Article

Towards a Common European Space for Asylum

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Abstract: In this paper, we provide a critical overview of the current migration policies of the EU as framed by the recent amendments of the EU migration policies since 2015. We highlight that the construction of the migration policy is a constitutive element of the spatial process of reorganization of territorial policies through the combination and diffusion of state, regional and global. We show that the perception of permanent and static migration pressure, and countries' specialization in migration are the basis for diffusion of asylum and migration policies to a number of different countries imposing similar migration systems and establishing a global governance of migration regime. The paper highlights a geographic and political change in migration and border management, through the patterns of EU Member States cooperation, and in particular their reluctance to establish a common asylum system based on solidarity and the focus on substituting the lack of a common asylum system by bilateral externalization agreements the main objective of which is the management of migration and border control rather than guaranteeing asylum and refugee policies.

Keywords: EU; migration; asylum; partnerships; relocation

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1. Introduction

Migration movements and their management constitute crucial elements in the construction of the EU which reorganized political and geographical space in Europe. A characteristic example of regionalization is the European Union (EU), which emerges through forms of connectivities, affiliations, sovereignties and governmentalities. At the same time, the EU is an example of a globalization of migration governance connecting, among others, different geographical regions and linking distant sovereignties, restructuring and reproducing asymmetries and unequal power relations. In this process of construction of new territories, there is a restructuring and movement of borders between EU Member States as well as between EU Member States and non-Member States.

National states protect their territorial borders and their participation and co-action in the EU, among other actors, have led to emerging and expanding regional territorial borders, which gradually transform neighboring and distant state territories into border zones and areas of europeanization of migration and asylum policies. According to Allen and Cochrane ([1], p.1072), to understand the changing geographies of state power, we have to adopt a topological way of thinking and, as they argued: "[the] novel about the states spatiality in the current moment is its ability to exercise its hierarchical powers of reach in ways that reflect a topological appreciation of space and place" [1]. This is indicated in the management of migration, in which the power relations

among the Member States and their conception of migration within the state territory, influence the migration policies within the EU and outside, and formulate the topology of governance of populations and borders. Common policies and the difficulties to construct a common area and policies give place to bilateral agreements between Member States and the externalization of the most dominant perceptions of management of borders [2], in terms of bilateral agreements between Member States and non-Member-States.

At the level of the EU, several common policies and practices, concerning management of external borders, develop which are based on the division of countries into origin, transit and host countries, within and outside the EU [3]. Depending on its position in this division, its geographical position (south or north) or its status as Member State, candidate state or neighboring state, each country undertakes different roles and different responsibilities, in migration and borders management.

The policies concerning migration and asylum at the EU level have been constructed on the interrelation of internal free borders and restrictive controls on the external ones. In the 1990s, particularly the political changes in the Central and Eastern European countries and the wars in the former Yugoslavia perceived by the Member States of the EU as causes that would create uncontrolled numbers of movements, especially workers from these countries in the Member States territories as well as asylum seekers without well founded fear of persecution. Bilateral agreements between Member States and non-EU states on readmission, establishment of temporary protection regimes, and adoption of prohibitive measures of individual Member States were policies to manage migration and prevent asylum seekers from entering European territories [4]. Moreover, the gradual implementation of a common asylum system and the regulation of migration have become an integral part of the EU's pre-accession strategies towards Central and Eastern Europe [5]. Furthermore, these policies for migration, as well as the underlying logic behind them, tend to become a *sine qua non* component in the cooperation with other states, neighboring and distant ones [6].

One of the aims of this paper is to show that the recent developments in asylum policy in the EU is not just a recent trend instigated by the increased refugee movements towards Europe but rather is an echo of the long standing norms, principles and practices over which the EU migration and asylum policy has been based, projected in a global context. The policies of migration and asylum over the last thirty years are constructed upon the issue of irregular migration movements which is an integral element in the construction of a multilevel framework of governance. It is interesting to note that category of irregular migration itself was created in a self fulfilling fashion due to the conceptions of the EU and Member States towards migration and asylum, which in turn led to implementation of policies, leading to further restrictive measures and tight policies which given the non-ceasing causes which force people to move create further asylum movements now characterized as irregular and a continuing feedback loop is thus created amplifying the phenomenon. The second aim is to highlight the role of geographical asymmetries and spatial expansion of asylum policies and border controls, creating border zones, within and outside the EU, through mainly bilateral agreements and common statements. As is indicated by the process of harmonization of the EU border and migration policies, some salient features are the difficulty of the adoption of a common or single policy among different states as well as the transfer of responsibility among them, or its externalization to other non-EU countries.

The structure of this paper is as follows: In Section 2, we present the general framework of our research, working hypotheses, objectives and methodology. In Section 3, we provide an overview of the first attempts of harmonization of migration policies within the EU and the salient features and goals of the Member States cooperation. In Section 4, we elaborate on some features of the EU policies reform towards migration under the new agenda for migration, whose introduction coincided with the sharp increase of the number of asylum seekers in the EU. Finally, we examine two main dimensions in the implementation of migration policies which we consider as the crucial points in the development of migration governance. The first one refers to shared responsibility of Member States towards asylum through the implementation of the relocation scheme, and the second one relates with

their cooperation with non-Member States and the externalization of the EU migration system and border control in the form of partnerships with non-EU states.

2. Research Framework

The objectives of this paper are the following

1. To highlight and elucidate the ways in which the collaboration of the states, in their capacity as Member States of the EU, develops concerning migration and asylum management and border control.
2. To indicate the important role played by geographical location on issues related to asylum and migration, and point out the ways in which interstate relations are formulated by geographic asymmetries and the preassigned characterization of states in the terms of categories such as sending, origin or transit.
3. To show how the combination of the EU actions and Member States policies on asylum and migration issues expand through partnerships in an international context, especially at the bilateral level. The bilateral nature of the agreements, inside and outside the EU, indicate the difficulty to reach a consensus on these issues and this is further supported by data which reflect the failure of common decisions such as the relocation scheme.
4. To show that the recent developments in asylum policy in the EU, is not just a recent trend instigated by the increased refugee movements towards Europe but rather is an echo of the long standing norms, principles and practices over which the EU migration and asylum policy has been based, projected in a global context.

To achieve the above objectives, we used a methodology combining an analysis of document and policy papers, in particular from the European Commission and NGOs, as well as recent statistical data concerning the inflow of asylum seekers in Europe, the implementation of the relocation scheme proposed by the European Commission and the first instance decisions on asylum applications. Our claim that the recent developments in asylum and migration policy is a continuation of existing norms, perceptions, policies and actions is supported by a critical overview of the historical evolution of the EU migration policies. The highly spatially nonuniform nature of the phenomenon is illustrated using data visualization showing clearly the asymmetries involved in the burden and responsibility undertaken by the different Member States by the recent asylum movements, as well the distinct differences in the implementation of the European Commission proposals concerning the allocation of responsibility. The above data highlight a failure of consensus towards common action. The main underlying theoretical framework is that of group decision making and consensus achievement (or lack of thereof) as developed in [7] and of remote control [8]. We maintain that this lack of will for common action is replaced by bilateral agreements between Member States and non-Member States, supported by special actions, such as fast funds, to achieve border controls. We present the most important agreements of this type, indicating how the above aims are achieved are achieved by these agreements while highlighting using graphs and maps, the emergence of a complex network of agreements in which geography plays an important role. All statistical data are taken from the International Organization for Migration (IOM) and Eurostat. The documents and information concerning partnership agreements were obtained from official documents. The processing and visualization of the data for the aim of the paper were performed using R.

3. Overview of EU Migration Policies Prior to 2015

In this section, we present the salient features of the EU migration policies prior to 2015, focusing on the ideological framework that led to the adoption of these policies and to the attempts of Member States to create a common territory within the EU and to safeguard it against uncontrolled migration movements. Through this overview, we show that the dominant notion was that of irregular migration and its management, a notion that created a feedback loop causing stricter controls and restrictions

to granting refugee status. We also show the fundamental characteristics and ideas of a system of burden and responsibility sharing, among EU Member States, with the basic goal of efficient external border control, via practices such as the externalization and the involvement of neighboring and distant non-Member States. This course created a system built on geographical asymmetries based on concepts such as first asylum country, safe third country, origin and transit, which still dominate and construct the global migration governance. The presentation intends to emphasize the fact that recent developments are not driven by current events, i.e., the increase of numbers of asylum entries, but rather the continuation of a long-term process based on the fundamental logic of restriction of asylum movements in the EU and the externalization of European asylum and migration management.

At the end of the 1980s, but mainly since 1999, the EU, among other initiatives for the extension and consolidation of cooperation of member-states of the EU, created an "area of freedom, security and justice" in order to ensure free circulation of capital, goods, people and services. (It is based on the Tampere (1999–2004), Hague (2004–2009) and Stockholm (2010–2014) programmes. The Treaty on the Functioning of the European Union regulates the AFSJ [9]) To remove internal controls, they developed a coordination of home affairs and justice policies, such as immigration, asylum and border controls. In this context, Schengen has been another area in which participant Member States (which includes Member States of the EU except Ireland and UK as well as Member States of Schengen but not in the EU, i.e. Iceland, Norway, and Switzerland) decided to abolish internal border controls. In the harmonization of asylum policies, they established criteria determining whether a country can be considered as a safe one and they determined the regulation concerning the state responsible for examining asylum applications (convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, 15 June 1990 (Dublin Convention)) to reduce secondary movements of asylum seekers. Schengen [10] was incorporated in 1999 in the EU and at the same time they decided to adopt minimum standards for harmonizing their asylum systems while the Dublin II Regulation determined the responsible Member State to examine asylum application within the EU.

Over the years, debates, negotiations and agreements have taken place within the EU to combine union and intergovernmental policies to abolish controls, manage migration and provide international protection. Since the beginning, a significant feature of the development of asylum and migration policies has been the spatial expansion of the coordination and the sharing of responsibility with future Member States or EU neighboring states, or states in other parts of the world. As we present in the remaining part of this section, the EU has incorporated migration into its foreign policy and connected migration with relations among Member States and non-EU states in the framework of partnerships from the very first attempts to create a common area.

In sum, the Maastricht (1993), Amsterdam (1999), Nice (2003), and Lisbon (2010) Treaties have brought major changes in the enlargement, the structure and the system of decision making of the EU, enhancing the powers and responsibility of the EU. In addition, the European Council Summits in Tampere (1999–2004), the Hague (2004–2009) and Stockholm (2009–2014) were the action plans for establishing the area of freedom, security and justice and its external dimension consolidating the cooperation and coordination with the third countries and the role of the EU.

Generally, the Schengen area and the implementation of common asylum policies have been based on a high-tech management system for checking, in which databases have been seen as a necessary tool in the efficient management of the borders. EURODAC is the fingerprints database of asylum-seekers and of those of unauthorized entry. SIS (Schengen Information System) and SIS II are databases that contain and distribute records of Third-Country citizens and VIS (Visa Information System) maintains information and biometric records for citizens of the third countries that want to visit the EU.

In the European Pact on Immigration and Asylum in 2008 [11], the Commission mentioned that, in the Global Approach for Migration, which was adopted by the European Council in 2005, the close partnership between the countries of origin, transit and destination was a prerequisite to control migration. In addition, migration has been connected with the development and implementation of

the Return Directive while it mentioned the necessity to strengthen the role of Frontex [12], which was established in 2004 for the management of external border security, in order for Member States to achieve the goal of shared responsibility in managing borders [13].

In this context, in 2005, the EU applied Regional Protection Programmes (COM 2005/0388) with the cooperation of selected origin and transit (the transit region was Western Newly Independent Countries (Ukraine, Moldova and Belarus) and the region of origin was sub-Saharan Africa (Great Lakes/East Africa) with the first pilot programs implemented in Ukraine and Tanzania) countries in different regions and with the cooperation with international organizations to provide protection to greater numbers of refugees and durable solutions such as return, local integration or resettlement in a non-EU country, ensuring a more orderly and managed entry in the EU. In the same year, it also launched the European Neighborhood Policy which included countries in the south, such as Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine, Syria and Tunisia, and in the east, such as Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

In the Global Approach to Migration and Mobility in the 2011 Communication of the European Commission, a strategic priority for migration governance was the "vitality and competitiveness of the EU" ([14], p. 4). For the EU, the Global Approach to Migration was intertwined with the external policies. The Commission had seen the cooperation with third states on migration and asylum as a necessary way to "improve the organization of legal migration and facilitated mobility, preventing and reducing irregular migration in an efficient, yet humane way, strengthening the synergies between migration and development and promote international protection and to enhance the external dimension of asylum policy" ([14] p. 7).

The Rabat Process, the Khartoum Process, the Budapest Process, and the Prague Process are platforms of regional dialogues which foster inter-state cooperation in the field of migration, covering Europe, Asia and Africa . They have offered a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries, including a set of targets and commitments as well as a package of specific support measures offered by the EU and interested Member States. They include the negotiation of visa facilitation and readmission agreements, bringing closer countries with different experience of migration and of different regional areas.

4. New European Agenda on Migration Since 2015

In this section, we continue the analysis of EU asylum policy by presenting its main points since 2015 in the framework of the new European Agenda on Migration whose main goal was the adoption of more effective and common asylum policies. This was characterized by an equilibrium between the international protection of asylum seekers and the protection of the EU territory. However, soon after, developments in the asylum situation led to deviations from these intended common actions and framework. A salient feature of these developments, as shown by the displayed data, was the high spatial heterogeneity which brought up geographical asymmetries on the surface, leading to uneven responsibility among Member States further amplified by the subsequent default of certain Member States.

The assumptions that migration is a permanent phenomenon and that Europe is under pressure formulated the main objectives of the Commission' s proposals for reform of the Migration Agenda in 2015. The Commission stresses the necessity for a stronger common migration system which can distinguish promptly between migrants and asylum seekers, implementing the relevant policies as well as policies which can reduce migration movements to Europe, providing international protection in states outside Europe. To accomplish these goals, the Commission has proposed consolidation of the Common Asylum system which should be based on solidarity among Member States and the enhancement of relations of EU and Member States with non-EU states.

In 2015, a new European Agenda of Migration (Communication from the Commission to the European Parliament, the Council of the European Economic and Social Committee and the Committee of the Regions [15]) was issued by the Commission to build up a coherent and comprehensive approach

and respond to increasing arrivals within the EU. Reform of the Common Asylum system and mechanisms from foreign policy were the ways that the EU could manage migration. The reform of the Common European Asylum System was considered to be necessary to reduce once again secondary movements among the EU Member States, setting up a similar treatment of asylum seekers and recognition rates among them [16].

In the Agenda, one of the most important goals was to swiftly implement identification, registration, processing of asylum applications, return of those not in need of protection, and dismantle the smuggling and trafficking networks at the Member States located at the external borders of the EU with the cooperation of the authorities of these Member States and the EU organizations—the European Asylum Support Office (EASO), the European Border and Coast Guard Agency (Frontex), Europol and Eurojust. In addition, the Agenda proposed a reform of the Dublin IV emphasizing solidarity. The Agenda included a proposition for a corrective allocation mechanism which took into account resettlement efforts made by a Member State to resettle those in need of international protection directly from a third country. The proposal referred to the option of one Member State not to take part in the reallocation scheme, by making instead a solidarity contribution of 250,000 Euro for each applicant for whom it would otherwise have been responsible under the fairness mechanism, to the Member State to which the person which reallocated instead. However, the Member States have not yet decided on the adoption of this proposal. In addition, the Commission proposed a reinforced EURODAC fingerprinting database to boost the fight against irregular migration.

In sum, the Agenda proposed a temporary distribution scheme for persons in need of international protection to ensure a fair and balanced participation of all Member States, even though it mentioned that the receiving Member State would be the responsible state for the examination of the application in accordance with established rules and guarantees. To establish a common effort and responsibility, it proposed a redistribution policy based on criteria such as GDP, size of population, unemployment rate and past number of asylum seekers and of resettled refugees. Importantly, it proposed relocation and resettlement schemes as a joint responsibility of the Member States and of the international community, respectively.

Another way for implementation of a more effective management of migration was related to the spatial extension of migration policies, outside the borderline of the EU. The consolidation of the external cooperation on the issue of migration and the strengthening of safe country of origin provisions were two of the most important policies relating to this spatial expansion. In these terms, the EU Partnership Framework with third countries focused on regions of Africa, Asia and Eastern Europe to fight trafficking and smuggling, implement readmission and return policies and strengthen the capacity of third countries to manage their borders. Finally, the Agenda underlined the reinforcement and amendment the role of Frontex and capacity in management of borders and the implementation of return policies.

In addition to this Agenda, in 2016, the introduction of the Global Strategy on Foreign and Security Policy for the European Union has been another crucial action for border management whose goal, among others, was to increase cooperation with the EU neighbors and partners ranging from the fight against terrorism to a better management of migration flows, on the grounds of recovering from crisis, instability and insecurity, promoting the global governance [17].

The introduction of the New European Agenda slightly preceded the events of 2015, in which the numbers of asylum seekers in the EU increased enormously, with the majority coming from Syria, entering mainly from Turkey to Greece. These events further amplified and strengthened the role of geographical asymmetries. In Figure 1, we present an overview of arrivals in Europe for 2011, 2015 and 2017, which shows the steep increase in numbers for 2015, as well as the relative preferences for entry between the main entry points. This situation is further depicted in Figure 2, where circular diagrams are used to visualize the relative intensity of entries to Europe, in the main entry points. As can be easily noted, Italy and Greece received the main volume of entries. In Figure 3, we show the main nationalities whose preferred entry are Italy and Greece ,respectively, in 2011, 2015, and 2017. These figures show that

geographic location (affecting, e.g. travel conditions and access) seems to play an important role on the choice of location of entry, however, other factors (such as formal or informal networks as well as state policies) may still affect these decisions. Finally, in Figures 4 and 5, the nationalities whose preference location of entry was Greece and Italy respectively as well as their relative intensities are visualized in terms of circular diagrams for the years 2011, 2015 and 2017. Southern and southeastern Member States, particularly Greece and Italy, constitute a border and buffer zone for Schengen and the EU, since they received the greatest numbers of migrants and asylum seekers, due among other reasons to the restrictive policies of the other Member States of the EU.
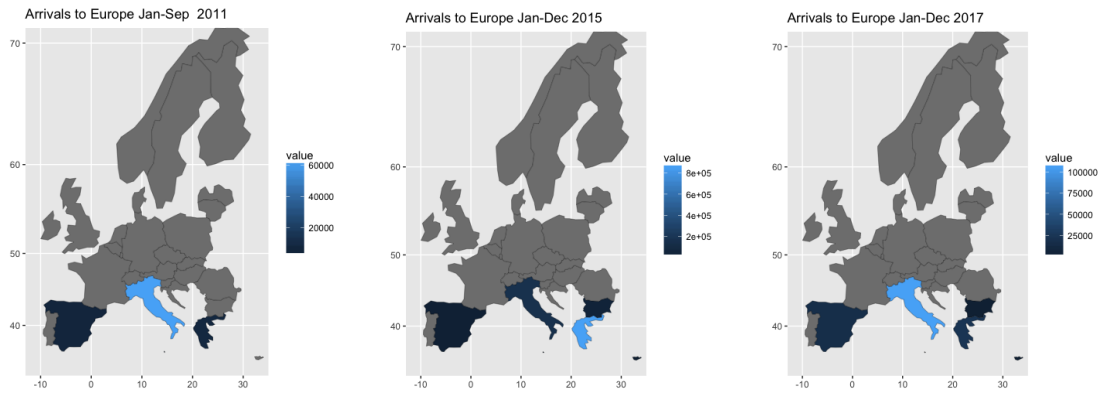
Figure 1. Arrivals to Europe in 2011, 2015 and 2017 (Data source: IOM).
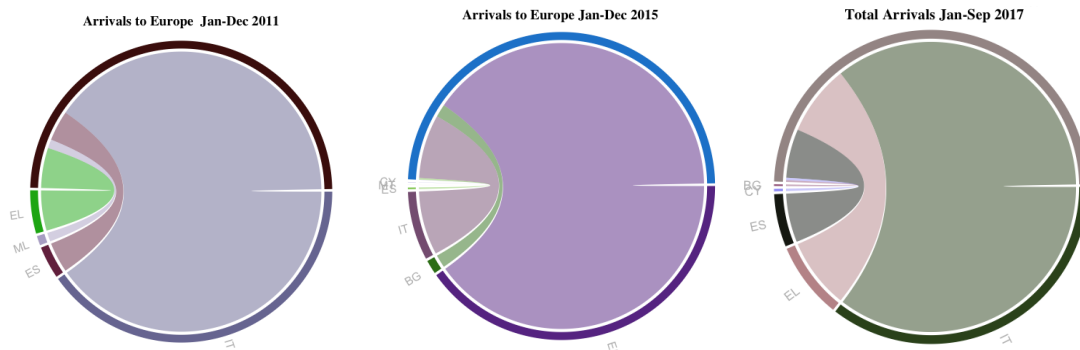
Figure 2. Total arrivals to Europe in 2011, 2015 and 2017 (circular plots to indicate more clearly the relative numbers) (Data source: IOM).
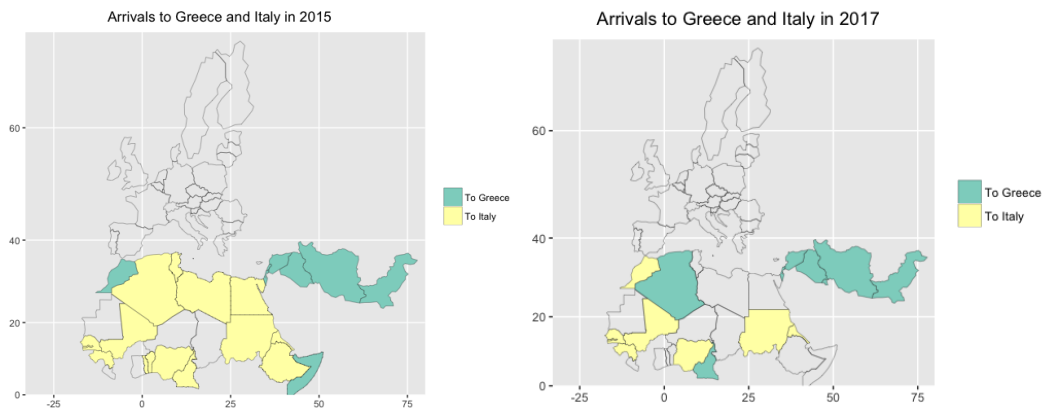
Figure 3. Entry to Greece and Italy by nationality, 2015 and 2017 (Data source: IOM).
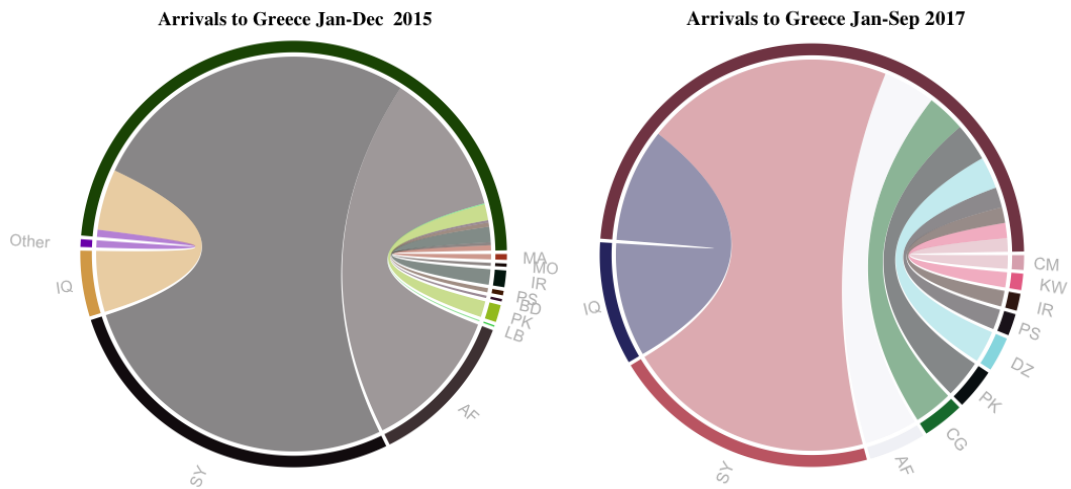
Figure 4. Arrivals to Greece by nationality, 2015 and 2017 (circular diagrams to indicate more clearly the relative numbers) (Data source: IOM).
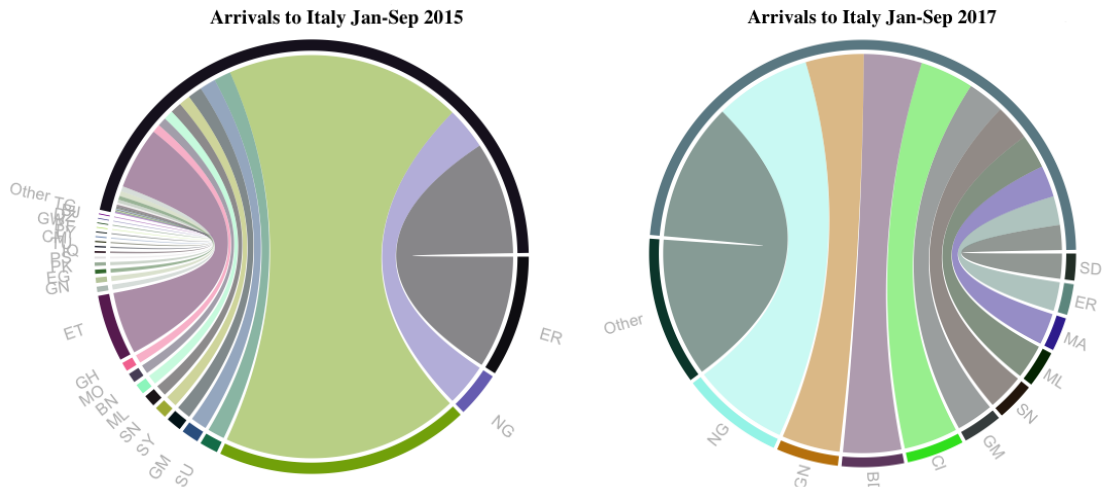

Figure 5. Arrivals to Italy by nationality, 2015 and 2017 (circular diagrams to indicate more clearly the relative numbers) (Data source: IOM).

The EU Member States, contrary to the Commission guidelines and propositions, did not adopt a common approach to these movements and had mainly reacted individually [18]. In the beginning, Germany's Federal Office for Migration and Refugees (BAMF) suspended the Dublin rule by accepting asylum seekers without examining whether they first entered the EU in another Member State (so that, according to the rule, they should be returned to that country) (Dernbach, Andrea, Germany suspends Dublin agreement for Syrian refugees, 29 September 2015, euractiv.com). As border Member States (who received the main bulk of entries) demanded from their EU partners to share the burden, the Chancellor of Germany and the President of France argued that the EU Member States must fairly share the burden of dealing with Europe's biggest migration crisis since the Second World War. Other proposals were to build new registration centers in Greece and Italy staffed by the EU agencies, while by the end of the year to have a unified list of safe countries of origin. Moreover, they argued that asylum seekers, arriving from safe countries of origin or transit, should be returned there. The European Commission proposed a new permanent system of emergency refugee-sharing across the union and a new system of mandatory quotas for refugees across the EU (Traynor, Ian and Harding, Luke, 2015, Merkel and Hollande plan EU-wide response to escalating migration crisis, The Guardian, 24 August 2015). However, in September 2015, Germany re-imposed emergency border controls while

the European Commission approved them as an exceptional case. Moreover, other States followed closed border policies with neighbors, such as Hungary and Austria, and, consequently, Schengen has been suspended since 2015. The proposal of the European Commission for obligatory distribution of asylum seekers was rejected by the EU leaders who only managed to agree to the relocation of a small number of asylum seekers on a voluntary basis, until the end of 2017.

Member States have not managed to adopt a common asylum system implementing the same procedures and decision making, in asylum examination. It seems that the only issue that Member States agree on is the high rate of rejection of first instance decisions. In Figure 6, we display data on first instance decisions during the first quarter of 2018 among EU states. One can see the high rejection rates in certain EU countries, e.g., Poland, Spain, and Hungary, with the ones displaying relatively high recognition rates, being over extremely low numbers of decisions (as is apparent from the bar plots in Figures 7 and 8 which show the actual number of applications examined). These figures indicate the great reluctance of EU Member States to accept asylum seekers as well as the inhomogeneity of the asylum procedures among the EU.
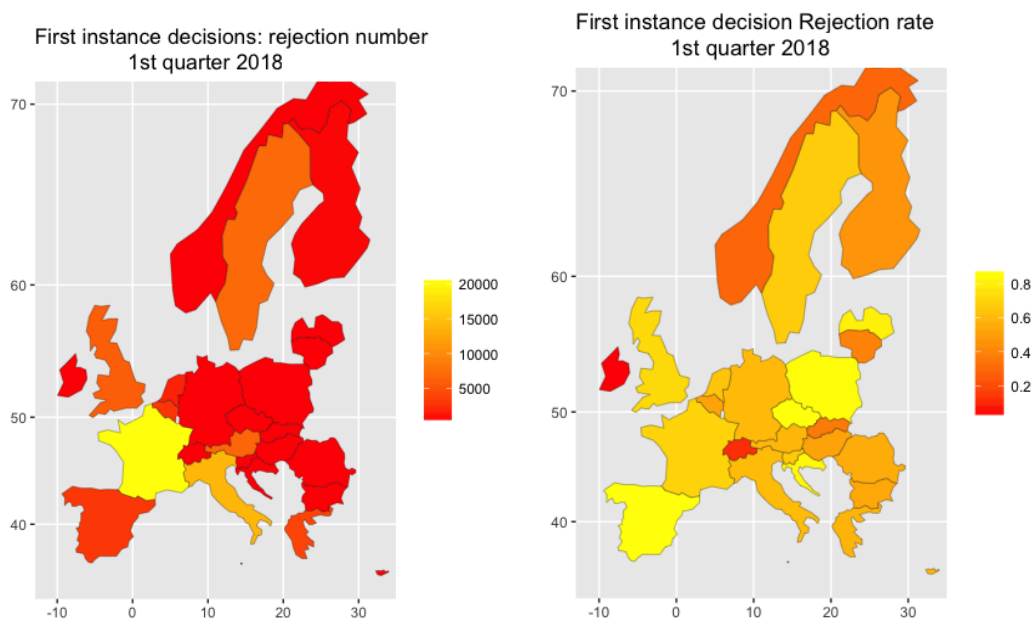

Figure 6. First instance decisions (first quarter 2018), rejection numbers and rejection rate by country (Data source: Eurostat).
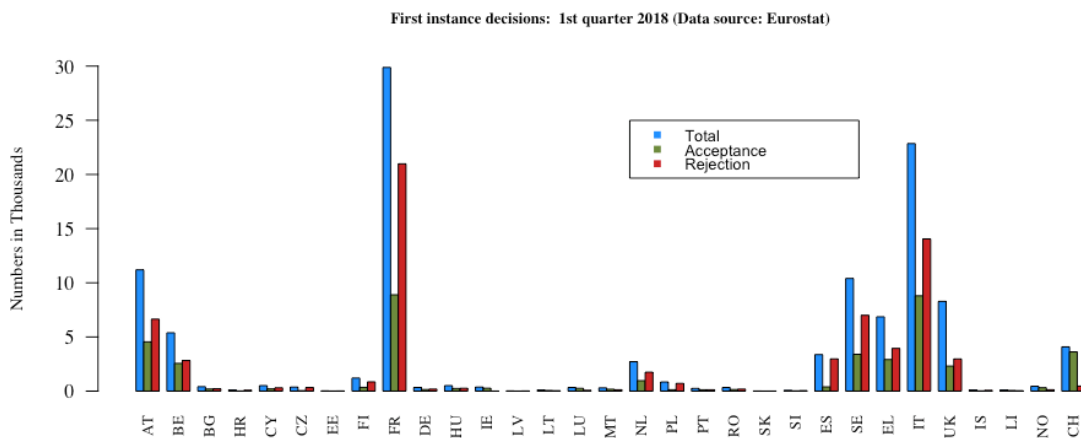

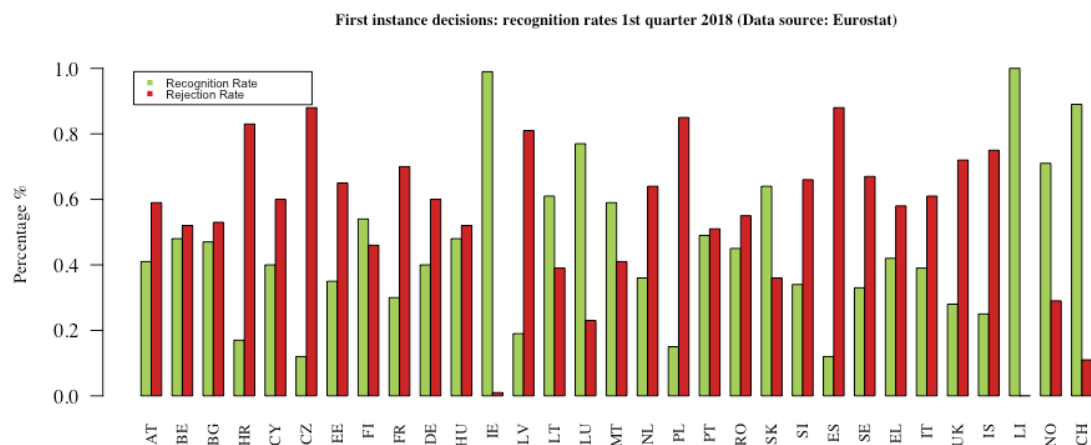**Figure 7.** First instance decisions (first quarter 2018) by country.

Figure 8. First instance decisions (first quarter 2018), recognition and rejection rates by country.

5. Relocation

In this section, we continue our presentation of the reactions of individual Member States towards common policies and actions by presenting and analyzing data regarding the relocation scheme, proposed by the Commission, to equilibrate the burden and responsibilities undertaken by some Member States because of their geographical and political positions. The analysis of the data shows clearly the failure of accepting proposals for responsibility sharing and the adoption of common policy that could lead to consolidation of a common territory. Furthermore, this indicates the lack of consensus of the EU Member States to act collectively on a voluntary basis, choosing individual actions pursuing their interests instead, as well as the inability of supranational organizations to impose their proposals towards the achievement of common goals.

As we have already mentioned, the Agenda for Migration included a proposition for a permanent common EU system for relocation in emergency situations by the end of 2015. Due to the negative positions and reactions of some Member States, the Commission proposed voluntary relocation schemes as a measure to increase aid for frontline Member States in emergent and sudden situations. The Commission considered the application and the function of temporary relocation schemes as interconnected with the systematic registration of migrants in the Member States in order to achieve the balance between responsibility and solidarity (as Avramopoulos, the Migration, Home Affairs and Citizenship Commissioner, pointed out http://europa.eu/rapid/press-release_IP-16-271_en.htm). In the end, a temporary relocation scheme was introduced to alleviate the pressure on Greece and Italy as Member States of the external borders. In 2015 and 2016, the Council adopted decisions for temporarily suspending the obligations of Sweden and Austria towards the relocation scheme (http://europa.eu/rapid/press-release_IP-15-6329_en.htm) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0080) to assist them in coping with the high numbers of people needing international protection and of non-European citizens in their territories. On 25 June 2015, the European Council agreed to implement a temporary and exceptional relocation scheme over the next two years for 40,000 asylum seekers from Italy and Greece until 17 September 2017. The Council formally adopted the decision on 14 September 2015, after the European Parliament had given its opinion. This first relocation scheme referred: (a) to persons arriving on the territories of Italy and Greece from 16 September 2015 to 17 September 2017; and (b) to applicants having arrived on the territories of the above Member States from 15 August 2015 onwards (http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-1st-emergency-relocation-scheme). In 2017, the Commission decided to launch infringement procedures against the Czech Republic, Hungary and Poland and has taken them to the Court of Justice of the EU for non-compliance towards their legal obligations on relocation. By December 2017, 32,366 asylum seekers (10,842 from Italy and 21,524 from Greece) were effectively relocated. Except for oppositions of the above-mentioned three Member

States to participate in the relocation scheme, the participation of Member States was significantly less than their binding commitments.

As the displayed data indicate, the adoption of a common asylum system against the will of Member States is difficult to be achieved and the EU cannot implement any relocation program for Member States on a compulsory basis. In Figure 9, we present the total allocation scheme (as was originally planned), whereas in circular diagrams we present the actual relocation from Italy and Greece (see also Figure 10 for a bar plot of the same data). In Figure 11, we present the success of this allocation scheme, in terms of the compliance rate of the various EU countries to the scheme. It can be seen that the compliance rates are almost uniformly among EU countries embarrassingly low (especially for such countries that were allocated a significant amount initially) with very few pleasant exceptions such as Ireland.

This failure is similar as the one observed in the first instance recognition rates (displayed and discussed in the previous section). Moreover, the fundamental principles of solidarity and shared responsibility do not seem to be acceptable for certain Member States, while geographical and political position seem to play an important role in both responsibility and reaction. On the other hand, if EU and Member States wish to have common borders and consolidate an area of freedom, security and justice, they need to reach a consensus [7] to control their borders while at the same time implementing asylum policies, respecting the fundamental European values.
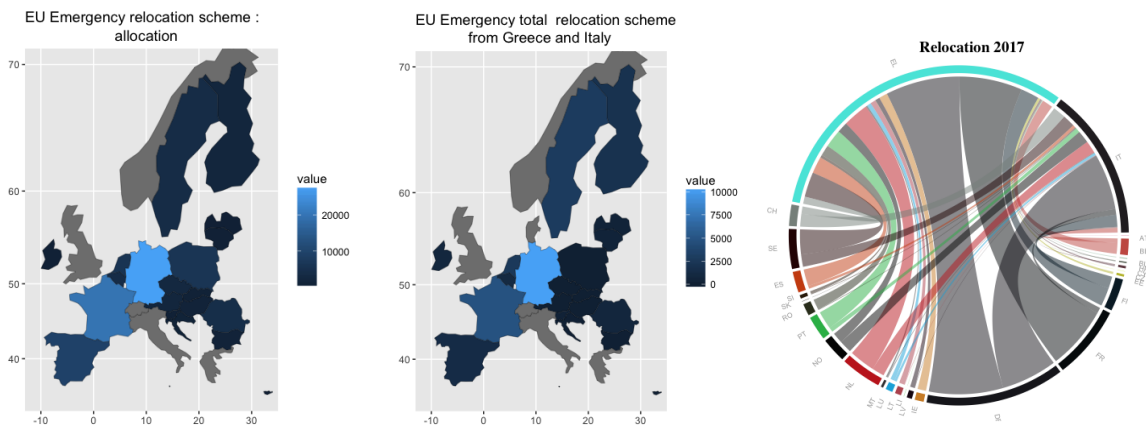

Figure 9. Total allocation, relocation emergency mechanism, and relocation from Greece and Italy (Data source: IOM).
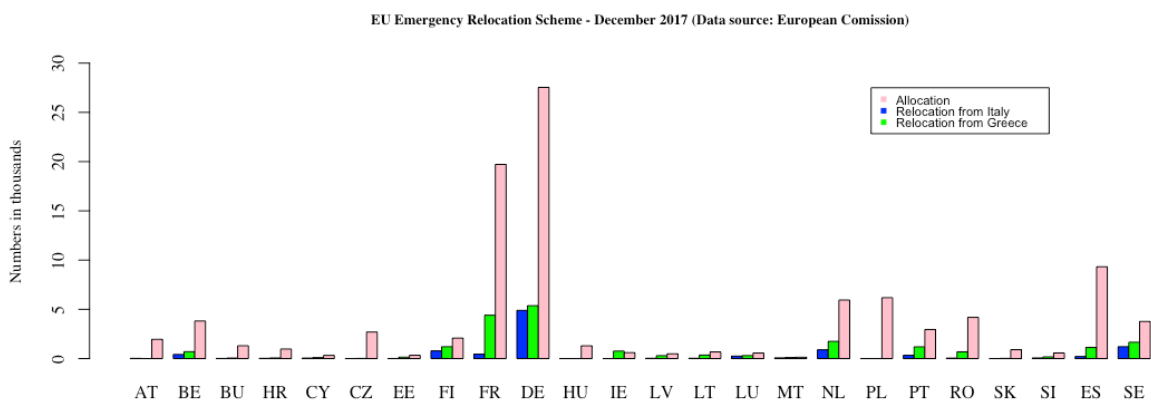

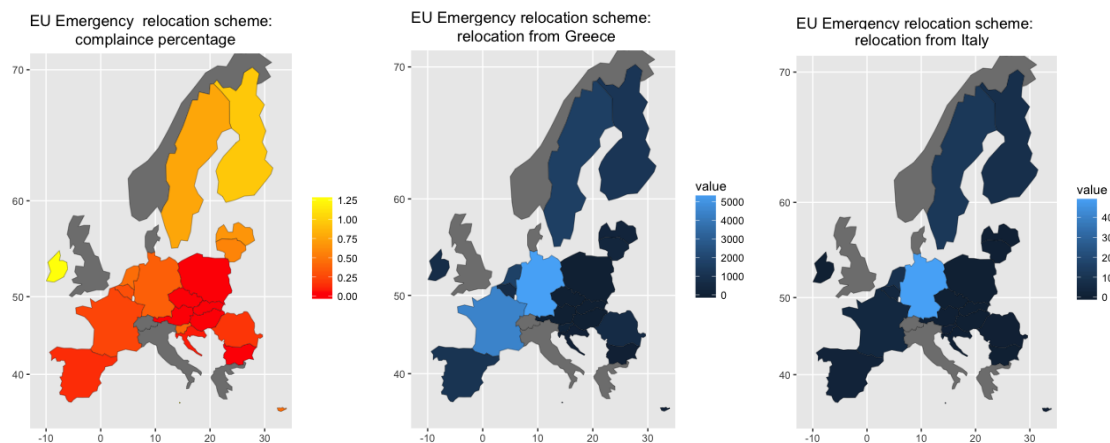**Figure 10.** EU emergency allocation–relocation scheme (Data source: IOM).

Figure 11. Compliance to emergency relocation scheme and relocation from Greece and Italy (up to 2017) (Data source: IOM).

6. Partnerships

In this section, we show that, even though the adoption of common action among the EU Member States has not been brought to fruition, partnership with other countries mostly at a bilateral level is still considered to be of outmost importance and necessary for the achievement of the final goal which is effective border control. This is indicated by presenting data of the various bilateral agreements between Member States and non-EU, neighboring and distant countries which are contracted based on the significance of these countries with respect to their preassigned role as candidate, transit or origin country. These agreements are characterized by high complexity, eluding the need for common action and consensus within the EU. Furthermore, they refer to all aspects of migration such as asylum, readmission, etc. as well as combine migration with other issues such as development and trade. The geographical location of the countries participating in such agreements combined with their context clearly indicates the effort for expansion of the EU asylum policies outside its borders, the externalization of the issue and the extension of its borders at minimal cost.

Cooperation with other states and regions has been considered by the EU as a necessary element in its interior and foreign policy in an interrelated world which is characterized by instability and insecurity. From the very beginning, the development of EU migration policies have been a part of this global approach to fight root causes [19] for migration and consequently establishing better migration management for all the partners as well as the migrants.

First, the EU has formulated agreements on migration and border control with candidate and potential candidate countries in terms of its enlargement. These agreements are summarized in Figure 12 where a graph showing the major agreements with non-EU countries is presented and a map highlighting the geographical position of these countries with respect to the EU is drawn. In this context (as mentioned below), in 2015, the EU and Turkey entered into a deal concerning the containment of asylum seekers in its territory. The same year, besides the Statement with Turkey, the EU launched two other Emergency Trust Funds to provide humanitarian relief and tackle the root causes of migration in Africa and Syria.

The deal between the EU and Turkey since 18 March 2016 includes joint action plan for management of migration in exchange for visa liberation and renewal of accession processes. They agreed for readmission of irregular migration crossing from Turkey to Greece. For every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled in the EU (http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/). However, it is not a legal agreement except for the return of migrants but rather a political statement [20]. That means that it is not a binding agreement, and as a consequence judicial (CJEU) and parliamentary (EP) scrutiny are not applied on this [21]. Moreover, this cooperation among the EU and Turkey Statement, as various

reports have mentioned, ignores Turkey's limitation of the legal framework and implementation of international protection practices and the authorities actions and practices on the borders with Syria (Human Rights Watch, 2016, Europe policies put refugees in risk. An Agenda for Restore Protection, https://www.hrw.org/news/2016/11/23/eu-policies-put-refugees-risk).

The European Agenda on Migration set out a wide variety of steps to put migration at the centre of the EU's external relations, building on the Global Approach on Migration and Mobility, (The Communication Maximising the Development Impact of Migration of 21 May 2013 and the Council Conclusions adopted on 23 September 2013) establishing dialogues with partners, such as the Rabat, Khartoum and Budapest processes as well as Regional Development and Protection Programmes in the Middle East, North Africa and in the Horn of Africa.

The Global Approach for Migration and Mobility [22] has incorporated all the issues of the migration agenda with the issue of development in its foreign policy. It has developed two main cooperation frameworks which "offer a political framework for comprehensive, enhanced and tailor-made dialogue and cooperation with partner countries" (https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration_en) on all aspects of migration. These two cooperation frameworks are the Mobility Partnerships (MP) and the Common Agendas for Migration and Mobility (CAMM). Their differences are that the former includes the negotiation of visa facilitation and readmission agreements, and concerns EU neighborhood countries, whereas the latter concerns other non-EU countries. Under the Eastern Neighborhood Partnership, the EU signed bilateral agreements concerning mobility, among Member States and with Armenia, Azerbaijan, Belarus, Georgia and Moldova. These agreements are shown in Figure 13 using a graph clearly displaying the complexity of these agreements and a map highlighting the role of geographical location of the countries participating in these agreements. One may notice that, among the EU partners, Bulgaria, France, Lithuania, Poland, Romania and the Czech Republic have signed agreements with all or the majority of the aforementioned countries. Furthermore, the EU has readmission, mobility partnerships and visa agreements with some African and Asian countries, neighboring with the Southern Mediterranean countries (see Figure 14). Jordan, Lebanon, Niger, Nigeria, Senegal, Mali, Ethiopia, Tunisia and Libya are the priority partners under the New Migration Partnership Framework of 2016. In total, Mobility Partnerships [23] have been signed with the Republic of Moldova, Georgia, Armenia, Morocco, Azerbaijan, Tunisia, Jordan and Belarus. Two Common Agendas on Migration and Mobility (CAMMs) have been signed with Ethiopia and Nigeria. The negotiations and agreements have taken place with states which are considered as transit and they are situated in the Eastern and Southern borders of the EU, functioning as buffer states. They also expand to states that are considered as states of origin, namely countries that migrants as well as asylum seekers originated, such as Ethiopia, Nigeria and Mali, to reduce migration movements to Europe.

All these agreements can be seen as an ongoing effort of transfer and extend the EU migration policy framework to neighboring and more distant countries, as well as an expansion of the EU borders outside the EU.
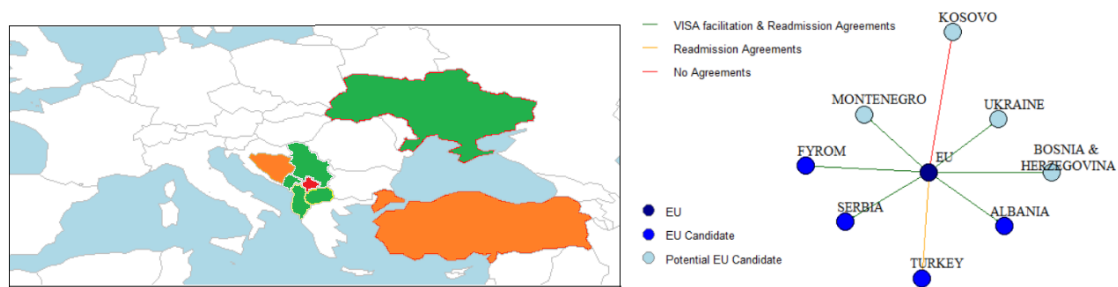

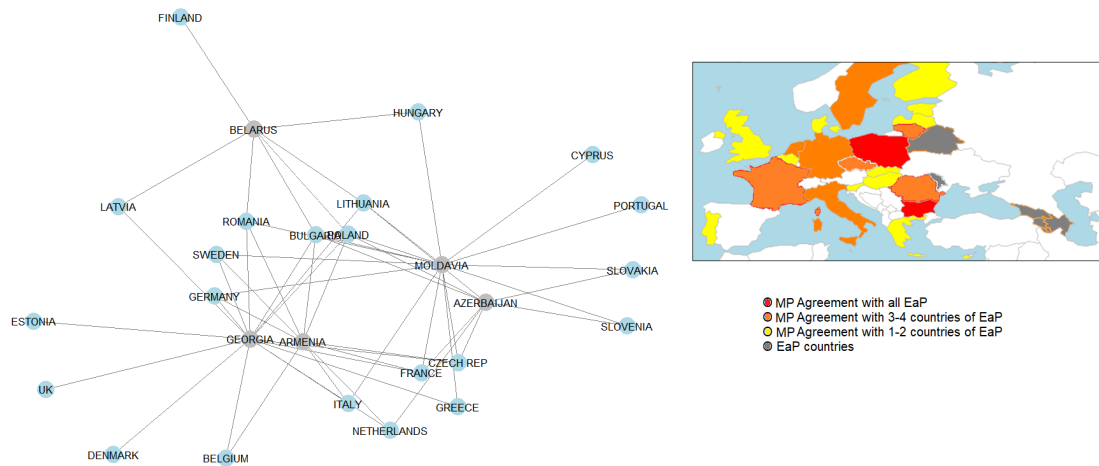**Figure 12.** EU agreements with candidate and potential candidate countries.

Figure 13. Mobility Partnerships between countries of EU and countries of EaP.
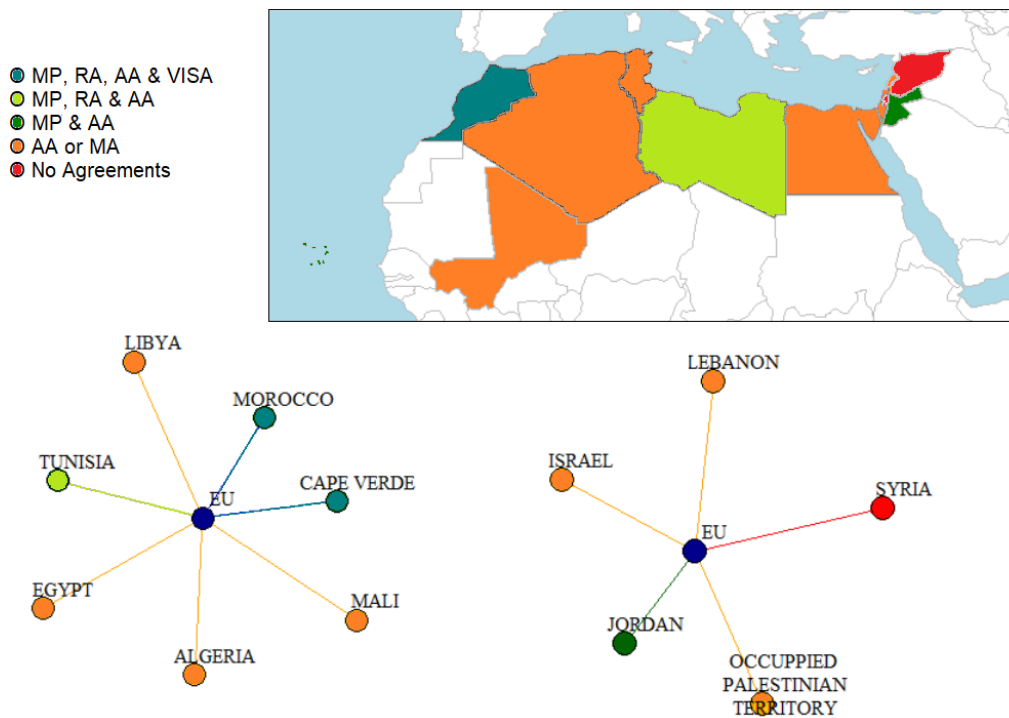

Figure 14. EU agreements with Africa and Asia.

7. Conclusions

Migration and border policies play a constitutive role in the EU and Member States policies for constructing a common territory. The control of movement is a priority for European and national policies. The same holds for the provision of international protection, however disagreements emerge as to which state within the EU and in which ways can guarantee the goals of movement control and the safeguard of the rights of asylum seekers and refugees. Even though a European Common Asylum System incorporating the fundamental rules of granting international protection has been formulated, there are considerable variations on implemented policies, depending on geographical and political positions of Member States. Member States positioned at the borders, because of their geographical position as well as the restrictive migration policies in the EU, receive the majority of arrivals, and unless a binding (compulsory) framework for relocation and family reunification is adopted, the granting of international protection is bound to fail, while the target of dissuasion of

secondary movements, in combination with the policy of first country asylum will not be attained. Furthermore, the border Member States in the south will continue to undertake the responsibility for reception and provision for international protection. However, as can be seen from the data presented concerning first instance asylum decisions, the states have adopted common policies as to the rejection of asylum applications, creating and confirming the restrictive policies with respect to provision of international protection, at the same time extending them even outside the EU, as the example of the EU–Turkey Statement shows.

The European Union encompasses many processes of unequal power relations in the process of institutionalization of their internal relations and developing common migration and asylum policies. The EU can be seen as an institutionalization of governance in a territorial framework, re-constructing relations inside the region but simultaneously building relations with other regions. Despite the principles of solidarity and the will for unity and shared responsibility towards international protection, the most recent common practice is the infringement of Schengen. This is complemented with reluctance to undertake common action as displayed for instance by the failure of the relocation scheme and the reactions of certain Member States to raise walls and close their borders without addressing issues collectively and working together in an effective way. Generally, Member States try to transfer the responsibility to other Member States. At the same time, the EU as a whole and Member States as individual parts try to transfer the responsibility to non-EU states, empowering previous partnerships or creating new ones. Importantly, the EU and the Member States, despite their disagreements, try to impose their perceptions, norms, policies and practices about migration, asylum and borders to other states, administratively and politically. This is a way to smooth controversies and disagreements among Member States and find a solution for providing international protection as well as curbing migration and asylum movements outside EU territory. Externalization of EU asylum and migration policies has been a convenient method to control their borders from distance involving other states as buffer zones and implementing "remote control" policies, as Zolberg called them [8]. This reproduces spatial, political and economic disparities and asymmetries, neglecting the situation of other states and local communities. This spatial expansion of migration and border policies has established an interregional and global regime of migration governance. Partnerships or compacts of migration in most cases thus far, with the exception of the EU –Turkey Statement, are based on bilateral relations between Member States individually and non-EU states, and particularly focusing on readmission or the provision of humanitarian assistance for displacement.

Migration pressure in Europe is a permanent issue at least for the last thirty years. The characterization of certain countries as countries of origin or transit, and of other regions as connected to instability seems to have shaped the framework of internal and foreign policies. Migration has become a common issue for the relations among countries establishing a global system of governance. Moreover, the notions of safe and first asylum country, the externalization of responsibility to the other Member States within the EU or to the non-EU states, the financial compensation or administrative support instead of provision of international protection compose the migration and asylum agenda of the EU and shape the spatial expansion of differentiated and asymmetrical migration and asylum regime.

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