I remember long-long ago when Austria realized an influx of migration coming from its surrounding countries, say Slovenia or Croatia, then there were more or less immediately bilateral contacts to deal with it. There is a certain pressure, I would agree to that, to the border countries to protect EU's borders properly. I could imagine that this is the case*".

Cupsan-Catalin of DG Home Affairs proceeds to point out that as much as border Member States are put in a hard position, at the same time a more thorough application of EU's policies could save them some of the burden: **"*Of course one could argue that in an indirect way there is a pressure exercised on the southern Member States in particular when the Regulation is applied incorrectly. Because what happens for instance often in the southern Member States is that they do not register the applications and then actually if these people move to other Member States they cannot be sent back to the southern Member States. In fact often the number of transfers to the southern Member States is far smaller than it should have*

been had the southern Member States abridged to the rules correctly. So the truth is a bit in the middle it seems."

Either way southern MS's have been the ones leading the criticism race as she claims: "*After the implementation of Dublin II there was an evaluation carried out for all Member States and with the exception of the southern member States all the others considered the system efficient and that it was at the time the only possible system that one could have*".

IOM's Forster makes a similar remark as to who initiated the debate on the effectiveness of Dublin: "*Well the discussion has mainly spurred from the southern Member States with demands for more burden-sharing and solidarity in the EU and when it comes to asylum seekers it makes sense for Italy and Greece*".

Despite any complaints there was and still is not any strong political negotiation for the much needed changes that could relieve the burdened states. Cupsan-Catalin describes this inconsistency between words and actions and provides an explanation: **"*The southern Member States did not make a political point to say that 'we really want these criteria to change'. So from what I remember the southern Member States were not pushing for different criteria, which is not surprising as it is difficult to come up with alternative criteria, which would meet the same objectives of the Regulation. So to answer your question in a nutshell it is not unusual for the southern Member States to not be very active in the negotiations, but I don't think that one can really argue that they took an unconstructive position because of the implications of the instrument on their side*".

It would seem that the history of southern Member State's involvement in such affairs has its roots in the very beginning of their ascension to the EU during some of the most crucial of the recent stages of European integration. Baldwin-Edwards presents a picture of that era in some depth: **"*So the historical origins of the Dublin Convention stemmed from northern*

Europe and southern and Eastern Europe could bear the consequences because they were the junior partners of the Community. And Italy, Spain and Greece foolishly did not argue. Because if you think about it, in the case of Greece in the 1980's and early 1990's when all this was negotiated, Andreas Papandreou was either incapacitated or not doing very much, but Greece did not have a strong government in 1989. They were not able to argue. It also felt very weak. 1989 was the year of all the transitional measures just finishing for Greece to join the European Community and become a full Member in practice in 1989/1990. So Greece was a very junior Member of the European framework, they didn't have experience in negotiating and they didn't really know what to say about anything. Spain was even more junior, despite being a bigger and more powerful country, and they were similarly weak. Italy did not have much to do with European policy at that time at all. So you have three countries in the Mediterranean, who were in the front line of what was beginning to happen; mainly irregular migration, to be honest, and asylum seeking. And they didn't argue. I published something more general in 1997 about the southern countries accepting all the basic frameworks of immigration policy; of Schengen etc. That article was attacking the European framework, but in the context of the southern countries, basically saying that they adopted all the measures of the northern European countries without any thought as to how appropriate they were for the southern countries".

Dublin has also been vocally criticized for its effect on the living conditions of detention centers by various organizations and NGO's.[34] The discussion with the respondents focused on this issue as well. ICMPD's Hendow does not deny the link between the two albeit not without bringing up the argument of mismanagement on the national level: **"*I think in terms of the detention centers it is complicated. There is to a certain extent the issue of Dublin, but there have also been many reports in Italy on mismanagement or different private companies*

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[34] http://www.amnesty.eu/static/documents/2010/GreeceDublinIIReport.pdf

being in charge of certain detention centers and for that reason actually in 2013 they shut down most of their detention centers. Now only five of the original thirteen are operational and also due to inadequate structures. Also another thing was the protests of detainees. There are lots of different reasons. Part of them is overcrowding and long detention times and that also something that changed a just few weeks ago or so. The Italian Parliament changed reduced the maximum detention time from eighteen months to three months. So I think part of the change in Italy, at least from what I've been hearing recently, is due to the long detention times. And I think it is a positive movement that this has been recognized and it has been effective with detrimental effects on the conditions in the detention centers".

EASO's Schembri also admits that Dublin and the unacceptable detention conditions, but his view includes a different kind of objection: "*I think there are links obviously [between Dublin and detention center conditions]. However, reception is regulated by other legislative instruments contained in the Asylum Package. One of them is on reception. These are being implemented and once they are implemented we want to reach a situation where similar asylum cases are given similar treatment with similar outcome, allover across the EU. That is a CEAS is at the end of the day. That's what we're working on. However it takes time. The Asylum Package has still not been fully implemented.*"

ICMPD's Wagner initially sees the benefits of Dublin only to add his voice to those expressing concern regarding the very fact of asylum seekers ending up in detention: **"***One thing Dublin achieved I think is to not have these repeated asylum applications that normally wouldn't show the real numbers of asylum seekers that are in the EU. So with Dublin and Eurodac it is clear who is responsible; I think this is good. But it is problematic for me when you have a long procedure to determine which Member State is responsible and that only after this procedure you start with the asylum procedures; I think this is problematic.*

Therefore this is something that I completely don't like with Dublin". A belief Baldwin-Edwards also endorses: "*The conditions in the camps and everything else; it's terrible. And because of a breach of law in detaining people for very long periods of time; is absolutely outrageous*".

Wagner insists on his problematic matter and adds to the discussion that even Dublin III and recent Directives have contributed to the deterioration of the detainees' predicament; a reality that leaves even less room for optimism regarding the immediate future: "*There are several problems with Dublin, one of them I mentioned before, is transferring people just because another Member State is responsible and the duration of the procedure increases from my point of view. The other thing is something that was a few years was not really much discussed, this was the detention of asylum seekers and now it's Dublin, but also the new recast Reception Directive that also brought more detention for asylum seekers; that I consider problematic. And for Dublin it's from the state side, it's what we always hear, more or less a tool, the only way that you have, to secure that the migrant does not abscond. And I am not even talking yet about the detention conditions. The fact that asylum seekers are in detention is for me problematic*".

As Baldwin-Edwards is keen on explaining, true harmonization of best practices across all of EU's Member States requires measures of monitoring national application in order to enforce the Regulations: "*In theory they came to have already done this [the harmonization on asylum provisions] really with various Directives and Regulations on asylum; in fact they've achieved more or less nothing at all. In principle yes, there should be minimum standards that guarantee certain basic procedural rights for asylum seekers and certain common procedures to try and implement those procedural rights. In Greece for instance the procedures have nothing or very little in common with other countries, the conditions of the*

detention centers are absolutely outrageous for the most part and there is no inspection. You see the basic problem with all the European policies, but immigration is one of the worst on this, is that there is no regulation from the European level. Everything is left to the individual nation-state. And then they pass Directives and Regulations, which have to be implemented, which are common within Europe and then leave to every country to carry them out. And there are no inspectors to go and inspect those things and enforce certain standards. There is no mechanism actually to make EU policies work".

Then again, he regards the very core of the legislative package that regulates asylum procedures to be problematic in its inception as he bluntly states that EU's relevant policies lacked vision and long term planning: "*The history of all these European policies is a history of poor planning and mismanagement, which nobody admits to even at this point. […] I would say that if we go back and look at the history of the management of Europe's borders with respect to migration flows, the early agreements of the 1980's and the Dublin Convention in 1990, you'll see that all policy is really reactive. There is no policy objective, there is no vision. It's all reacting at the nation-state level and then transplanted into the intergovernmental European level. It's all about protecting the borders; protecting what we have, it's all very backward looking and reactive to exogenous phenomena and we have no visions; we have no plan, no strategy; everything is reactive. And when you have reactive policy over decades you have bad policy; that would be my conclusion*".

4.2.6 Solidarity as Key to Viable Alternatives

Having discussed all main aspects of the previous and current policies materialized, what is left to be examined would be the future developments. The priorities, the room left for improvements, the degree of radicalism in the changes needed and the framework for further discussions are presented in this last analysis part of the respondents' answers. Beginning

with MMO's Baldwin-Edwards, he observes an EU divided in two parts; the North and the South: "*We have a serious structural crisis in the European Union, a lack of democracy, a lack of burden-sharing and a lack of federal governance. It has become powerful countries of the North against weaker economies of the South. You can see it in every single area that you look at; I think there is no exception to it. There is no area where we can say 'the South has got a better deal from the North of the EU'. That is very strongly my view. These Regulations, I think it's a security issue and nothing else*".

For him it is this established division that does not allow deep changes to the current system; only perhaps occasional 'fixes': "*So, generally speaking in terms of immigration control, in terms of the Dublin Convention, Schengen and so on, everything that was being done in the 1990's was against the structural interests of Spain, Portugal, Italy and Greece. And it was all formulated, in the case of Schengen, in the interests of France and Germany and in the case of the EU in the interests of France, Germany and the UK – with other countries in the North sharing these ideas, but these were the main players. This is the structure and the history of the European framework and it's highly problematic because it's all security-based. And Dublin II and III are just technical fixes to update things for little details and technical issues not worth discussing. But the basic principle is that the country that first receives the asylum seeker is the one required to proceed the asylum seeker if their case is accepted. As you know, there are technical things that have changed since, such as the Qualification Directive on the requirements supposedly harmonizing refugee-process across Europe – that's not been the case at all of course, they are supposedly doing that*".

Therefore, the only hope he sees is in a possible political coalition of the border Member States to steer the EU away from what seems like a pre-determined direction: "*So it is the big players of the North shaping the policies of Europe and there is not much short of an*

organized 'rebellion', a political alliance amongst the southern countries, maybe with some eastern countries as well. That could change that; there's not much . And this is largely political, that they are rather of the right-wing; conformist governments, not so much in Italy as in other countries. It boils down not just to strategic geopolitical interests, but also to political color. And it's important to have a regional alliance that can function within the EU for the countries to be in some sort of similar political 'mood', so to speak, and they don't have that. When they did have that, nothing was done in the past. And now because governments have fallen and risen with the Euro zone crisis, now everything is against any radical changes that would benefit southern Europe. It's all become very conformist, very accepting of the agenda of Germany and other northern countries. So I don't think I can blame any negotiating positions, I am sure they made some efforts, but practically there's nothing they can do".

In other words increased solidarity is the elementary ingredient currently missing to achieve in formulating an alternative viable plan. ICMPD's Wagner points this out this conclusion clearly: *"Coming back to solidarity, solidarity is also evading Dublin since a Member State could take responsibility for an asylum request even though it was first applied in another country, but of course no country wants to do that. And this is the problem and it comes back to solidarity and burden-sharing or responsibility-sharing, as I prefer, comes always back to solidarity. As long as this does not work among the EU Member States any CEAS is failing a bit I think. […] There are several ways of looking at this, but I think the CEAS is somehow based on the solidarity issue and if this doesn't work many things won't and we will have a race to the bottom; that's a big thing for me. Now, I think it could function, but it could only function if there's a certain kind of solidarity here"*.

Inasmuch as the main characteristic principle of Dublin remains critics won't be seeing any encouraging signs towards a solution based on solidarity as Cupsan-Catalin of DG Home Affairs points out: "*Now what has not changed and it's the part that the critics really focus without seeing all the other improvements is the underlying principal of the Regulation and the criterion of irregular entry, which is still there*".

Wagner remains hopeful though as the recast has only been recent, even though he recognizes that little has changed from Dublin II to Dublin III: "*And because you started saying that Dublin is a distribution mechanism, I think it is not a distribution mechanism at all; it has nothing to do with responsibility-sharing. To me it is only to determine the country responsible and this is just built on where the person first came in. But as only recently the recast of this Dublin Regulation has been adopted I guess it will be stopped soon I guess*".

According to him increased solidarity might not necessarily require radical changes, but instead meaningful contribution in good faith **"***As I said before, I am not so much a fan of sending asylum seekers around; there are different way of doing that* [the burden-sharing]. *This can be done by equal sharing of the financial burdens, but it can also be done by an increased support from the other Member States*. […] *Such things could be dealt with by responsibility-sharing. Estonia has very few asylum seekers, but they have a very nice reception facility, which is empty. And this is one of the several things where if you distribute a little bit better this could be helpful*".

Such actions could be proven vital as there is currently a crucial distinction between provisions on paper and real-life obstacles or deficiencies: "*Somewhere in the Dublin Regulation there is a notion about 'early warnings' and if a Member State cannot deal with the inflows. But I recently spoke to someone from one of the border countries and they were a little concerned about what this could mean, because when they would say that they cannot*

deal with the influx then it would sound to the other EU Member States like they are incompetent or like they are not able to adapt and they could be accused of not being able to do the job. So it seemed to them quite harsh that just because the influx could be increased they could be accused of not being able to proceed with it".

IOM's Forster brings up the most basic element required to change based on solidarity despite any difficulties; a voluntary spirit: "*Well there should be more solidarity in Europe. But the thing is that even as say a citizen of the Netherlands, if you go to Luxemburg without a job and ask for welfare there you will be sent back. I mean, it would be ideal to have more equal system of distribution, but how would this be done? It would have to be on a voluntary basis*".

While talking of alternatives to Dublin, an older proposal from Germany was brought up to replace the Dublin Convention. Baldwin-Edwards remembers and explains why such a developments does not have many chances of happening today: "*That was a long time ago, when the EU had no proper competence in immigration, which came later with the Maastricht Treaty. It is what should be done, but there are problems with it. The first problem is that it would be accepted now by the southern countries, while it wasn't probably at that point. But now it's not clear what Germany's position would be and it's pretty clear that France and the UK would reject it*". Interestingly enough, this was not the only instance when advanced discussions took place in the EU, albeit not from a Member State, but from EU's institutions themselves: "**The European Commission put forward some preliminary proposals for burden-sharing a few years ago and to basically abolish and abandon the Dublin Regulation and Germany, France and the UK just withstood it**".

Cupsan-Catalin remembers another such occasion with the discussion being initiated by the European Parliament this time: "*In the negotiations* [for Dublin III] *the Parliament and*

this is important to know, opposed the Commission's proposal in that they have not propose a full reshaping of the proposal getting rid of the criteria of irregular entry and have new criteria instead. But in the Council that was not an issue for discussion as it was not part of the Commission proposal".

At his point it would seem that main issues to be resolved would be the lack of detailed proposals and the lack of the necessary political will: "*Of course there is no political will to have an alternative system; that could happen of course. But the Commission has already tried in the past to have discussions with the Member States, but at the time there was basically no will to modify the way the system worked. We are also receptive to having the kind of parallel instruments to the Dublin Regulation, which will correct some of the current discrepancies let's say on the way in which the instrument is applied or the unfairness of certain aspects. So there different possibilities that could be envisaged and of course having criteria, which are based on different elements than those currently in the Regulation. We could be receptive about it, but it is difficult to find the perfect system. So this is why it has never happened so far; the lack of political will and the lack of concrete and viable proposals that will meet all the required objectives*".

EASO's Shembri touches upon the exact same key points. No matter the preliminary efforts or proposals that might come forward, any significant change would still require firm political will and sense of solidarity: "*It is an ongoing debate to be honest. […] Perhaps you know that recently there has been a pilot project on this; the EUREMA pilot project[35], which was involving the distribution of beneficiaries of international protection. We have made a research and evaluation of this project and there is a report online[36], which evaluates this project for the distribution of refugees in the EU Member States to analyze best practices. The*

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[35] http://www.refworld.org/pdfid/52aef8094.pdf
[36] http://easo.europa.eu/wp-content/uploads/EUREMA-fact-finding-report-EASO1.pdf

problem with this is that it requires a political agreement from the Member States on how many [asylum seekers] *they would like to take etc. So the agreement should be happening now on a voluntary basis. But to have what you are saying based on GDP, population etc that would require obviously a situation where you have such quotas for example like what they are discussing now for resettlements from third countries. So no, the system is not in place yet, but the discussion has been sparked from being dead and it has been discussed even when there was the Resettlement and Relocation Forum in the EU. So this is an ongoing discussion and the problem with this is, as I said, it requires voluntary agreement from the Member States and it is not always forthcoming. There are political complications since Member States do not always want to take a number of beneficiaries of international protection. So there need to be a voluntary agreement".*

In the end, as Cupsan-Catalin already pointed out and Forster also explains, current discrepancies do not necessarily call for a complete dismantling of the current system to be fixed. An alternative direction could include multiple possible avenues leading to a variety of solutions that could leave every Member State satisfied to a degree or another, all of them only requiring one common denominator: "*The plan doesn't need to be to abolish Dublin altogether, but to induce more solidarity*".

5. Conclusion

It appears that the answers provided by the respondents have adequately covered all bases necessary for the extraction of conclusions regarding the research questions. Other than the addressed sub-questions that derived from the literature and from the interviews themselves, the initial main research questions were whether Dublin can be considered a key factor to the increase of security in the Mediterranean borders by encouraging the public security approach to migration management instead of more cosmopolitan approaches and therefore, by extension, whether it is a key factor behind the increased occurrence of human rights abuse instances with immigrants as the victims, always on the basis of stakeholders' opinions and perspectives. In regard to the question of whether the Dublin III Regulation affects the increase in securitization, the respondents did not seem convinced that there is enough evidence to support such a hypothesis. Any increase in security was believed to be more of a reaction to exogenous factors rather than a conscious choice of EU's Member States to cope with burden-shifting within the Dublin-context as an alternative to demanding change.

A similar notion was expressed regarding abuse of human rights mostly concerning the living conditions of detention centers. A connection was not doubted from most respondents, but in the same fashion the exogenous developments were considered more alarming than the lack of solidarity they noticed to be somewhat absent from the Dublin Regulation. Only one respondent, namely Ms. Cupsan-Catalin seemed absolutely convinced that no such connection can be found. When it comes to whether MS's efforts to externalize their migration policy can be regarded as a means to keep immigrants away from their borders the results were inconclusive as the sample was divided in two groups with dissimilar beliefs on the issue.

As for the human rights abuse incidents during the attempt of immigrants to cross the borders they were considered by most to be mismanagement or malpractice incidents not to

be associated with EU's or its MS's policies. Only one respondent, Mr. Baldwin-Edwards seemed inclined to believe that any such incidents are not unrelated to EU's migration policy, which according to him puts security first, which in turn allows for such practices to materialize.

As for the question that asks whether the Dublin system could be characterized as fair on the basis of equal burden-sharing all respondents appeared convinced that some discrepancies that affect the southern Member States are present. The degree to which they seemed to believe so varied though, as some only viewed this as a minor issue that can be easily fixed whereas others observed the imbalances to be severe and also the result of a solidarity deficit.

Finally, all respondents agreed that more solidarity is always welcome and needed to please all Member States in their common effort to manage migration and border security. The common denominator behind the reasoning of this belief appeared to be the fact that the biggest victims of any such imbalances would be the immigrants and asylum seekers themselves.

Although no argument was made unanimously by all respondents, the results of the thesis should not be seen as inadequate in their partial inconclusiveness. Other than the fact that not establishing a clear-cut, concrete causal link between asylum policy regulations and security practices could be regarded as a finding in and of itself, the input of the interviewed stakeholders alone also adds a layer of contemporary real-life aspect to the study through their professional routines' involvement to the matters examined, which in turn fills a gap in the relevant literature. None of the papers or articles found and studied for the preparation of this thesis does not present any similar approach to fact-finding or hypothesis-filtering. This was the case, as the participants were not only keen to bring up a variety of facts not found anywhere in the literature, but also to occasionally challenge the hypotheses presented to them

even in the cases they did not completely disagree with the implied notions. In essence, the involvement of people who deal with the examined issues both professionally and academically provides an alternative viewpoint that is not frequently met in this field of studies and it more clearly outlines the various and usually conflicting arguments on the examined topic.

Last but not least, this thesis constitutes a useful starting point for future research that seeks to examine the border security and asylum policy developments that have been initiated following the most recent tragedy in Libyan waters south of Lampedusa with hundreds of casualties.[37] Dublin III has been among the focal point of protesters, governments and various organizations and the EU is called to action regarding not only the future of Dublin, but also of its security and humanitarian-aid efforts at the common borders. The debate has been taking place for years and any possible major change that could emerge from the current developments set in motion could be traced back to the examined literature as well as the views of the respondents who contributed to this study. Such research could also focus more on the role of variables other than Dublin, such as the ones mentioned in the introduction. Specifically, the specificities of the increased migratory flows, the short-term effects of securitization, the pressure of national electorates for more secure borders, the rise of far-right wing movements and political parties in EU Member States with anti-immigrant agendas as well as the lobbying efforts of security industries and national security actors were not examined due to the restriction of this study's purpose. All of these factors though would need to be included in a more extensive research. Finally, any future research intending to use interviews with stakeholders could ideally present a broader sample not only in size, but also in terms of variety among the participants and inclusiveness of all involved and affected parties.

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[37] For an analytical report on the tragedy and relevant figures on irregular migration in the Mediterranean: BBC news 29/04/2015   http://www.bbc.com/news/world-europe-32371348

Demonstration organized by Amnesty International in Brussels on 23/04/2015 during an emergency
EU Summit following the most recent tragedy in Lampedusa[38]

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Appendix I: Interview Guide

A. From EU's Tampere program to the Hague and Stockholm programs. Is security gradually being brought to the forefront?

    A.1. Is border management becoming militarized rather than approached administratively as a political issue?

    A.2. Actors, such as EUROPOL, FRONTEX, national coast guards and even NATOS's forces at times as well as tools like Eurodac, EUROSUR, SIVE etc have diverted migration flows considerably. Could this be regarded a step towards the right direction?

B. Is externalization of migration policy more effective?

    B.1. Are programs and agreements, such as TACIS, the European Neighborhood Policy, the Euro-Mediterranean Partnership or Dialogue 5+5 enough to proactively fight the root causes of migration?

C. Are the "final frontier" policies with safe third-countries safe?

    C.1. Can we trust countries outside the EU, such as Libya to comply with certain minimum standards and take up some of the burden from EU's Member States?

    C.2. Is this safe for immigrants?

D. Do legislations, such as Dublin II and the strict Carrier Sanctions Directive have the potential to encourage "stop and divert" practices?

    D.1. Is EU's legal framework potentially promoting a "detect and intercept" approach over a "search and rescue" one?

E. In southern Member States national naval forces are often accused for malpractices when apprehending irregular migrants and detention centers are often in unacceptable conditions. To what extent could one see Dublin II as a factor that puts pressure on these MS's to deal with migratory flows and increasing intake of migrants in a more "decisive" and aggressive way?

F. These southern Member States were not heavily involved in the shaping of Dublin III mainly in protest to the draft, which signified little if any intention for major changes. Do you share the notion?

    F.1. Would ulterior motives be a possibility? Is it easier to just spend on security rather than to put protection of migrants on the forefront?

    F.2. Could national electorates play a part in this?

G. Do we need a Common European Asylum System or could the fixed standards undermine the benefits of the current minimum standards approach in EU's South?

    G.1. Should the specificities of each Member State be taken into account?

H. Many actors, such as Amnesty International and UNHCR have condemned the Dublin System for its effect on human rights violations through extensive reports. Do you share that notion?

I. In 1992 Germany proposed a more equal sharing of asylum seekers with the distribution relying on the basis of economic and demographical criteria. The proposal was shot down. Would such a mechanism provide better protection and hosting conditions to asylum seekers?

    I.1. Could it allow southern Member States to focus on search and rescue missions?

    I.2. On than note, would it be viable for peripheral MS's to have distinct responsibilities from the ones of the mainland? Could the former deal with enabling the orderly movement of immigrants while the latter examine asylum requests and proceed with processes like the ones for repatriation, resettlement etc?

Appendix II: Interview Details

Interview 1

Respondent: Florian G. Forster

Organization: International Organization for Migration

Date: 14/11/2014

Time: 9:00 am (CET)

Means of Communication: Telephone

Interview 2

Respondents: Martin Wagner & Meagan Hendow

Organization: International Center for Migration Policy Development

Date: 20/11/2014

Time: 12:30 pm (CET)

Means of Communication: Skype call

Interview 3

Respondent: Alexandra Cupsan-Catalin

Organization: DG Migration and Home Affairs

Date: 23/12/2014

Time: 14:00 pm (CET)

Means of Communication: Telephone

Interview 4

Respondent: Jean-Pierre Schembri

Organization: European Asylum Support Office

Date: 21/02/2015

Time: 12:30 pm (CET)

Means of Communication: Telephone

Interview 5

Respondent: Martin Baldwin Edwards

Organization: Mediterranean Migration Observatory

Date: 20/02/2015

Time: 12:30 pm (CET)

Means of Communication: Skype call