



BACHELOR THESIS

# Policy Paradigms and the German migration strategy for the Presidency of the Council of the European Union

LEONIE OECHTERING

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1<sup>st</sup> Supervisor: Guus Dix

2<sup>nd</sup> Supervisor: Shawn Donelly

University of Twente, Enschede, Netherlands

Faculty for Behavioural, Management and Social Science

Westfälische Wilhelms-Universität Münster, Germany

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DRIENERLOLAAN – 7522 NB ENSCHEDE

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## Executive Summary

There is an abundance of reports on inhumane treatment of refugees at the European external borders, but somehow all this publicly available evidence fails to reach policymakers. This paper will analyse why this is the case and how different policy paradigms – ‘the rights-based approach to migration’ and ‘migration management’ – might influence the (lack of) evidence used in strategies on migration. Germany, a powerful actor in the European Union – especially considering their recent Presidency of the Council of the European Union – is the exemplary unit of analysis. By critically analysing the content of their strategies on their paradigm-relations, on what evidence is available, assessing what evidence was used, and how it correlates with the different policy paradigms, the thesis aims at giving new insights into the role of evidence in migration policies. The hypotheses set up for this expect that the documents and the evidence used would show influences of ‘migration management’ and no to little relation to ‘the rights-based approach to migration’. These expectations were proven to be true. Surprisingly, the documents did not use the expected kinds of evidence but only referenced other governmental data. The influence the policy paradigm ‘migration management’ has on the documents is, therefore, immense.

## Contents

1. Introduction .....	1
2. Theory .....	5
2.1. Policy Paradigms .....	5
2.2. Migration Management .....	6
2.3. The rights-based Approach to Migration .....	8
2.4. Evidence in Policy Paradigms .....	10
2.5. Conclusion and Hypotheses .....	11
3. Methodology .....	12
3.1. Case selection .....	12
3.2. Method of data collection .....	12
3.3. Method of data analysis .....	13
3.4. Conclusion .....	15
4. Analysis .....	16
4.1. Policy Paradigms in the strategies by the German government .....	16
4.1.1. Narrative .....	16
4.1.2. Actors .....	18
4.1.3. Actions .....	19
4.1.3. Interim Conclusion .....	20
4.2. The availability and use of evidence .....	21
4.2.3 The available evidence on human rights violations .....	21
4.2.2. The use of evidence in the Strategies by the German Government .....	22
4.2.4. Interim Conclusion .....	23
5. Conclusion .....	25
References .....	28
Appendix: Primary data sources .....	33

## List of Abbreviations

BAMF	Federal Office for Migration and Refugees
BMI	Federal Ministry of the Interior, Building and Community
ECCHR	European Center for Constitutional and Human Rights
EU	European Union
IGO	Intergovernmental Organisation
IOM	International Organization for Migration
MSF	Médecins Sans Frontières (Engl.: “Doctors without borders”)
NGO	Non-Governmental Organisation
UNHCR	United Nations High Commissioner for Refugees

# 1. Introduction

“I can’t live in this camp any more. I’m tired of being afraid all the time, I don’t want to live anymore.” (Morning Star, 2021). This is what an eleven-year-old boy said to Katrin Glatz-Brubakk, a child psychologist with Médecins Sans Frontières (MSF). It was the third time this year she had treated a child for suicidal thoughts and attempts, as she told the newspaper ‘Morning Star’ in an interview. In a more direct manner, the Instagram account ‘Now\_you\_see\_me\_moria’ reaches an even larger audience. This account, organized and run by refugees themselves, is being used by other actors such as the German broadcaster ‘Deutsche Welle’ to amplify the voices and experiences of refugees (2021). One of their posts shows burning tents in the new camp Karatepe and is captioned: “Yet another fire at the second Moria camp on Lesbos. Two tents burned down. This is not the first time, it won’t be the last. This is because the government does not care about refugees.” (Now\_you\_see\_me\_moria, 2021; Prange, 2021).

When researching refugee camps on the European external borders like Karatepe or the now burned down camp Moria on the Greek island Lesbos, such calls for help are usually the first indicator for the inhumane situation on the European external borders (Christides, Fiedler, et al., 2020; Howden, 2020). Political commentators and relief organizations use this evidence – available and accessible to all – to criticize policymakers for their lack of action. The German Catholic relief organization ‘Caritas International’ – as one of many – commented: "Flooded tents, far too few toilets and showers, barely any protection from storms and rain: The newly set-up refugee camp on the Greek island of Lesbos manifests Europe's failed refugee policy." (Prange, 2021).

According to scholars in the field of evidence-based policymaking, good policies are informed by evidence (Parkhurst, 2017). But while this concept is widely encouraged, the evidence on the inhumane situation on the European external border, regularly published by NGOs and other human rights organizations, somehow fails to reach politicians. Instead, European policymakers have repeatedly implemented policies that are in complete contrast to evidence such as pushbacks happening in the Aegean or human rights violations within the camps (Baldwin-Edwards, Blitz, & Crawley, 2019). Clearly, evidence is not the only thing that matters in policymaking. To consider the trade-off between social and political values and scientific evidence, Parkhurst (2017) has introduced the framework of ‘good governance of evidence’, which opens up a discussion on which evidence is relevant for policymakers. Here, he explains that biased assessment of evidence is not only driven by a lack of knowledge but is also “influenced [or ‘nudged’] by a range of variables such as external cues, frames, anchors or other factors that neoclassical or rational choice economic theories might otherwise see as irrelevant” (Parkhurst, 2017, p. 87).

This thesis extends upon Parkhurst idea that frames can influence the way evidence is assessed. To provide substance to it, this thesis will particularly draw from Hall’s theory on policy paradigms (1993)

as he furthermore specifies the overarching frameworks or ‘paradigms’ that influence the assessment of evidence in a policymaking context. He explains that just like Thomas Kuhn’s scientific paradigms, there are policy paradigms that shape the prevailing framework for every policy discourse. These paradigms influence the institutional order and policy instruments but also the goals of policies and what is considered relevant (Hall, 1993). Consequently, when analysing policies, these overarching paradigms should be considered. In the case of migration, especially ‘the rights-based approach to migration’ and ‘migration management’ are relevant. ‘The rights-based policy paradigm’ is based on the idea that all migration policies, their promoted narratives, actors and actions should be underpinned by international human rights law (Hujo, 2019). ‘Migration management’ is a policy paradigm that is oriented towards security, nationhood, and zero-immigrant strategies (Pécoud & Geiger, 2010). Its goal is the creation of a ‘triple-win-situation’ for the country of origin, the country of destination and migrants (Ghosh, 2003; King, 2003). Courses of action within this paradigm include the closing of borders, providing only temporary protection within third countries, and returning refugees to their country of origin as soon as possible (Adelman, 2001). Thus, the reasoning for policies can be motivated by different frames and positions that policymakers adopt, which can also influence the policy’s outcome.

The topic of migration in Europe has been widely researched (Adelman, 2001; Bauböck, 2006; Betts, 2008; Clark, 2020). However, there is little attention on the role of information and the use of evidence in the making of migration policies. Thus, this thesis aims to make up for that lacuna. It seeks to give new insights into the (limited) role of evidence in migration policies and how the (lack of) evidence might be influenced by overarching policy paradigms. To analyse these paradigms, the thesis will investigate both implicit and explicit cues found in the strategies on migration of the German government for its presidency of the Council of the European Union in the second half of 2020. The analysis of how two rivaling policy paradigms – ‘the rights-based approach to migration’ and ‘migration management’ – influence the strategies of the German government is in so far interesting as even though international organization such as the IOM have spent decades lobbying for ‘the rights-based approach to migration’, the common practice in migration policies has been ‘migration management’ (Hujo, 2019). Therefore, one might suggest that the paradigm through which policymakers look at an issue might influence the evidence they deem relevant or less relevant.

The scientific relevance of this thesis is exactly that. It aims at explaining how overarching policy paradigms affect the evidence that is (not) used in these policies and how this might lead to what political commentators have called a failure of European migration policies (Prange, 2021; Riegert, 2020). The social relevance is even more explicit. The EU was famously founded from a European desire for peace after the devastations of World War II. Its treatment of migrants, one might argue, is anything but peaceful. Considering the current migration governance – of which Germany is being considered the driving force – and its inhumane practices, it is even more relevant to analyse these strategies. This can

furthermore benefit actors like the German government, IGOs, NGOs, citizens, and others as they might be able to critically reflect on the paradigm through which they have been addressing migration. This could open up a discussion about who benefits from the current policy paradigm, if it is consistent with international human rights law and whether it should be replaced. Therefore, the resulting explanatory research question of this thesis is:

*To what extent can the (lack of) use of evidence for the formation of the German government's strategy on migration be explained by overarching policy paradigms?*

Within this research question, there are different sub-questions that need to be answered to provide a foundation for answering the research question. The first two relevant conceptual sub-questions are:

*SQ1. How can we conceptualise 'policy paradigms'?*

*SQ2. How can we conceptualize 'the rights-based approach to migration' and 'migration management' as different policy paradigms?*

By answering these sub-questions, a conceptual and theoretical basis for this thesis is built. Furthermore, the third descriptive sub-question is:

*SQ3. What evidence is available on violations of human rights of migrants in Europe?*

This research question aims to gain general knowledge about the evidence available. By doing so, the sub-question provides a basis on which the thesis can discuss the differences between the evidence available and the evidence used. The fourth empirical sub-question asks about whether the policy paradigms are present in the documents. This serves the goal of enabling further analysis about which paradigms are present and to what extent they are used, as asked in the research question:

*SQ4. To what extent are policy paradigms present in the migration strategy for the presidency of the Council of the European Union of the German government?*

The last descriptive sub-question adds to this basis by analysing the selected data on the basis of its evidence. It is:

*SQ5. What evidence is used in the migration strategy for the German government's presidency of the Council of the European Union?*

The answers to the stated sub-questions will answer parts of the research puzzle and enable this thesis to answer the research question.

Concluding, this research focuses on the overarching paradigms that influence the migration strategies of the German government for their presidency of the Council of the European Union in the second half of 2020. To do so, it will discuss Hall's theory on policy paradigms and then the policy paradigms

‘migration management’ and ‘the rights-based approach to migration’. Afterwards, the role of evidence in the documents will be analysed. Based on this theory section, different hypotheses will then be set up. Following, this research will methodologically collect the strategies by the German government, related documents, appeals and policy proposals as well as reports on human rights violations presented by newspapers, NGO and IGO articles, and reports. Next, this data will be analysed in a critical content analysis, which will use previously set up coding schemes. These coding schemes relate to the two policy paradigms addressed – ‘migration management’ and ‘the rights-based approach to migration’ – and are divided into three different categories: narrative, actors, and actions. Furthermore, there will also be another coding scheme related to evidence, which connects different kinds of evidence to the two paradigms. The results of this analysis might then give conclusions about the extent to which the (lack of) evidence can be explained by underlying policy paradigms. Finally, conclusions will be drawn, and the research question will be answered.



## 2. Theory

This chapter aims to elaborate Hall's theory on policy paradigms in the direction of migration policies. In particular, it introduces two rivalling policy paradigms: 'migration management' and 'the rights-based approach'. It is organized as follows: First, the theory on policy paradigms is explained and its impact on policymaking, political actors and institutions is discussed. Then 'migration management' and 'the rights-based approach to migration' are described, which will clarify the competition between policy paradigms as described by Hall (1993).

### 2.1. Policy Paradigms

To outsiders, policymaking processes often seem like a black box and the question arises: what motivates policy action? As previously mentioned, some believe that policymaking should be completely rational and based on evidence (Parkhurst, 2017). But when actually analysing policy processes, it becomes clear that this is not the case. In contrast, in a democratic system, policy decisions are often considered to be the response to public pressures. Hall (1993) theorises this trade-off by discussing policymaking through 'policy paradigms'. The premise for these paradigms is the idea that policymakers "customarily work within a framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing" (Hall, 1993, p. 279). Consequently, paradigms are the prevailing framework for every policy discourse. Relating this to Thomas Kuhn's notion of 'scientific paradigms', 'policy paradigms' come to existence in a threefold order of changes:

First and second order changes are related to Kuhn's notion of 'normal science'. In this case, 'normal policymaking' refers to policymaking within a certain paradigm and its account of the world, without it being challenged. Therefore, certain patterns prevail and can continuously be found in policies. While first order changes can usually be found in routinized and incremental decision-making processes, second order changes more likely relate to strategies, which certain policies are the instrument for (Hall, 1993). In contrast, third order changes relate to radical changes in the policy discourse, which Hall (1993) calls "paradigm shifts". These shifts are not necessarily a result of first and second order changes, since paradigms can prevail for some time, but rather result from the framework which a paradigm represents being outgrown and overtaken by a new notion (Hall, 1993).

The reasons of how and why policy paradigms are overtaken are also threefold: Firstly, paradigm shifts are caused through societal pressures. This means that the prevalence of a paradigm is related to it benefitting the institutional framework and political actors in power. Paradigms, therefore, do not only produce the discourse in which conflicts are carried out, but also influence them by, for example, benefitting one set of actors in their competition with another. Thus, secondly, when a paradigm is defeated, the institutions and actors also change. Lastly, policy experimentation and failure can also

contribute to paradigm shifts. In this case, paradigms are stretched so far, to include all anomalies, that they are not intellectually coherent anymore and lose their precision. Then, the wider contest between paradigms reopens and the boundaries of ‘normal policymaking’ get blurred. This process only ends when one paradigm is able to manifest its dominance and defeat competing paradigms. Thus, a new ‘normal policymaking’ develops (Hall, 1993).

Considering the question of how policymakers determine which evidence is relevant, Hall (1993) describes that the current policy paradigm builds a frame through which policymakers look at the world. This frame then influences what they see and what knowledge or information they deem as relevant. He explains this through the case of macroeconomic policymaking in Britain between 1970 and 1989, where he considers Keynesianism to be the prevailing policy paradigm: “Keynesian ideas were institutionalized” and “specified what the economic world was like, how it was to be observed, which goals were attainable through policy, and what instruments should be used to attain them” (Hall, 1993, p. 279). Consequently, when Keynesianism was replaced by monetarism, these specifications radically changed: different instruments were used, the hierarchy of goals changed, and the economy was analysed and interpreted differently (Hall, 1993).

To sum up, Hall (1993) focuses on economic policymaking paradigms. In the following, this thesis wants to transfer his concept to the field of migration. Here, the question arises what the current policy paradigm might be and how this affects the kind of evidence that is or fails to be included in the policymaking process. This is relevant as policy paradigms are frameworks in which a particular set of ideals and perspectives are overarching the political discourse. They can, therefore, impact institutional structures, policy actions and other procedures, which could also be the case with migration policies (Hall, 1993). And, particularly relevant for this thesis, migration policy paradigms might account for the evidence that is used – or not – in migration policies. The thesis, therefore, wants to compare to what extent different policy paradigms might be present in the migration strategies developed by the German government. Here, for example, the general focus on security versus human rights or integration might be relevant. To do so, as previously mentioned, two policy paradigms – ‘migration management’ and ‘the rights-based approach to migration’ – will be discussed in the following:

## 2.2. Migration Management

‘Migration management’ is a policy paradigm first developed in a report by Bimal Gosh to the UN Commission on Global Governance and the government of Sweden in 1993. Its goal is the orderly management of international migration through global norms and rules. Following this report, in 1997, the Dutch, Swedish and Swiss governments as well as the United Nations Population Fund financed the development of a ‘New International Regime for Orderly Movements of People’. Here, the migration flows after the Cold-War, which were conceived to be turning into a crisis, were to be addressed (Pécoud

& Geiger, 2010). This was done through a comprehensive approach that aimed at managing all types of human mobility. Gosh (2003), who served as an adviser for this project, proposed three pillars: First, a joined effort of all states concerned with migration and the harmonisation of migration policies. Second, a new international agreement for global mobility and migration. And third, more influence from actors outside of governments, such as IGOs and NGOs, to furthermore harmonise actions in the field of migration.

Three decades after it was coined, the paradigm of ‘migration management’ is widely executed by organizations like the UNHCR, Frontex and the IOM, whose motto even is: “managing migration for the benefit of all” (IOM, 2008). But while many people are addressing migration as something that needs to be managed, following Pécoud and Geiger (2010), most don’t understand the meaning of the term ‘migration management’. In the academic discourse, it is conceived as a concept emphasizing migration needs to be ordered through bi- and multilateral agreements. Migration is supposed to be turned “into a more orderly, predictable and manageable process” (Pécoud & Geiger, 2010, p. 2) that benefits all parties involved – the country of origin, the country of destination and migrants (Pécoud & Geiger, 2010). Therefore, migrants are divided into ‘legal’ and ‘illegal’, ‘voluntary’ and ‘forced’, and ‘legitimate’ refugees and ‘illegitimate’ migrants – the first needing to be promoted, the latter to be restricted (Scheel & Ratfisch, 2014). By specifically differentiating between ‘migrant’ and ‘refugee’, the policy paradigm promotes the narrative of ‘mixed migration flows’. This narrative originally refers to the impossibility of differentiating between different ‘types’ of migrants in practice – a reason why ‘migrant’ is defined as an umbrella term for different legal categories of human movement. Today it legitimises the expansion of border controls, as it is promoting beneficial and restricting unwanted flows because of economic interests. Furthermore, this narrative creates a narrowly confined space for migrants and establishes a picture of ‘good migrants’ or ‘good refugees’. For example, ‘good migrants’ are supposed to be “‘well-informed’, respectful of the law, flexible to market needs, ready to circulate and eager to contribute to the development of their home country” (Pécoud & Geiger, 2010, p. 17).

The activities related to ‘migration management’ are diverse. Pécoud and Geiger (2010) describe them to be, among else, as “counter-trafficking efforts; training of civil servants in transit and sending countries in fields such as irregular migration and border control; development of migration policies in countries lacking strategies in the field (or not considering migration as a key priority), under the auspices of foreign-based experts and organizations; return migration and readmission programmes, either forced or voluntary; and development focused projects aiming at enhancing the positive impact of migrants, diasporas and remittances on regions of origin” (p. 6). Another relevant action is the hotspot strategy that, for example, has been applied on the European external borders since 2015, where camps are built to centralise migrant housing. The main justification for this is its supposed ability to improve

the management of migration by setting up systematic identification and sorting schemes (Vries & Guild, 2019).

The actors involved in ‘migration management’, as already mentioned, usually are IGOs, who inform governments and policies, develop management programmes and function as direct implementors of governments’ policies. Following Betts (2008), this promotion of IGOs in ‘migration management’ in spite of its focus on state security comes from states’ ability to then be selective about what issues to address. For example, the missions conducted by Frontex that involve “preventive refoulment” (Marchetti, 2010, p. 160) before asylum seekers reach Italian territory allow Italy to officially not be seen as responsible. As Frontex is carrying out these actions, the EU is responsible, thus sharing responsibility among its member states (Pécoud & Geiger, 2010). This selectivity also submits to the neoliberal belief system containing the policy paradigm, which considers migrants independent economic actors adapting to an economy and its needs. Prominent temporary labour migration schemes, for example, allow developed countries with needs for cheap workers to give migration opportunities to people from less developed countries while simultaneously being selective and flexible with this opportunity. Thereby, ‘legal’ migration becomes a good that is adaptable to national interests and border controls that adapt to this changing demand (Pécoud & Geiger, 2010).

In short, ‘migration management’ can be defined as a global policy paradigm that aims at developing a comprehensive, state-centred, neoliberal migration policy framework focused on economic rationales, which advocates for orderly management of migration to the benefit of all (Pécoud & Geiger, 2010; Scheel & Ratfisch, 2014). Tracing back, there are three expectations if ‘migration management’ is the paradigm influencing policymaking:

- A narrative is created that focusses on security, nationhood and ‘illegal migrants’;
- A focus on IGOs as the main actors is established;
- The actions are related to specific tasks like counter-trafficking efforts and border control;

### 2.3. The rights-based Approach to Migration

The policy paradigm of ‘migration management’ has become a dominant one over the past thirty years – but it is not the only one. One might assume that usually all policies are backed by fundamental law such as human rights. But while ‘migration management’ systematically references international human rights law, scholars like Pécoud and Geiger (2010) suppose that it has a tendency to prefer non-binding commitments and informal norms. Even though these ‘recommendations’ and ‘best-practices’ might refer to international human rights, they leave room for interpretation and avoid commitment. For example, organizations openly devoted to ‘migration management’ like the IOM or Frontex don’t have any commitment to binding human rights treaties. They are therefore only committed to the preferences of their mission’s state.

Consequently, ‘the rights-based approach to migration’ is a policy paradigm committed to the key notion that all migration policies must be underpinned by international human rights law (Hujo, 2019). It is particularly endorsed by different IGOs and NGOs like the United Nations Fund for Women or the International Labour Organization, who campaign for the ratification of all nine human rights treaties, international law on, among else, refugees and labour as well as other legal instruments. This is motivated by an intrinsic and an instrumental rationale, which sets up the narrative of this paradigm: First, the moral and legal obligation that the implementation of human rights is “the right thing to do” (Inter-Parliamentary Union, 2015, p. 145) and second, that it “leads to improved and more equitable, inclusive and sustainable outcomes” (ibid).

Concerning its actors, ‘the rights-based approach to migration’ refers to rights- and duty-holders. The first hold certain rights; the second must fulfil the obligation to ensure those rights. The scope of these obligations and actions is often referred to as “respect, protect, fulfil”: “states must refrain from interfering with the enjoyment of human rights (respect); states must prevent private actors of third parties from violating human rights (protect); and states must take positive measures to ensure the realization of human rights” (Inter-Parliamentary Union, 2015, p. 145).

In this thesis, a migrant is, following the definition of the IOM (2019), defined as “a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons”. Accordingly, migration is also defined in these terms (IOM, 2015). Though this is not a universally accepted definition, as none exists, it will be used in this thesis because it is considered to be an inclusivist approach in which the term ‘migrant’ serves as an umbrella term for all types of movements. The residualist-approach excludes people who flee because of war or fear of persecution (Carling, 2021). Inclusiveness, however, is deemed important because migration is usually caused by multiple reasons, making a categorization very difficult (Inter-Parliamentary Union, 2015).

The term migrant includes multiple legal categories of people, for example “migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students” (IOM, 2019). In contrast, following the Convention Relating to the Status of Refugees (1951), a person is considered a refugee under international law if there is a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”. While this definition has been criticized by scholars, for example for not including changes in the climate as a reason for migration, it is the foundation for the work of the UNHCR and the EU since all member states have signed this convention (Simms, 2003; Statute of the Office of the UNHCR, 1950). It will therefore serve as the theoretical discussion basis of this thesis. Under international law, migrants are “entitled to the respect, protection, and full enjoyment of their

human rights, regardless of their migration status” (Hujo, 2019, p. 26). Furthermore, the rights of refugees are protected under the 1951 Geneva Refugee Convention, the Protocol of 1967 and specifically in Germany in the German Constitution – the ‘Grundgesetz’ (Eng. Basic Law).

To sum up, ‘the rights-based approach to migration’ is a policy paradigm founded on the notion that all migration policies should be based on human rights. In this context, the paradigm distinctively refers to different treaties and the definition and categorization of migration, migrants, and refugees within these treaties. Specifically, the duty holders – usually states – must connect all their (policy) action towards the threefold obligation of ‘respect, protect and fulfil’. Thus, if ‘the rights-based approach to migration’ would be the paradigm influencing policy making, three things are expected to be present in analysed data:

- A narrative is created that focusses on ‘respect, protect and fulfil’ as well as ‘right and duty holders’;
- A focus on individual migrants as the main actors is established;
- The actions are related to protection of human rights, preventing others from violating human rights and taking positive measures to ensure human rights;

Additionally, to the expectations of the policy paradigm of ‘migration management’, these expectations for the paradigm of ‘the rights-based approach to migration’ will be tested on the selected data.

## 2.4. Evidence in Policy Paradigms

As mentioned in the introduction, Parkhurst (2017) argues that evidence plays an important role in policymaking. Thus, adding to the expectations as well as the previous discussion about the selected policy paradigms, it is relevant to discuss how paradigms might influence the use of evidence. As the discovery of the connection between policy paradigms and evidence use is the goal of this thesis, such a discussion does not aim at providing a comprehensive definition of what evidence is (not) used because of an overarching policy paradigm, but rather how evidence might be selected. Parkhurst (2017) discusses the systematic preference of evidence through the ‘issue bias’. This, according to him, “reflects the ways in which the invocation of particular forms of evidence can obscure the political nature of decisions and, in doing so, ‘bias’ decisions towards particular outcomes” (2017). He distinguishes that these preferences are not necessarily bad since it is important to weigh up evidence against each other but that it sets up a scheme of biases towards a specific kind of evidence. These schemes then “operate systematically and consistently to the benefit of certain persons and groups at the expense of others” (Bachrach & Baratz, 1970, p. 43). Relating this to the analysed paradigms, the previously discussed goals of the policy paradigms lead to expectations about the kind of evidence that policies influenced by these paradigms reference. These are:

- ‘Migration Management’: Documents primarily refer to evidence provided by border control and first-entry states, which prove well managed migration processes and successful readmission to third countries and countries of origin.
- ‘The rights-based approach to migration’: Documents refer to any evidence in which it is clearly visible that human and migrant rights were violated.

## 2.5. Conclusion and Hypotheses

To conclude, this chapter has given insight on overarching paradigms in policymaking. It has discussed Hall’s theory of policy paradigms that influences the overarching and institutional structure of all policymaking and has introduced two policy paradigms in the field of migration. Considering the fact that a policy paradigm influences the way policymakers look at an issue and which evidence they consider relevant, it is expected that the strategies by the German government will also be influenced, one might even say depend, on the prevailing paradigm.

As the policy paradigm that is for example used by the IOM and Frontex is ‘migration management’ and the German government is often considered a driving force of European migration policies, which led to Frontex, the strategies are likely to also be influenced by the policy paradigm of ‘migration management’. Consequently, the first and second hypotheses are:

*H1. The migration strategies of the German government for their presidency of the Council of the European Union are set within the broader policy paradigm of ‘migration management’.*

*H2. The policy paradigm of the ‘the rights-based approach to migration’ plays a subordinate role, if any, in the migration strategies of the German government for their presidency of the Council of the European Union.*

Deriving from this, as ‘migration management’ focuses on security-related issues, another expectation is that evidence on human rights (violations) will probably not be a focal point in the strategies. Therefore, a third hypothesis is:

*H3. The migration strategies of the German government for their presidency of the Council of the European Union will not (primarily) use evidence on human rights (violations), but rather security-related evidence on, for example, well managed border controls or lower migration numbers.*

### 3. Methodology

This chapter aims at providing the methodology chosen to conduct the research. Firstly, it will explain and justify the process that led to the selection of the case. Second, the method of data collection will be addressed and lastly, the method of data analysis will be explained.

#### 3.1. Case selection

The focus of this research are the migration strategies of the German government for their presidency of the Council European Union in the second half of 2020. The thesis has opted for a qualitative research methodology as it enables the in-depth questioning of why certain evidence was (not) used in these strategies and how different paradigms affect the perceived relevance of evidence for policymakers. A risk of this approach, as addressed by Seawright and Gerring (2008), is bias of the researcher. They, therefore, commend a form of purposive case selection (2008).

For this thesis, the objective was to find a “representative sample” (Seawright & Gerring, 2008, p. 296): To simply discuss ‘migration’ or ‘migration policies’ in a broader non-specified sense was not an option – neither the length obligations of this thesis nor the ability to discuss it in a reasonable way allow this to be possible. Therefore, a specific case – a migration flow, a country, an institution etc. – needed to be selected. The EU is a key actor in the handling of migration flows with the cross-Mediterranean migration route being the deadliest one in the world (Fargues, 2017). Interestingly, the EU was also founded on the common wish for peace and security for everybody. Because of the combination of handling migration flows and commitments to human rights, it made sense to select the EU as the point of interest (Fargues, 2017). Specifying this even further, the presidency of the Council of the European Union changes every six months. Given highly publicized events that provide evidence of human rights violations, like the fire in the refugee camp Moria on the Greek island Lesbos, it therefore made sense to investigate the individual EU member states involvement in the policies under which such events were able to happen. Since Germany had the presidency of the Council of the European Union at that moment in time, this research selected the development of the German migration strategies as the point of interest.

#### 3.2. Method of data collection

To answer the research question, the strategies of the German government for the presidency of the Council of the European Union are the most important aspects to be analysed. This includes the ‘Programme for Germany’s Presidency of the Council of the European Union’, the “Work programme of the Federal Ministry of the Interior, Building and Community for the German Presidency of the Council of the EU in the second half of 2020” and the “18-month Programme of the Council”. It will also include strategies and issues discussed by the German Federal Office for Migration and Refugees.



These will mainly be derived from the office's website (BMI, 2020a, 2020b; Federal Government, 2020a; General Secretariat of the Council, 2020). Furthermore, press releases, speeches and other statements will also be analysed in this context. Second, the documents that these programs and strategies refer to will be examined. Relevant here are, for example, joint statements of the Council members or concept papers by the German government for, among others, a joint European asylum system (Council of the European Union, 2020; Federal Government, 2020b).

Third, reports, appeals, policy proposals, and other calls for action will be analysed to compare the evidence used in these strategies with what is available. As mentioned before, there is an abundance of newspaper articles and reports about the inhumane situation at the European external borders and human rights violations. Adding to the strategies and appeals by the German government and other organizations, these make up an important part of the thesis because they show that evidence on the situation is publicly available and part of a public discourse. These will therefore also be part of the data analysed. Among these newspaper articles are, for example, articles by the German news agency 'Spiegel' proving the existence of pushbacks by the hand of Frontex officials at the Greek external border (Christides, Freudenthal, & Lüdke, 2020; Christides & Lüdke, 2020). This is especially relevant for the thesis since pushbacks are illegal under international law, this is relevant evidence for the thesis. Furthermore, notable appeals here are the recommendations for the Croatian and Germany Presidencies of the Council of the European Union by the UNHCR or the joint appeal by different human rights organizations (ACAT-Deutschland e.V et al., 2020; UNHCR, 2020). In this context, also, the recommendations by the United Nations International Children's Emergency Fund, the International Organization for Migration or the German evangelical organization 'Diakonie Deutschland' will be taken into account (Diakonie Deutschland, 2020; Regional Office for the European Economic Area, the European Union and NATO, 2020; UNICEF, 2020).

### 3.3. Method of data analysis

As this thesis studies the strategies of the German Government for the presidency of the Council of the European Union in the second half of 2020, the research will be conducted as a critical content analysis. A content analysis can be defined as "the intellectual process of categorizing qualitative textual data into clusters of similar entities, or conceptual categories, to identify consistent patterns and relationships between variables or themes" (Julien, 2008, p. 120). It is a prominent method in social science, that allows texts to be analyzed within a certain openness and identifies "the varying connotations associated with particular words" (Julien, 2008, p. 210) as well as conscious and unconscious messages. By using this qualitative research method, the researcher is able to ask 'why' questions. Building on the policy paradigms of 'migration management' and 'the rights-based approach to migration', this might explain how certain overarching paradigms influence the focus on certain key issues in these strategies, to the

detriment of others, and how this, consequently, influences the outcome of the strategy. This then might clarify why certain evidence is used and other is not.

For this research design, typically a cluster or a code is set up a priori that establishes a ‘theme’ for the qualitative data. This also describes the level on which the analysis takes place as this can be different depending on the data analyzed and the research goal (Julien, 2008). To examine the strategies of the German government regarding the extent to which they have been influenced by different policy paradigms, the strategies will be analysed on the basis of their used evidence and their narrative, actors and actions they are creating and promoting. Consequently, every time terms, phrases or paragraphs relate to one of the paradigms’ characteristics, it will be labelled.

Following the theoretical chapter on ‘migration management’ and ‘the rights-based approach to migration’ (see 2.2 and 2.3), different dimensions of these policy paradigms can be discovered: Narrative, actors, and actions. The linked key terms are based on the discussion in the theory chapter. Here, terms are clustered to fit the scale of the research: For example, for ‘migration management’, ‘mixed-migration flows’ also relate to the classification between forced and voluntary, legitimate and illegitimate, legal and illegal and migrant vs. refugee. This is justified as the chosen key term reflects on all these parts and can therefore purposefully reflect them in a specified matter.

#### Coding Scheme ‘Migration Management’

Policy Paradigm	Dimension	Key Terms
‘Migration Management’	Narrative	Mixed-migration flows
		‘Good and well-informed’ migrants and refugees
		‘Irregular’ versus ‘regular’ migration
		Human smuggling
		Migration/Refugee crisis
		Management, order, efficiency
		Triple-win situation
	Actors	Country of destination and origin
		Migrants
		IGOs and supranational organisations
		‘Safe third countries’
		Border police
	Actions	Systematic identification and sorting schemes
		Counter-trafficking efforts
		Training of civil servants in transit and sending countries
		Migration policies in countries lacking strategies in the field by foreign-based actors
		Centralized management and accommodation (e.g. hotspot strategy)
		Zero-immigration Strategies

#### Coding Scheme: ‘The rights-based approach to migration’

Policy Paradigm	Dimension	Key Terms
	Narrative	Respect

'The rights-based approach to migration'		Protect
		Fulfil
	Actors	Right holders
		Duty holders
		Third parties and private actors
		NGOs and IGOs
		Human rights laws and treaties
	Actions	Refrain from violating human rights
		Prevention of third or private actors' interference with human rights
		Take positive measures to ensure human rights

As the research wants to find out whether evidence was (not) used due to potential overarching policy paradigms, the specific paradigm-related evidence that might be used has to be identified. Therefore, every time evidence is referenced, it will also be labelled. This will be done through a third coding scheme, which will be set up based on the theoretical debate on different evidence relation to policy paradigms (see 2.5).

#### Coding Scheme: Evidence

Dimension	Policy Paradigm	Key terms
Evidence	'Migration management'	Best-practices & recommendations
		Border police reports
		Policy efforts by the European Commission
		Information from countries of entry
	'The rights-based approach to migration'	Evidence on human rights violations
		NGO reports
		IGO reports
		Newspaper reports
		Refugee voices

Following this coding, the evidence will be analysed regarding its relevance and role in the document. The goal of this analysis is to find out how different evidence relates to a policy paradigm. The coding scheme thus does not aim at being comprehensive but rather at providing an overview on the relations between evidence and policy paradigms that are expected.

### 3.4. Conclusion

Overall, the results of this qualitative analysis might afterwards enable us to elaborate whether the coded data might be biased towards a certain policy paradigm or not. Furthermore, this thesis can then reflect on the limits of the coding schemes. For example, it might discuss whether certain dimensions and key terms were missing or, in the contrary, if the coding scheme was too elaborate and dimensions and key terms were not visible in the data.

## 4. Analysis

The purpose of this chapter is to gain insight into the influences policy paradigms have on the use of evidence in governmental strategies and simultaneously provide a fundament on which the hypotheses and sub-questions can be answered. Therefore, the strategies will, firstly, be analysed based on their connections to the policy paradigms ‘the rights-based approach to migration’ and ‘migration management’. Afterwards, an interim conclusion on the connection will be drawn. The goal of this analysis is to then be able to investigate the use of evidence in the documents, which will be the next step. In this part of the analysis, the evidence available will be discussed. The reason to include this second part is, firstly, to show that there is evidence on the human right violations and, secondly, that it is at the disposal of policymakers and politicians, as there are comments, appeals, reports and other publications by NGOs and IGOs about it. Consequently, by briefly discussing the evidence available, the research can then discuss to what extent the policy paradigms in the German government might explain the (non-)use of evidence. Based on the findings of this analysis, the main research question will be answered.

### 4.1. Policy Paradigms in the strategies by the German government

The first two hypotheses referred to expectations regarding the influence of policy paradigms in the documents by the German government. To test these hypotheses, and answer the fourth sub-question, the strategies will be analysed regarding their connections to the dimensions of the coding schemes for the policy paradigms ‘the rights-based approach to migration’ and ‘migration management’. The analysis will follow the main three dimensions of the scheme – narrative, actors and actions – and then offer a more detailed discussion of the key terms that are present in the policy documents.

#### 4.1.1. Narrative

In terms of the narrative created in the analysed documents, a clear pattern was observed. This narrative pattern can be described in three parts: the problem, the solution, and the consequences.

As evidenced by the analysis, the problem for the German government clearly is the migration crisis. This can distinctively be observed through the addressing of migration as a ‘crisis’. Here, migratory policies are proposed to provide ‘crisis-proof’ systems, avoid failure ‘in times of crisis’ or want to achieve efficient ‘crisis-management’. By starting off with developing this crisis-context, (non-)action and failure in the past and current policy efforts are justified. When then relating this to ‘migration management’ – the relevant policy paradigm in this context – obvious similarities to the coding scheme and even more interestingly to the theory appear. This is in so far relevant as actors influenced by ‘migration management’, especially nations, aim at delegating responsibility to other actors, which simultaneously also leads to the deference of accountability (Marchetti, 2010; Pécoud & Geiger, 2010).

An example of this responsibility-sharing is also the effort by the German strategies to present migrants as actors who themselves have specific duties (Council of the European Union, 2020, p. 3). This leads to the narrative that migrants are responsible for their own future. Furthermore, it picks up on the ‘migration management’ key term of ‘good and well-informed migrants’ and sets up a connection to the policy paradigm ‘migration management’.

This ‘crisis’-talk also leads to migration seeming like an issue that is extremely difficult and in need of much political discussion. Consequently, the problem-narrative then also influences the calls for specific solutions. Here, the analysis showed a systematic use of words such as ‘balanced’, ‘orderly’, ‘holistic’, ‘well-managed’, ‘fair’ & ‘practical’, which are also expected through H1 suggesting that the strategies are set within the broader policy paradigm ‘migration management’.

What was not expected, and hence absent from the coding scheme, is the clear connection that is established between migrants and security issues and/or terrorism. For example, the website of the BAMF references three focus points in their press release regarding the German presidency of the Council of the European Union: “Digitalising the asylum procedure”; “Deradicalisation”; and “Voluntary return” (BAMF, 2020). For Deradicalisation, the office writes: “the BAMF [Federal Office for Migration and Refugee] has proven itself to be an internationally- and nationally-recognised central player and pioneer, as well as a nationwide interchange, for deradicalisation work in the context of Islamism in Germany.” (BAMF, 2020). Thereby, the goal of an “open and peaceful coexistence” (BMI, 2020b, p. 4) is created, which leads to the narrative of ‘us versus them’. Another example of this is the Joint statement by the EU home affairs ministers on the recent terrorist attacks in Europe (2020), in which there is a call to action regarding migration: “We must effectively control our external borders, record entries and departures from the Schengen area in digital form, and cooperate more closely with third countries in order to combat terrorist threats. Travel movements of persons posing a terrorist or violent extremist threat [Gefährder] are a major challenge for the security authorities.” (Council of the European Union, 2020, p. 3). This particular statement does not in itself lead to a lopsided narrative of migration but only in combination with the non-existence of a statement of this kind regarding rights to asylum in Europe. The dominance of security issues over asylum rights then leads to the legitimization for actions that limit migration, which connects to the policy paradigm ‘migration management’ and offers further support for H1.

In terms of the consequences the strategies have, another pattern observed is the “triple-win-situation”-narrative: the data by the German government systematically reference the “general good” and “benefit for all” through their actions (BMI, 2021, p. 13). Thereby, the strategies are framed as having an all-round positive impact. This not only further enables the ‘responsibility-sharing-scheme’ discussed above but also dismisses any negative impacts past actions had on other actors apart from governments.

Here, for example, over-burdening countries of entry is a relevant issue that is dismissed. It is therefore also an expression of the influence of ‘migration management’.

Lastly, the key terms stated for the narrative of the policy paradigm ‘the rights-based approach to migration’ were not observed in the documents. Apart from a few subclauses about human rights laws that ‘should’ be upheld, the narrative of ‘respect, protect and fulfil’ seems to apply more to the rights of the European citizen that ‘must’ be upheld than to migrants. This is in so far interesting as such a focus point creates a hierarchy between human rights and EU citizen rights, which also include human rights for EU citizen. Connecting this to the current situation of migrants in Europe, a hierarchy, thus, might also explain past policy action and the results of these actions. Therefore, the reframing of this originally ‘rights-based’ narrative of ‘respect, protect and fulfil’, might actually prove an even deeper relation to ‘migration management’.

#### 4.1.2. Actors

When coding for the actors referenced in the documents of the German government, the observation that the documents are influenced by the policy paradigm ‘migration management’ is further deepened.

As expected, because of this connection, the documents primarily refer to governmental or supranational actors such as other governments, ministries, or European institutions. In contrast to the observation about the “triple-win-goal” discussed above, the actors and their concerns referred to here are the EU member states. Here, additionally to the previously discussed references, the clear focus on other governmental documents remains. An example of this can be seen in the progress report by the BMI (2021, p. 2), which states: “The core elements of solidarity and fair sharing of responsibility amongst all Member States, as well as the balance between those elements and the corresponding obligations for the Member States – also in implementing the asylum and migration acquis – must be discussed together with a view to a compromise that takes into account the concerns of all Member States.”

Another referenced actor that is especially interesting and builds a strong connection to ‘migration management’ because of the key term ‘border police’ is the border guard agency Frontex: In the majority of the documents, the agency and its recently expanded mandate (in-the-time-of-writing), were mentioned as a great accomplishment (BMI, 2020b, p. 6, 2020c, p. 5; Federal Government, 2020a, p. 12). An example of this can be found in the BMI strategy paper “Together in Europe. Together for Europe”: “Frontex’s strengthened mandate in the area of return represents a major opportunity for member states to receive additional support in carrying out an effective and sustainable return policy” (2020b, p. 6). This is not only relevant because it relates to the coding scheme of ‘migration management’ but also because the one-sided appraisal of the organization hides any controversy of, for example, Frontex involvement in Pushback, which is a violation of – among else – the European

Convention on Human Rights (Christides, Freudenthal, & Lüdke, 2020; Christides & Lüdke, 2020; ECCHR, 2021).

Interestingly, the expectation set by the coding scheme for ‘migration management’ that ‘safe third countries’ as such would be addressed, could not be observed. Contrary to this expectation, the vast majority of the strategies systematically refer to return schemes – an action related to ‘migration management’ – but do not describe where migrants are being returned to. This is striking as there are many reports on the countries to which migrants are being returned to, such as Libya, Syria or Afghanistan, not being ‘safe third countries’ (Caritas, 2020; European Parliament, 2021; UNHCR & IOM, 2021). The indirect addressing of returns to these countries can, therefore, be interpreted as the government knowing about the issues within these countries but ignoring them to keep on deporting migrants. Thus, even though the coding scheme does not directly describe this, considering the context, it can still be connected to the policy paradigm ‘migration management’.

Additionally, most documents by the German government neither refer to IGOs nor to migrants. This is especially relevant considering migrants are the people who are affected by migration policies. Furthermore, IGOs such as the UNHCR are active at the European external borders and are therefore also heavily affected by such policy action. Regarding this, the documents therefore produce a clear hierarchy of importance of actors.

This observation also connects to the sparse relation to the coding terms of ‘the rights-based approach to migration’: While most of the documents neither refer to third parties and private actors or NGOs and IGOs, they also do not discuss the different actors as rights holders (migrants) and duty bearers (nations) (Inter-Parliamentary Union, 2015). Regarding their references to human rights laws and treaties, it was also observed that this relationship only consists of subordinate clauses like “[...] fundamental rights of persons concerned [...]” (BMI, 2021, p. 8). Consequently, the policy paradigm ‘the rights-based approach to migration’ does not seem to have much of an impact on the relation to actors in the documents by the German government.

#### 4.1.3. Actions

When analysing the observations made in the coding for paradigm-related actions in the governmental documents, the results of the coding also show a clear connection between most of the governmental documents and the policy paradigm ‘migration management’. Specifically, the recurring schemes of focuses on proposed actions such as digitalisation and identification, counter-trafficking efforts, capacity building, external partnerships, resettlement, return, and border management – all actions either discussed in the theory section, described as key terms in the coding scheme or both – exemplify this relation. Interestingly, the centralized management and accommodation strategies mentioned by the coding scheme did not play a substantial role in the German government’s documents. This could be a

sign that the government indirectly addresses the failure of these refugee camps in the past. But, in contrast, they also propose closed detention as a way to keep migrants from moving from member state to member state (Federal Government, 2020b, p. 2). Thus, it is not quite as easy to draw a connection to ‘migration management’ in this regard.

Furthermore, an interesting observation made in the coding was the lack of – or the relatively small attention to – policy actions related to positive asylum decisions. This is interesting in so far as there is, again, a lopsided focus in the documents on migrants who do not get granted asylum over those who do (Pécoud & Geiger, 2010). Like the observations for the narrative promoted in the documents, this one-sided focus on certain actions to exclude migrants is a sign of the documents being influenced by the ‘migration management’ paradigm. Adding to this interpretation is the fact that the only proposed idea for positive migration decisions is the Blue Card Directive (BMI, 2020b, p. 6, 2020c, p. 4, 2021, p. 13), a directive which “sets out the entry and residence conditions for highly-qualified non-EU nationals wishing to work in a highly-qualified job in an EU country (other than Denmark, Ireland and the United Kingdom), and for their families” (EUR-Lex, 2021). Consequently, one of the few times policies for positive asylum decisions are proposed, they focus on highly qualified workers, which furthermore benefits European member states.

Comparing the observations made in the documents with the coding scheme ‘the rights-based approach to migration’, again, no influences of it could be found. In contrast, the actions proposed by the German government built upon the actions also proposed in the past. As these have reportedly led to human rights violations, enabled actions by third and private actors to violate human rights and were not actions that ensure human rights, it cannot be linked to ‘the rights-based approach to migration’. Consequently, it can be said that ‘the rights-based approach to migration’ does not play a role in the actions proposed in the documents by the German government.

#### 4.1.3. Interim Conclusion

On the whole, the analysis showed that policy paradigms definitely influence the strategies of the German government for their presidency of the Council of the European Union, thereby answering sub-question 4. The influence was observed in all three dimensions: In the narrative through the way the data discussed the problem, the solution and the consequences; regarding the actors, because of the hierarchy between the different actors (not) addressed; and lastly for the actions, the influence of policy paradigms was also observable by focusses present in the strategies. Additionally, hypotheses were set up to express expectations to the analysis. In this context, the relevant hypotheses 1 and 2 were both proven to be well supported:



*H1. The migration strategies of the German government for their presidency of the Council of the European Union are set within the broader policy paradigm of 'migration management'.*

In all three dimensions, most of the coding scheme of 'migration management' could be linked to the strategies. Examples for this are the systematic use of terms such as 'balanced', 'orderly', 'holistic', 'well-managed', 'fair' & 'practical', the reference to governmental and supranational actors, and the focus on actions such as digitalisation and identification, counter-trafficking efforts, capacity building, external partnerships, resettlement, return, and border management. Apart from the direct relations to the coding scheme, other surprising observations were made that could then also be linked to 'migration management'. For example, regarding the narrative, the analysis found that the documents systematically connect migrants to security issues and/or terrorism. When interpreting, this example could then also be linked to 'migration management', since it legitimises actions that limit migration.

*H2. The policy paradigm of the 'the rights-based approach to migration' plays a subordinate role, if any, in the migration strategies of the German government for their presidency of the Council of the European Union.*

Regarding 'the rights-based approach to migration', the analysis showed no to little connection to the corresponding dimensions and terms. On the contrary, what the analysis did observe is how especially concerning the narrative set up and the actions proposed, the governmental strategies seemed to move in the opposite direction. An example of this is the redirection of rights that must be 'respected, protected and fulfilled' from the human rights of migrants to the rights of European citizens that the EU feels most responsible for.

## 4.2. The availability and use of evidence

Following the analysis of the policy paradigms' influence, now, the data will be analysed on its use of evidence. The goal of this analysis is to answer the sub-questions 3 and 5 as well as hypothesis 3. Therefore, firstly, the evidence available will be discussed. Then the strategies of the German government will be analysed, and an interim conclusion will be drawn.

### 4.2.3 The available evidence on human rights violations

The evidence on European migration policies and its consequences is abundant. Within this amount of evidence, three patterns could be observed: The focus on human rights violations, the reference and/or enumeration of refugee testimonies, and connections to NGO and IGO data.

Especially for human rights violations, NGOs such as 'Human Rights Watch' and the 'Border Monitoring Network' were analysed. Here, the observation is that these kinds of organizations often have separate sub-categories for, depending on their reach, different continents and then also for

individual countries. For instance, ‘Human Rights Watch’ enumerates many human rights violations in their 2020 report and then, furthermore links these to individual countries (Human Rights Watch, 2020a, 2020b, 2021; Roth, 2021). Like this, reports on, for example, beating migrants up and then smearing their wounds with ketchup and mayo are brought to the public’s attention (Border Violence Monitoring Network, 2020; Pro Asyl, 2020). Additionally, there are also many media reports by international and German newspapers like the ‘Spiegel’ or the ‘Guardian’ which report about the situation on the external borders and especially cover ‘special’ incidents like the fire in the refugee camp in Moria in September 2020, the situation in the new camp Karatepe in the winter or proof of illegal pushbacks undertaken by Frontex and other border agencies (Christides, Freudenthal, & Lüdke, 2020; Howden, 2020; Prange, 2021).

Furthermore, refugee testimonies can also be found in these (news) reports (Fallon, 2020; Tondo, 2020). The focus of such statements is usually on the human rights violations that individual migrants have endured and how the situation has been for them in different stages of their flight. Examples of these are abundant again, the ‘Guardian’ (2020), for instance, reported on a pushback by the Maltese government towards Libya.

Lastly, NGO and IGO data also report on migration issues in Europe. These kinds of data are also often referenced by news, other NGOs and IGOs and also, at least for IGO data, by governments and supranational institutions. For instance, the UNHCR published a report on “Four Decades of Cross-Mediterranean Undocumented Migration to Europe” (Fargues, 2017) in which the migration routes to Europe were established to be the deadliest in the world. This report was then also used by ‘Human Rights Watch’ to justify their call to action (Human Rights Watch, 2021).

#### 4.2.2. The use of evidence in the Strategies by the German Government

The first observation made when coding for evidence is that the governmental documents actually only refer to governmental data and not a lot of other evidence – neither information by countries of entry, border police reports, NGO and IGO reports, newspaper or refugee voices. This is surprising because of two reasons:

First, the previous discussion about the evidence showed that there is abundant evidence publicly available. But apparently this evidence is not used. This brings to light the lopsided focus also mentioned in the previous sub-chapters and discovers that the German government actively chooses not to address the issues of the current migration scheme. As mentioned previously, this also connects to the talk about the ‘migration crisis’ in Europe. It, for one, justifies the need for policy action, but second also shows again that the available evidence is not directly addressed or acknowledged. An example of this can be observed in a speech of Angela Merkel, chancellor of Germany, in which she said that “we can all see the problems we have been dealing with since 2015 converging” (2020). When interpreting this, it is

visible that she once again acknowledges the failure of migration policies but simultaneously does not give in to accusations that might be held by, for example, NGOs such as Amnesty International. Thus, past policy action is acknowledged to not be sufficient but human rights violations are not directly addressed.

An observation related to this are the references to human rights. In the strategies, if at all mentioned, human rights are referenced as something that ‘should’ be guaranteed (Federal Government, 2020b, p. 2). For this analysis this is interesting as ‘the rights-based approach to migration’ is built upon the notion that human rights ‘must’ be guaranteed and that all other actions are deemed a violation of the responsibility duty bearers inherit (Hujo, 2019). In contrast, within the ‘migration management’ paradigm human rights are more likely to be given as such recommendations of what standards ‘should’ be upheld (Pécoud & Geiger, 2010). Here, the previously discussed hierarchy of importance comes to play as the governmental data often refers their responsibility to maintain law and order and safeguard the European citizen (Council of the European Union, 2020, p. 3). Thereby, the data does not only serve the narrative of ‘us versus them’, which was already discussed previously, but it also creates a hierarchy of evidence: first, treaties about the responsibility EU member states have towards their citizen and second, treaties such as human and migrant laws, which apart from European citizen also protect any human on the planet.

The second reason why the partly non-use of evidence is surprising, is that the analysis of the influence of policy paradigms on the documents showed that there are strong connections to ‘migration management’. Therefore, the expectation for the use of evidence would be that evidence related to ‘migration management’ is also used. Thus, the little amount of evidence used is surprising and makes the analysis of the paradigm-influences difficult. But still, in this regard, the evidence that was actually used becomes even more important. Here, a strong connection to ‘migration management’ is expressed through the systematic pinpointing by governmental data to each other. An example of this is the reference to the New Migration Pact, which was proposed by the European Commission (BMI, 2020b, p. 6, 2020c, pp. 4–5, 2021, pp. 1–2; General Secretariat of the Council, 2020, p. 9). Governmental strategies, best practices and recommendations were picked up as evidence to legitimise the data’s own goals. Therefore, even though the lack of other evidence used makes it difficult to analyse the influence of policy paradigms on the documents, the actual evidence used shows a clear relation to ‘migration management’.

#### 4.2.4. Interim Conclusion

To conclude, considering sub-question 5, the data showed that, apart from governmental and supranational documents, actually not a lot of external information is used in the documents by the German government. This is interesting, as the answer to sub-question 3 showed the abundant evidence

available. In the reports of NGOs, IGOs and newspapers there are detailed descriptions about instances, in which human rights were violated or governmental action has failed. Additionally, refugee testimonies could be found. Therefore, the decision by the German government to not use this evidence in their policy proposals can be interpreted as a sign for the paradigm-induced focus of the German government on certain kinds of narratives, actors and actions they want to promote and legitimise. This is made explicit by the only reference that could be interpreted as an acknowledgement of human rights violations: the failure of the current migration scheme. In this context, a hierarchy of evidence could be observed, in which safety responsibilities ‘must’ be respected and human rights ‘should’ be respected.

Thus, when considering the evidence connected to ‘the rights-based approach to migration’ in the coding scheme, the lack and low priority human rights show that this paradigm does not have a considerable impact on the strategies. This also leads to answering the third and final hypothesis:

*H3. The migration strategies of the German government for their presidency of the Council of the European Union will not (primarily) use evidence on human rights (violations) but rather security-related evidence on, for example, well managed border control or lower migration numbers.*

The analysis showed that support for this hypothesis, or a lack thereof, is a little more complicated than expected. On the one hand, the evidence that was used correlates with the expectations that it would be influenced by ‘migration management’. An example of this are the references of the extended mandate of Frontex. Here, the goals of this evidence use can be linked to the narrative, actors and actions discussed in the coding scheme of ‘migration management’. Furthermore, the lack of evidence on human rights violations is also a sign of this relation, as the choice by the German government to not include the abundance of evidence available is a choice that fits ‘migration management’: The government has chosen to set its focus on evidence that legitimise policy goals and exclude others. Thus, the evidence used can be related to the policy paradigm ‘migration management’. On the other hand, one could argue that the little overall use of evidence actually makes it more difficult to analyse the actual influence of a policy paradigm on evidence use. Supporting this argument are the facts that while documents, as expected, did not refer to evidence on human rights violations, they also did not explicitly use, for example, evidence on lower migration numbers.

## 5. Conclusion

The goal of this research was to show how different policy paradigms may influence the evidence used in the migration strategies of the German government for their presidency of the Council of the European Union. To do so, the respective data was analysed on its relation to two policy paradigms – ‘migration management’ and ‘the rights-based approach to migration’ – and then on its use of evidence in relation to previously set expectations regarding the connection between types of evidence and paradigms. The analysis showed a systematic relation to ‘migration management’ in both steps.

First, the general relation of the documents to ‘migration management’ is explicit. Not only was this proven by the narrative and its definition of the problem, the solution and the consequences, but the actors and actions were also easily related to key terms of the coding scheme of ‘migration management’. Examples of this are the ‘crisis’-narrative, the references to Frontex or the recurring schemes of action proposals such as return and border management. In contrast, relations to ‘the rights-based approach to migration’ were not observed. Actually, the analysis rather found that when, for example, the narrative of ‘the rights-based approach to migration’ was used, it was redirected to serve goals related to ‘migration management’. So instead of the government respecting, protecting, and fulfilling human rights, they used this notion towards their own citizens, which reiterates other coding themes related to ‘migration management’. Additionally, some surprising observations were made: In this regard, one observation made was the connection between migrants and security issues and/or terrorism. In the documents by the German government this was repeatedly used to develop a narrative around migration which would legitimise ‘migration management’-related, anti-migrant policy action.

Second, considering the use of evidence, conclusions could not be drawn as easily. Here, the analysis found that, apart from other governmental and supranational data, the strategies actually only referred to other governmental documents and not to external evidence. But, when analysing the evidence that was used, this is clearly related to ‘migration management’ since the German government focuses on the issues that it wants to prioritise. On the one hand, the lack of use of external evidence shows that the German government does not acknowledge the problems with the current migration scheme as their fault or responsibility. Instead, the government rather extends their previously proposed policy actions. On the other hand, the kind of references to human rights also proves the relation to ‘migration management’. Here, a hierarchy of importance of human rights became visible: For governmental documents, human rights, if even addressed, are a “nice-to-have” – policy actions are framed as something that ‘should’ be aligned with human rights but also needs to be ‘feasible and efficient’. Thus, human rights are seen as important but still have to fit within the scope of ‘migration management’. When reflecting on this, it is also interesting that although human rights are addressed, when taking in the context and the history of policies by the German government, their policy actions have time and time again proven that they are not compatible with human rights.

Concluding, this thesis must come back to the research question: “To what extent can the (lack of) use of evidence for the formation of the German government’s strategy on migration be explained by overarching policy paradigms?”. This question can now be answered by saying that in the case of the German government the use of evidence can, with certain limitations, be explained by overarching policy paradigms. As described above, the analysis extensively showed that not only the strategies in general are influenced by the paradigm ‘migration management’ but also the use of evidence. By observing that only certain evidence was used and other not, the documents show a retraceable focus on evidence that could, in its narrative, actors and actions, be related to ‘migration management’. This relation is furthermore strengthened by the retrospective observation that apart from a small number of key terms, the coding schemes in relation to ‘migration management’ fit to the documents.

As discussed earlier, this research builds upon the scientific studies that were already focusing on migration and evidence-based policymaking. This thesis extends upon the work of Parkhurst (2017) and Hall (1993) and provides further support for the idea that other factors, apart from evidence, influence policymaking. Moreover, it showed that currently evidence does not seem to be the main or sometimes even a concern of policymakers in the field of migration. Thus, when reflecting on evidence-based policymaking, its notion of evidence needing to be focal point of every policy does not seem to have reached policymakers yet. Furthermore, this research exemplified the influence of paradigms on the institutional order and highlights power struggles between different paradigms. In this regard, for example, the advocacy of the IOM for ‘the rights-based approach to migration’ is relevant, as it shows how even influential actors stand within this struggle for dominance. Connecting this to the role of evidence in policymaking, the research, furthermore, discovered how different policy paradigms can also influence the kind of evidence used. Here, it was observed that, as previously mentioned, the ‘migration management’-influenced documents by the German government did only use specific kinds of evidence – governmental documents –, even though endless amounts are publicly available and other actors such as IGOs and NGOs use it.

The research must also reflect on its limits: Qualitative data cannot be analysed statistically, which makes the interpretation of findings more difficult and can easily lead to bias. The paper tried to combat this by carefully and critically analysing each document through previously set up coding schemes. Thereby, the analysis is more transparent and retraceable, which can limit the risk of bias. Another limit is the fact that the documents usually refer to each other, which can make the analysis of the use of evidence harder. In this regard, it might be helpful in the future, to compare the use of evidence by the German government to another case, for example, documents by the UNHCR or other governments. This could also help with discovering whether the observed connection to ‘migration management’ as the overarching policy paradigm is a case with national boundaries or if it has reached the European or international level.

The findings of this research have societal relevance. It can be used for practical implications, when, for example, NGOs or IGOs want to analyse how they can approach policymakers and influence their action proposals. They could then, firstly, aim for persuading governments to reflect on the influence policy paradigms may have on their policymaking and secondly, could also frame their recommendations and appeals in a way that might be more approachable for governmental institutions, whose work is influenced by a policy paradigm. Additionally, the research can also be used by all types of organisations, especially the German government, to reflect on their actions. As visible, the amount of evidence publicly available is abundant. Thus, since the documents are specifically leaving out all this evidence and moreover consider extending past actions, it might be beneficial to reflect on the policy paradigm that is being used without question when policymakers discuss migration.

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## Appendix: Primary data sources

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