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The Immigration Policies of the EU Member States: Adaptation in relation to the refugee crisis

Diploma thesis

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Abstract

The thesis is aimed at studying the policies of EU member states in response to the refugee crisis that affected Europe in 2015. The work aims to establish the links between an increase in the number of immigrants and asylum seekers to a change in perception towards the phenomena making the domestic EU populations more sceptical about accepting more immigrants and asylum seekers. This negative inclination towards immigrants is further correlated to an alteration in laws and policies to limit immigration. The work studied the cases of Germany, Sweden, Italy and the Czech Republic and found that the formulated hypotheses are correct and that indeed an increase in the number of immigrants and asylum seekers on EU territory leads to higher concern among the domestic populations leading to a negative public opinion which is then reflected in laws and policies aimed at limiting the movement of foreigners into their territories.

Keywords

Migration, immigration, immigrants, refugees, asylum seekers, European Union

Thesis length: 108 363

Statement

1. I hereby proclaim that I have written the presented thesis by myself using only the stated sources and literature.
2. I hereby proclaim that this thesis was not used to achieve another academic title.
3. I consent to the free use of this thesis for further study and research purposes.

Prague, 10.05.2019   Riddhi Anand

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Introduction to the topic

The main interest of the proposed research project is to explore the immigration policies of EU member states especially after the European immigration crisis of 2015. There has always been a trend of migration from citizens of non-EU member states to EU member states in search for higher standards of living. The project would like to explore whether an increase in the illegal migration to EU member states causes an individual member state to restrict its legal migration in order to limit the total number of foreigners on its territory.

To do so, the project will focus on the patterns of increased immigration to the EU by illegal migrants causing a strain on many EU member states to keep up with the increased number of asylum and immigration applications 2015 onwards. The project seeks to study the public discourse leading the state to amend its policies about migration based on how the Member States' citizens view immigration.

The issue of how the EU member states manage this increased migration has been in the forefront of public discussion at the level of the Union as a whole and also individual member states for the past few years. While there are many factors identified for the change in immigration trends, no "solution" has been found to the problem. While the project does not aim to provide any "solutions", it seeks to aid the solution finding process by clearly portraying the patterns and their impact on public opinion and legal immigration. The project will study both the number of immigrants in the territory of individual MSs and the public opinion on immigration, establishing a link if found as an important factor marking the public discourse which influences state policy. The project will also take into account other important factors that vary across the member states such as individual MS laws regarding legal immigration, level of education of its own citizens and of those immigrating to the MS, levels of unemployment in the MS, an absence or presence of a colonial past, an impact on the economy of the MS pre and post the immigration crisis, integration programs aimed at third country nationals in the MS as well as the willingness to accept and employ international students and

employees respectively. Other factors, as and when found, will be included to make the study as comprehensive as possible.

Research target, research question

The proposed project will focus on comparative case studies of selected EU member states and compare the number of legal migrants to a particular member state before and after 2015, the public opinions of the member states' populations on migration as such and numbers on illegal immigration before and after 2015 to the EU as a whole. The project will try to understand the relation between and impact of illegal immigration on the legal immigration to see whether an increase in the illegal immigration does indeed prompt states to limit the legal immigration which is best under their control. The project will compare various other factors in the MSs in the pre and post immigration crisis years such as state of economy, levels of education, levels of employment, laws concerning immigration, integration programs focusing on third country nationals and number of foreign students and employees. It would also be interesting to note whether the MS had a colonial past and if so, if the number of immigrants from the former colonies have also increased in the period before and after 2015 and if there has been a change in the public opinion surrounding this specific type of immigration.

The project will include data from the selected states' concerned immigration departments to track any increase/decrease in the number of immigrants entering and settling in its territory and also opinion polls on the issue of immigration taken before and after the 2015 crisis to see what kind of influence these have on actual policies. Data from the states' finance and education and foreign affairs ministries will also be included to offer a comprehensive and accurate source of data.

This section will highlight the states that would possibly make an interesting case for the project at hand. First, the case of Germany will be studied as the state seems to have the most liberal immigration policy throughout the crisis and while the number of immigrants in the territory increases, the political discourse has remained fairly open to more and more immigrants. On the other hand, the case of Czech Republic, a country sharing land borders with Germany, is equally interesting as despite a low number of immigrants on its territory throughout the crisis, the public opinion seems to be negatively inclined towards increased immigration. Furthermore, the case of Sweden will be studied as the state has accepted a high number of immigrants throughout the

crisis and has been sought after by immigrants while not being a part of the route immigrants had to transit through but as a final destination. Italy in comparison to this has been burdened with an extremely high number of immigrants as a result of being on the borders of the EU at a popular migrant route. While many immigrants only used Italy to transit to say, Germany or Sweden, many stayed creating a burden on the Italian state to manage the situation.

Literature review

In the current state of research, more and more scholars are exploring the issues of the EU Immigration Policy. However, to date there exists no study linking illegal immigration to the EU and hardening of legal immigration procedures of the member states.

Strzęboszewska, in her article, talks about the impact of the immigration crisis on the EU immigration policy. She points out important stances of the EU as a whole such as those stated in the European Agenda on Migration (EC 2015), adopted May 2015 in the form of short-term and long-term strategies. The article also presents the interplay between local actors (EU member states) and the Union. The article concludes that the immigration issue in the EU has been reduced to a security issue not focusing on the humanitarian issues at hand while failing to reduce the security concerns as well. [Strzęboszewska, 2018]

Given the way the concentration of immigrants varies across the Member States, Attinà's paper on the migration to the EU and its management finds that the burden of the crisis falls on only certain Member States and that there needs to be a better appraisal of the situation and a more egalitarian approach towards handling the situation in terms of shared responsibility of all Member States. It also covers the citizens' perceptions of foreigners as a threat and its impact on the border control and immigration policies. [Attinà, 2016] The states on the periphery of the EU have experienced a massive influx of immigrants causing a major strain on their resources and an inequitable distribution of the burden possibly leads to increased euroscepticism among these states. The paper on Schengen and Migration by De Zwaan [2017] also discusses the unfair distribution of applicatons across MSs and discusses possible models for improved cooperation.

Hartevelt in his paper studied the impact of the refugee crisis on the public opinion about the different levels of governance. The "findings [of the paper] support the notion that the general inflow of refugees into the EU, as well as the media attention for this phenomenon, have increased euroscepticism. The general influx also affects discontent with national parliaments and the direction a country is going in, but these effects are much weaker than at the level of the EU." [Hartevelt, 2018:173]. This data can further be used to study the impact this euroscepticism has had on policies surrounding immigration. [Hartevelt, 2018]

However, the main aim of this project proposal is to establish the link between the levels of illegal immigration impacting legal immigration negatively by a change in the public opinion on the topic of immigration among member states. The paper by Czymara and Schmidt-Catran [2017] finds that there has been a significant decline in the public acceptance of refugees in Germany in the period following the 2015 refugee crisis. At the same time, the public seemed to be more in support of helping those in need while being very critical of those actually being allowed through the borders. The paper applied an interesting multi-factorial survey experiment with a longitudinal perspective to study the public opinion on the acceptance of immigrants and refugees while distinguishing between various immigrant/refugee characteristics.

As Beširević and Papić point out in their paper on Immigration and Citizenship Issues In The Perspective Of Refugee Crisis, "under the need to control a massive inflow of migrants, the idea of 'no freedom without territorial sovereignty of the state' started to flourish" [Beširević and Papić, 2017;124]. The paper also traces the development of sovereignty and post-sovereignty in the backdrop of the said crisis and the impact of exclusionary approaches to migration on the closeness of the EU member states. [Beširević and Papić, 2017]

Brljavac studied the cases of Sweden and Slovakia to compare the differences in immigration trends between different MSs. He states that while countries like Germany and Sweden have taken the brunt of the refugees, MSs like Slovakia have refused to do so and this crisis is therefore a true test of European unity and integrity. [Brljavac, 2017]

In his paper analysing the British case in the refugee crisis, Bhambra also points out the impact of colonialism on the number of refugees attempting to approach the country. He describes 'postcolonial immigrant societies' that have developed in Britain after the

collapse of the empire. He states:"this is the politics of selective memory that is currently playing out in Europe. In this way, Europe claims rights that belong to its national citizens, but need not be shared with others." [Bhambra, 2017]

In another interesting piece of literature, Bigo's article "exposes the tensions between a legal system predicated on openness and a groundswell of security-driven rhetoric justifying coercive and ostracizing practices against foreigners." [Bigo, 2009:579] The article points out several situations where the paradox between free movement and increased securitization can be observed. "Checks are rigorously applied in some places thousands of kilometres of land or sea borders that cannot be policed except at a prohibitively high cost." [Bigo, 2009:581] The following paragraph taken from his article presents his reasoning for this existing paradox. "This attempt by several governments to whitewash their real intentions is not merely a symptom of the post-11 September security syndrome. It is a manifestation of the populism or 'government xenophobia' that has affected many political parties, including ones on the left, and has made huge inroads into the tabloid press distributed by a handful of major international press groups. It has flourished by taking advantage of human-interest stories featuring crimes perpetrated by foreigners, illegal entry of foreigners into the country, their plight and their perceived role as scroungers taking advantage of the bounty of a welfare state to which they have made no contribution. Following a sort of watered-down McCarthyist logic, minority parties outside national parliaments – or in some cases even within coalitions – have attacked governments for their inability to resolve the problem of illegal immigration and stem the flow of foreigners into the country or the naturalization of their children. Some have even advocated procedures that would 'clarify' (i.e. screen for) allegiance based on identity, claiming that a citizen's bond with his country has a quasi-sacred quality that goes beyond territorial links and cultural integration." [Bigo, 2009:584]

Hajjaji in his paper on NATO, the EU and the Arab refugee crisis discusses alternative solutions to the problem of the European Migration crisis. He suggests the settlement of the Arab refugees in other countries with an Arab/Muslim culture on a basis of historical, political and cultural backgrounds. [Hajjaji, 2018] Perhaps this solution would take the pressure off the EU for the management of excessive streams of refugees possibly reducing the scepticism of EU citizens about refugees and migrants as a whole.

Conceptual and theoretical framework, research hypotheses

The theoretical approach applied here will be that of intergovernmentalism as it claims to explain changes in models of regional integration such as the European Union through a focus on states and national governments in particular to be the primary actors.

Since the proposed project aims to study the impact of illegal immigration on legal immigration through the catalyst of public discourse, Moravcsik's theory of liberal international relations will be well suited. To cite, "Liberal IR theory elaborates the insight that state-society relations—the relationship of states to the domestic and transnational social context in which they are embedded—have a fundamental impact on state behaviour in world politics. Societal ideas, interests, and institutions influence state behaviour by shaping state preferences, that is, the fundamental social purposes underlying the strategic calculations of governments" [Moravcsik, 1997:513] Moravcsik's theory claims to apply equally to "the behavior both of individual states (''foreign policy'') and of aggregations of states (''international relations'')" [Moravcsik 1997:515] which is especially helpful given the nature of MSs as individual states as well as members of the aggregation of states called the European Union which shapes domestic policy as well.

The role of the state as this project understands it can be portrayed here in Moravcsik's piece: "the state is not an actor but a representative institution constantly subject to capture and recapture, construction and reconstruction by coalitions of social actors. Representative institutions and practices constitute the critical ''transmission belt'' by which the preferences and social power of individuals and groups are translated into state policy. Individuals turn to the state to achieve goals that private behavior is unable to achieve efficiently.9 Government policy is therefore constrained by the underlying identities, interests, and power of individuals and groups (inside and outside the state apparatus) who constantly pressure the central decision makers to pursue policies consistent with their preferences" [Moravcsik, 1997:518]

Liberalism "does not draw a strict line between domestic and transnational levels of analysis... it can explain not only the ''foreign policy'' goals of individual states but the ''systemic'' outcomes of interstate interactions. That systemic predictions can follow from domestic theories of preferences should be obvious" [Moravcsik, 1997:523] It is

therefore useful to apply the same theoretical framework in the presented project since the nature of policies of MSs can be understood at one a domestic level influenced directly by domestic preferences and a second transnational level as a MS.

Among the variants of liberal theory presented by Moravcsik, the theory of *Ideational Liberalism* best portrays what the project seeks to explain. The theory states that "essential elements of domestic public order often shaped by social identities are geographical borders, political decision-making processes, and socioeconomic regulation…[and] social actors provide support to the government in exchange for institutions that accord with their identity-based preferences; such institutions are thereby ''legitimate.''" [Moravcsik, 1997:525] This understanding will be helpful to study how social attitudes towards a given topic, in this case immigration, change and thereby influence state policy by providing support to the policies/institutions that coincide with the social actors' personal preferences and ideas. As the theory recognises the influential role of the elites in policy making, it needn't follow that policy only changes due to an objective change in the social situation for example an increase in the number of immigration in a MS prompting change but rather a change in perception or preferences of the elite groups in a state that bring out this change in policy such as a preference against immigration despite a MS not having a high number of immigrants or a preference in favour of immigration despite having a high number of immigrants already.

As Moravcsik's article further states, "liberal theory…forges a direct causal link between economic, political, and social change and state behaviour in world politics" [Moravcsik, 1997:535] The project seeks to apply the same idea to domestic politics of the selected MSs to see how economic, political, and social change influence state behaviour possibly through a change in public opinion among other factors. To further support this idea, Moravcsik states "Liberalism… permits state preferences to vary while holding power and information constant, explains policy as a function of the societal context" [Moravcsik, 1997:537]

To find out whether a negative public opinion about immigrants in the MS indeed pushes the national government to implement policies that restrict immigration to that MS can therefore be studied through the presented theory using the paradigm of Moravcsik's liberal theory. It is to be seen whether it is the real migration flows or

rather the perception of the idea of migration among the influential groups of the MS that effect how specific EU states adapt their migration policies.

Empirical data and analytical technique

The proposed project will be focused on the study of selected EU member states' immigration policies to see if the hypothesis of a rise in illegal immigration negatively affecting legal immigration holds or not. To do so, the concepts of legal and illegal immigrants as well as refugees and asylum seekers will be defined.

The hypothesis – increase in number of illegal immigrants into the EU impacts the number of legal immigrants negatively, i.e., causes a decline in their number – will be proven/disproven through the data available on the Member States' immigration policies. Opinion polls on the immigration to the MS' will also be studied to establish a link between public opinion and policy. Additionally, the differences in state economies, education and history will be analysed to explain the different scenarios that have arisen in the member states with regards to the immigration crisis.

The first step of the project would be to study whether there has been an increase or decline in the number of illegal immigrants to the EU as whole. Then, the public opinion about immigration as such will be studied through opinion polls and the media discourse in the selected MSs. The differences between different states concerning economy, education, employment and history will be studied to establish the context. The next step would be to note any changes in national policy regarding immigration as well as any directives the state might have issued on this topic. Finally, the project would not if there was indeed a comparative decline in the number of legal immigrants who had their applications to move to the MS approved after the 2015 migration crisis.

As mentioned in the UN report on measuring international immigration, "Data sources producing information on international migration can be customarily grouped into the following four types: a) administrative registers, including population registers and registers of foreigners; b) other administrative sources, such as information derived from the issuance of visas, residence permits, work permits and exit clearances; c) border statistics, derived from the collection of information at ports of entry into and departure from a country; and d) household-based inquiries, including population censuses and household surveys of different types (United Nations, 1998a). Unfortunately, there is no single source of data that can reflect the growing complexity of the international

population movements." [UN, 2002] Therefore, a complex mix of data from various sources will need to be analysed to gain a comprehensive understating of the phenomena of international migration and therefore make comparisons between different MSs with regards to their immigration policies.

Planned thesis outline

- -Introduction
- -Literature Review
- -Theoretical Framework
- -Data
- -Methods of analysis
- -Empirical Analysis
- -Results and Comments
- -Conclusion

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1. INTRODUCTION

Europe has had a long history of migration, however a noticeable increase has been observed over the last decade. Especially in the period starting 2013, sizeable immigrant populations have settled over the European territory. Since 2004, with the freedom of movement and residence within the European Union (EU) granted to EU citizens, only non-EU citizens are considered immigrants within the EU territory [EU website, 2018]. In Germany alone, the number of immigrants, including asylum seekers grew exponentially from 202,645 in 2014 to 745,155 in a mere span of two years in 2016. It has since dropped to 184,180 in 2018. The highest number of arrivals of migrants and refugees in the EU, said to be 1,015,078 was recorded in 2015. More than 800,000 of them are believed to have been trafficked by sea from Turkey to Greece, and the majority of them are believed to have continued to travel through Europe to reach Germany and Sweden, presumably for better chances of acceptance of asylum status. [BBC, 2018]

However, has this "migration crisis" caused a change in the way EU policies are constructed towards the regulation of immigrants? Due to the sudden rise in the number of immigrants who bring with them a different set of cultures and ideologies, concerns have been raised by the local populations lobbying for the reduction of or the complete cease of EU taking in more immigrants, depending on the specific EU country. In a few cases, such as that of Germany, immigration laws seem to have become increasingly liberalized but have also been met with a backlash from political actors opposing this "let everybody in" stance of the current administration.

Since the local populations are the ones with the most immediate contact with and the easiest to be impacted by the new cohabitants, the presented work seeks to identify the extent to which the voices of local actors are reflected in the state policies, be it national or at the level of the EU. The work also seeks to study the way in which public opinion affects policy, if at all and what leads to the formation of these public opinions which seem to be becoming increasingly vocal on the issue of immigration to the EU.

While looking at the terminology used for studying immigration trends in the EU, terms such as migrant, immigrant and refugee seem to have been used interchangeably, causing confusion not only in the studies, but also in the public

discourse related to immigration as a whole. Each term has a particular connotation which this work would highlight and present cases demonstrating its proper usage. Furthermore, the reasons for immigration seem to be rather converged - with only two widely accepted categories - one of refugees fleeing war and/or persecution and the second including economic migrants. Once again, such a limited distinction between all immigrants in the EU does not offer a clear image of the exact nature of immigration and is rather limiting for the study of separate groups of immigrants in the EU with regards to their reasons for entering and staying in an EU state, education status, professional qualifications and integration into the given EU state. Above this, uninformed opinions inspired by these misconceptions circulating around the issue of immigration have consequences which can be grave not only for individuals affected by the false information but also entire groups of refugees denied asylum due to illegal migration by economic migrants, for example which may lead to an EU state closing its borders to all immigrants including refugees who are in dire need of help from the international community. There also seems to be a rise in anti-immigrant sentiments in various EU member states which in fact, might only be targeted towards illegal immigrants but unfortunately become clubbed together as opposition towards all immigrants including refugees which people before or even during the crisis were otherwise willing to accept.

The presented work will first study the existing literature concerning itself with immigration in the EU member states, as a whole and individually focusing on Germany, Czech Republic, Italy and Sweden as they present diverse cases on the intake of and attitude towards immigrants. Then, it will go on to clarify terms and concepts related to the concept of migration focusing on terminology in frequent use in the European context of immigration. Through this, it seeks to present a clearer image of the discourse surrounding immigration, as based on the current state of research and especially the public narrative, there seems to be a lot of chaos in the terminology.

Moravcsik's Liberal Theory of International Politics will be used to place the concepts into a coherent structure of understanding. Research will be gathered from various sources portraying statistics related to the number of immigrants in the EU and the particular national demographics, of the host countries and the non-EU countries of origin. Existence of any mechanisms easing the process of legal immigration to the EU and if there is a correlation between the number of legal and illegal immigrants will be

identified. Furthermore, the construction of Member State's [MS'] national and EU level stance on policies relation to immigration will be studied to note if there has been a positive, negative or neutral inclination towards the acceptance of immigrants especially in the time period starting with the so-called immigration crisis. It would also be interesting to note whether there have been any changes in the way policies related to immigration are adopted, if existing policies have been altered or if there has been any change in which the existing policies have been implemented. Finally, the work would like to see if there is any link between the public discourse on the topic and the policies of the governments which may reflect their domestic discourses.

2. LITERATURE REVIEW

Most of the existing literature related to immigration, not only in Europe but globally, places an emphasis on the economic factors affecting migration such as the push and pull theory of migration developed by Ravenstein [Ravenstein, 1885]. There has, however, been little or no empirical proof to support either of these claims entirely as the cases of some countries sending or receiving migrants always refute the claim being made to explain immigration only through the prism of economy. This can be portrayed through Velasquez's article in which it is stated that income and wage differentials between the receiving and sending countries leading to the movement of labour across borders is the central proposition in the economic model of migration. These differentials may be useful with predictions related to the direction of this type of international migration. The implication of the hypothesis is that countries with the lowest per capita income would provide the highest differentials compared to that of the income in receiving nations. It can however be empirically noted that the main sending countries are not among the poorest nations in the world but instead, many of these countries are "middle income" countries where the factors relating to this "poverty-related 'push' are probably related more to the distribution of resources within the country than to the level of income of the country as a whole. [Velázquez, 2000;139] Velasquez's article also mentions other theoretical approaches based on economics such as the Wage and Differentials theory by Gregory. Other theories mentioned in the article highlight the role of unemployment, economic growth and related migration - especially rural to urban migration and not necessarily only international migration, migration related to agriculture as well as the labour-recruitment approach. As the article mentions

and as Portes says "...these descriptions of the origins of immigration are not necessarily inaccurate, nor entirely useless", but "are... theoretically incomplete..." [Portes, 1983:72] As the literature review therefore confirms, there needs to be an inclusion of social factors too to offer a complete picture of the factors related to migration. [Velázquez, 2000].

Migrants studied through the focus on economic factors seem to respond to push factors in their own countries more than to pull factors of the county they immigrate to [Velázquez, 2000] and while it needs to be acknowledged that economy is an important factor affecting migration in and out of countries and offers valid explanations for the act of migration, there is a lack of other factors offering an explanation for the phenomenon of migration in existing literature. Other factors surrounding the migrants' decisions to move from one country to another include, outside the scope of economy, society and family - migrants may be moving for family reunification/ bringing their families with them to where they migrated so they can all find better jobs and live together - once again, the underlying reason for this "alternative factor" seems to be economy. As with any study, focusing only on one factor does not offer a clear and comprehensive view of the phenomenon at play. With the issue of migration, while economic factors play an important role, other factors such as education, familial ties, culture and legal factors also play an integral role and need to be studied in further detail. While the importance of the economic factors cannot be denied, it is also among one of the easiest determinants to be quantified, studied and compared making it the go-to explanation for global migration. This could be a possible explanation for why economic has been in the forefront of academic literature concerning the topic at hand and the the answers to the questions surrounding migration that could not be found through the prism of economics could possibly be found through a focus on alternative factors such as society, culture and family.

Moving on from the reasons of migration as a whole and focusing in specific on the immigrant crisis in the EU, Strzęboszewska, in her article, talks about the impact of the immigration crisis on the EU immigration policy and concludes that the immigration issue in the EU has been reduced to a security issue not focusing on the humanitarian issues at hand while failing to reduce the security concerns as well. [Strzęboszewska, 2018] Gilbert's work comments on the apparent "immigrant-crisis" faced by the EU stating that the alleged crisis faced by the EU is more about the cooperation within

individual member states with regards to this issue than about the EU as a whole and assesses the original role of the Dublin Convention as aiming "in part to prevent 'refugee ping-pong'", that is, the circulation of refugees within the MSs where a failed claim in one member state would result in the same refugee applying in another member state and, if that claim also failed, being sent back to the member state where the refugee first applied. The article also points out the need for a new system for the allocation and redistribution of refugees among the member states. [Gilbert, 2015;531]

While there is no literature directly exploring the linkages between social identities of states affecting state preferences and therefore policies the following pieces of literature are still helpful in understanding the current state of research on related topics so as to get a background on the topics relating to the presented work, what specific issues have already been researched and where there is a scope to add to the existing literature. While exploring the linkages between opinions and its effect on policies, Schain's article states that in the politics of identity, immigrants have noticeably become the objects of politics for the purpose of political mobilization. [Schain, 2009;97] D'Avanzo's study highlights the extent to which the use of language employed in the discourse is important and how terminology should be used with clarity. He states that people may not necessarily be aware at all times about the vagueness of the language they use, while in some cases people choose deliberately to be vague. For a proper understanding of terminology leading to effective adoption of policies, vagueness should be avoided and terms should be able to translate well into policies affecting migration. [D'Avanzo, 2012]

In another interesting piece of literature, Bigo's article writes about the tensions between "a legal system predicated on openness and a groundswell of security-driven rhetoric justifying coercive and ostracizing practices against foreigners"[Bigo, 2009:579] and points to manifestation of the populism or 'government xenophobia' affecting political parties across EU member states. Given the way the concentration of immigrants varies across the Member States, Attinà's paper on the migration to the EU and its management finds that the burden of the crisis falls on only certain Member States and that there needs to be a better appraisal of the situation and a more egalitarian approach towards handling the situation in terms of shared responsibility of all Member States. The states on the periphery of the EU have experienced a massive influx of immigrants causing a major strain on their resources and an inequitable distribution of

the burden possibly leads to increased euroscepticism among these states. [Attina, 2016] The findings of Hartvelt's paper on the study of the impact of the refugee crisis on the public opinion about the different levels of governance support the notion that the general inflow of refugees into the EU, as well as the media attention for this phenomenon, have increased euroscepticism. [Hartevelt, 2018] The paper by Czymara and Schmidt-Catran [2017] using the application of a multi-factorial survey experiment with a longitudinal perspective to study the public opinion on the acceptance of immigrants and refugees while distinguishing between various immigrant/refugee characteristics found that there has been a significant decline in the public acceptance of refugees in Germany in the period following the 2015 refugee crisis. At the same time, the public seemed to be more in support of helping those in need while being very critical of those actually being allowed through the borders. In his paper analysing the British case in the refugee crisis, Bhambra also points out the impact of colonialism on the number of refugees attempting to approach the country. He describes 'postcolonial immigrant societies' that have developed in Britain after the collapse of the empire. He states: "this is the politics of selective memory that is currently playing out in Europe. In this way, Europe claims rights that belong to its national citizens, but need not be shared with others." [Bhambra, 2017] While studying immigration and conflict in Europe, Dancygier draws attention once again to the primacy of economic factors and states that "resource scarcity – not ethnic difference – is the key driver of immigrant conflict." [Dancygier, 2010]

The paper by Parkin analyzed existing academic literature and scholarly research to come to a better understanding of what is coming to be known as 'criminalisation of migration'. The paper finds that during the last two decades, criminalization across the EU has intensified significantly and can be observed in different manners such as the public discourse, in the crossover between criminal law and migration management as well as in the large scale detention of immigrants as a form of control aimed at limiting irregular/ illegal migration. [Parkin, 2013:17] The paper analyses three key manifestations of the so called concept of 'crimmigration' that is explained as discursive criminalisation; the use of criminal law for migration management; and immigrant detention, focusing both on developments in the domestic legislation of the EU member states as well as the increasing clubbing together of mobility, crime and security as a result of the EU integration process.

[Parkin, 2013:1] For the presented analysis, Parkin draws the following conclusions starting with the statement that presented evidence indicates that the trends of criminalization have little actual relation to fluctuation in crime rates as well as immigration rates. Secondly, the criminalisation trend of migration is due to the negative individual preferences of the members of society thus influencing public attitudes as a whole. Third, the boundaries between criminal law and immigration control are becoming increasingly blurred leading to a suspicious treatment of immigrants as criminals. Fourth, while criminal law and immigration law are becoming more and more synthesized, immigrants are oft denied the legal protections of being a criminal with there being no study examining the consequences of the criminalization of these individuals. There seems to be an underlying negative opinion towards immigrants leading to these actions in the public discourse. Parkin points out that the criminalization of migration should be treated with a certain degree of sensitivity and that "criminality here is less associated with an 'act' but rather treated as the condition of a person, i.e. illegality is not an action but a facet of a migrants' very being." [Parkin, 2013:18]

The existing literature has tried to study the factors leading to the immigration crisis, the views of the public on immigration in light of the recent crisis that peaked in the EU in 2015 as well as the idea of criminalization of the process of migration itself. Based on the presented literature, the assumption that there has been an increase in negative public attitudes towards immigrants in the EU has been confirmed through Parkin's article on criminalization of migration. It is also to be noted that economy, as widely understood to be the most important, is not indeed the primary reason why migrants choose to migrate, it is instead a part of a complex rubric of society and a one faceted view is only limiting to a proper understanding of the phenomenon. Also, the EU works on its response to the topic of migration on two levels - the domestic on the level of its MSs and then on the level of the Union, the exact links between the reflection of individual preferences on the Union's preferences remains to be explored. The presented work would like to add to the body of academic literature by presenting a clarification on the terms related to immigration, at times used interchangeably in the quoted works and by studying a link between legal and illegal immigration as some of the quoted works have hinted towards as well as any link between an increase in immigration with a negative public opinion towards immigrants in turn affecting policies negatively in favour of immigrants.

3. THEORY

3.1 Terms and concepts related to Migration

Human migration, the movement of people from one place to another, with the intention of settling either temporarily or permanently is a concept that has been a part of human history for a long time. Given its historicity, the concept has been used to describe a rather wide range of activities. Terminology related to migration, therefore, has come to signify different concepts depending on the cultural or linguistic context in which it is used. For the purpose of clarity, migration-related terminology will be defined here in the way this work operationalizes it. [Language of International Migration: Terminology and Concept Analysis] Given the frequent usage of the terms refugees and migrants in the current discourse of migration to Europe and the possible confusions arising from its misuse, the UNHCR also recognizes the increasing interchangeability with which the terms 'refugee' and 'migrant' are used in media and public discussions. UNHCR highlights that there is an important legal difference between the two and conflating these terms can lead to problems for refugees and asylum-seekers, and also for the states seeking to respond to mixed movements (of both refugees and migrants), as well as to misunderstandings in the public discourse and discussions on asylum and migration." [UNHCR Website]

To avoid such confusions, first, definitions from sources regarded as reliable in the field of migration will be presented and then the means which are the most relevant from the perspective of this work will be established.

There are various organisations concerned with issues relating to migration, many of them have compiled a comprehensive glossary with key terms related to migration to ease internal functioning as well as to facilitate a common understanding of these key terms given the global nature of the phenomenon and therefore the usage of its related terms. While these definitions are helpful, differences can still be noted in the content of these definitions as well as in their operationalization in both the academic and the public discourse. This can give rise to a confusion regarding these terms, with vaguely knowing what they signify but not the specifics. Furthermore, in policy making, this can be dangerous if their correct meanings are not understood and subsequently employed. Although it needs to be noted that for many of these terms there is no single

accepted definition, there exists a need to come to a common understanding as to what these terms mean. To facilitate exactly the goal, the following section will draw definitions from various sources considered relevant in the field of migration, namely the UN, UNESCO, IOM as well as academic literature working towards similar goals to clarify terminology as well as dictionaries, one with British English and one with American English to grasp not just the "academic" but also the widespread "layman" understanding of these terms.

Since the issue of increasing "migration" to Europe has been in the forefront of many public and State discussions, it would be logical to start with an informed understanding of what the term means. The term 'migration' as identified by the UN has been used to refer to "the crossing of the boundary of a political or administrative unit for a certain minimum period of time." The movement of refugees, displaced persons, uprooted people as well as economic migrants might be included in this broad definition of migration. Internal migration is understood as a movement from one area (a province, district or municipality) to another within the borders of one country while international migration is understood as "a territorial relocation of people between nation-states", which is of primary focus of the presented work. The most common differences within forms of migration are either the motives (economic, family reunion, refugees) or legal status (irregular migration, controlled emigration/immigration, free emigration/immigration) of the migrants in question. Most countries specify a wide variation in the types of migrants coinciding with their respective migration policies and statistics. The variations that exist between different countries' understanding and usage of the term point to the fact that there is no universally accepted definition of migration. [UN Website] The IOM defines migration as "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification" while immigration is defined as "a process by which non-nationals move into a country for the purpose of settlement." [IOM Website] Migration as per the Oxford dictionary is defined as the "movement of people to a new area or country in order to find work or better living conditions" and as per Merriam-Webster as the process of movement "from one country, place, or locality to another". Given the widespread and varied nature of

migration, it is further subdivided into categories such as, but not limited to orderly immigration, forced immigration or irregular immigrant to better understand the specific context of the given situation as there are many, simply due to the complicated socio-economic-legal situations concerning migration. A comprehensive definition should cover all factors stated in the aforementioned definitions - what is the concept is, what are the temporal factors at play are, legal factors surrounding the persons engaged in the process and causal implications. Therefore, as an amalgamation of these factors, migration may refer to a movement across the boundary of a political or administrative unit for a certain period of time, generally understood as a period of three months or more. Regardless of the legal status of persons engaged in the process, if the previous conditions of movement across borders for a certain period of time are met, the persons, including migrants, refugees and asylum seekers, may be considered to be "migrating", that is, carrying out the process of migration. The reasons as to why people migrate are manifold and cannot be effectively addressed by any single definition, the understanding of these reasons however should not be limited to "finding work or better living conditions" as this might not hold true for certain categories of people such as those participating in forced migration. In the discourse of migration to the EU, migration and immigration have been used interchangeably, while migration can imply movement in or out of territorial borders, immigration is only the movement of people in to a given territory which in the specific case of the EU will be discussed later.

Coming to the term "migrant", simply put, a person participating in the process of migration is understood as a migrant. However, just this gives us no information about the specific characteristics of migrants. As per UNESCO, the term migrant can refer to "any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country." [UNESCO Website] However, as the UNESCO website also points out, this might be a narrow definition considering that, according to the policies of some states, a person can be considered as a migrant even when s/he is born in the country. At the same time, the UN Convention on the Rights of Migrants defines a migrant worker as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national." Based on this, UNESCO states a broader definition of migrants as follows:

"The term 'migrant'...should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor."

This definition points out that the term migrant does not refer to refugees, displaced or other persons forced or compelled to leave their homes, migrants are defined by UNESCO as people who make choices about when to leave and where to go, even though these choices may sometimes be extremely constrained by other factors. The organization states that this broad definition of migrants reflects the current difficulty in highlighting differences between migrants who leave their countries because of political persecution, conflicts, economic problems, environmental degradation or a combination of these reasons and those who do so in search of conditions of survival or well-being that does not exist in their place of origin. It also attempts to define the term migrant in a way that is able to represent correctly what it entails to be a migrant. [UNESCO]

The IOM defines a migrant as "any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is." [IOM Website] Compared to the first definition mentioned here from UN sources, there has been no mention of any "significant social ties" a person is expected to have in order to be considered a migrant in the definition offered by IOM. The length of stay might be approximated as the same, as the IOM definition might consider a person a migrant regardless of the length of the stay while the UN definition does not mention what constitutes a temporary period of stay, though in the context, this time period is normally understood as up to three to six months. Though the IOM definition does not differentiate between the legal status and voluntary or involuntary movement of migrants, there are subtypes of migrants addressing exactly these issues with specific terminology for each type of migrant. Nonetheless, 'migrant' can be treated as an umbrella term covering all different types of migrants.

Douglas and others in their article on definitions of migrants (and other terms), define it as "a term applied to persons moving within or between countries to improve their economic and social conditions." The article mentions that according to the United Nations recommendations, migrants consist of four categories: long-term immigrants (or

emigrants), short-term immigrants (or emigrants); residents returning after (or leaving for) a period of working abroad; and nomads. [Douglas et al, 2019] Dictionaries Oxford and Merriam-Webster respectively define the term migrant as "a person who moves from one place to another, especially in order to find work or better living conditions" and one who migrates, that is "to move from one country, place, or locality to another".

Combining aspects from all aforementioned definitions of the term, 'migrant' can mean a person who moves across an international border or within a State away from his/her habitual place of residence and establishes temporary or permanent residence in this new place, usually understood as a time period lasting or intended to last over three months. This term can be set apart from refugees and asylum seekers due to the fundamental difference of the freedom to choose when, where and how to move despite the oftentimes constrained nature of these choices. It is important to do so as "refugees" and "asylum seekers" are eligible for a different set of international legal protections, particularly the principle of refoulement - that is forced return of people to their country of origin by a State which may endanger the refouled people. The term 'migrant' may be used as an umbrella term for all its subtypes not limited to but including irregular migrants, temporary migrants, labour migrants, economic migrants and environmental migrants. Limiting the movement of migrants only to reasons of improvement of "economic and social conditions" is rather misleading and completely ignores the multitude of factors that affect the choice of the migrants to migrate such as cultural migrants or environmental migrants, also ignoring the oft constrained nature of these choices. Therefore, this comprehensive definition hopes to offer a proper understanding of the territorial, temporal, legal and causal aspects of being a migrant. These terms are used rather interchangeably - migrant and immigrant - a migrant is a broader term that includes immigrants (those moving in to a specific territorial boundary) and emigrants (those moving out of a specific territorial boundary).

As discussed above, refugees and asylum seekers might seem similar to migrants but have importantly distinct legal statuses. A refugee, according to the IOM is a person who "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (Art. 1(A)(2), Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol). In addition to the

refugee definition in the 1951 Refugee Convention, Art. 1(2), 1969 Organization of African Unity (OAU) Convention defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality." Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order." [IOM Website] In the article by Douglas and others, a refugee is defined as a person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country" (Douglas et al, 2019). The dictionaries Oxford and Merriam-Webster respectively define a refugee as "a person who has been forced to leave their country in order to escape war, persecution, or natural disaster" and as "a person who flees to a foreign country or power to escape danger or persecution". There does not seem to be a disagreement on what it constitutes to be a refugee, however, care must be exercised to not mix and use the term interchangeably with migrants and/or asylum seekers even though mixed migration patterns of people belonging to all these categories is common.

According to the IOM, an asylum seeker is "a person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds." (IOM Website) Douglas and others define it as "a person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments". The dictionary Oxford defines an asylum seeker as "a person who has left their home country as a political refugee and is seeking asylum in another." while Merriam-Webster defines asylum as "a place of retreat and security", the dictionary offers no definition for the compound term "asylum seeker". Again, what conditions need to be

satisfied to be an asylum seeker are not contested but care must be exercised to understand its difference from migrants and refugees.

Other definitions, including those of the subtypes of migrants and immigration mentioned in the definitions presented here are included in the annex. Other terms which would be helpful in understanding the context of the presented argument and related concepts such as resettlement, trafficking of persons and xenophobia are also included in the annex.

3.2 Theoretical Framework

The theoretical framework this work follows is that of Moravcsik's liberal theory as it explains the influence of internal actors on the external outputs of the state. Moravcsik, in his work, "Taking Preferences Seriously: A Liberal Theory of International Politics", highlights the importance of treating liberalism as a theory that can be usefully employed to explain social phenomena as opposed to its earlier dismissal simply as an ideology and not a theory capable of offering explanations to issues such as that of immigration. [Moravcsik, 1997]

The theory states that the States' relationship to its domestic and social context influences the way a State behaves in the realm of world politics. The ideas, interests and institutions of the society that a State represents influence State behaviour by shaping the preferences of the State. Therefore, as this work argues, it is the preferences of the social groups present within a State which influence its policies and preferences on the issue of migration. Positive social preferences regarding immigration to the country may lead to positive policies for the benefit of immigrants and vice versa. Moravcsik's article stresses the causal importance of state-society relations as shaped by domestic institutions to highlight how State preferences are coming to play an important role in IR scholarship. Moravcsik argues that his restatement of liberal theory applies equally to the behaviour of individual States, termed foreign policy as well as to that of aggregations of states, termed international relations making it ideal for the study of individual EU Member States [MSs] as well as the Union as a whole on policies relating to immigration. The theory also claims to be supportive of a multicausal explanation consistent with the tenets of fundamental social theory making it possible for it to be synthesized with other theories to offer meaningful explanations for the phenomena studied through its application. [Moravcsik, 1997]

Moravcsik's article highlights three core assumptions of Liberal IR Theory that underlie the theory's fundamental premise that "the relationship between states and the surrounding domestic and transnational society in which they are embedded critically shapes state behavior by influencing the social purposes underlying state preferences" [Moravcsik, 1997:516]. The first assumption states the primacy of social actors as fundamental actors in international politics. According to the author, individuals and private groups, who are mostly rational and risk-averse and who are therefore capable of organizing exchange and collective action promote differentiated interests under constraints imposed by material scarcity, conflicting values, and variations in societal influence. This can be understood as a "bottom-up" view of politics, wherein the smallest constructing units of the society - individuals, come analytically prior to the politics of the state as a whole. Based on this assumption, we can understand how domestic politics of the MSs are shaped by its citizens and those of the EU by its members which are States. The second assumption says that states or other political institutions (for example, EU) represent one subset or another of domestic society, on the basis of which the State preferences and purposes of the State are defined in world politics by the State officials. Individuals turn to the State to effectively achieve goals and realize purposes that would otherwise not be possible on an individual basis. This, therefore, affects government policy, transforming the preferences and individual persuasion of the social groups into State policy. It should, however, be noted that not all groups exert an equal amount of influence on State policy and nor is the government only reliant on these powerful groups. This might hold true for the Union too as more powerful MSs might influence the Union's policies more than its smaller members. The final assumption highlights the interdependence between State preferences and State behaviour. State behaviour reflecting domestic preferences therefore require a sense of purpose, a "perceived underlying stake" in the issues being discussed at the level of international politics, in order to provoke conflict, propose cooperation, or take any other significant foreign policy action. It is not to mean that each State simply pursues its ideal policy but rather that each State seeks to realize its distinctive preferences in relation to the others under varying constraints imposed by the preferences of other States. He states that conflict among states takes place when a State has preferences which are conflictual enough that other States are unwilling to submit to them but within

the aggressive State are deeply configured so as to motivate willingness to accept high cost and risk. This might explain the small subset of EU MSs opposed to the quotas of refugees in each MS despite a risk of adverse action by the Union for refusing its policies. [Moravcsik, 1997]

In essence, the theory states that "what states want is the primary determinant of what they do'' and it is due to the play of power politics and uncertainty of information received when dealing with other States that constrains a State to pursue suboptimal strategies which might lie strikingly at variance with their underlying preferences. [Moravcsik, 1997] This would represent the current situation of the EU dealing with immigration, the MSs have different preferences leading to power politics within the Union thus hindering the process of arriving at an optimal solution that would alleviate pressure on states burdened with the major flow of migrants and refugees while at the same time respect the demands of those MSs who do not want to have migrants from the refugee crisis of 2015 on their territories. The individual behaviour of a MS does not simply reflect its own set of preferences as they are influenced by the preferences of all MSs due to patterns of significant policy interdependence.

The theory separates itself into three variants - ideational, commercial and republican liberalism, each variant useful for a step-by-step explanation of the phenomena presented in this work. One by one, the variants focus on "social demands, the causal mechanisms whereby they are transformed into state preferences, and the resulting patterns of national preferences in world politics" [Moravcsik, 1997:524]. The domestic public order is shaped by a social identity, that is, a set of preferences shared by the individuals making up the society with regards to the public policies, essential elements of which are geographical borders, political decision-making processes, and socioeconomic regulation. Moravcsik states that when these social identities and national conceptions of legitimate decision can reinforce one another, it is more likely for states to co-exist and cooperate. Societal preferences, therefore, underlie the compromises and regulations on immigration. He states that "in the liberal view, state preferences concerning legitimate socioeconomic practices shape interstate behavior when their realization imposes significant trans-border externalities. Evidence from the European Community (EC) suggests that substantial prior convergence of underlying values is a necessary prerequisite for cooperation in regulatory issue areas like immigration, and foreign policy, as well as for significant surrenders of sovereign

decision making to supranational courts and bureaucracies." [Moravcsik, 1997:528] The variant of republic liberalism comments on the mode of "domestic political representation" points out that certain social groups' preferences are institutionally privileged and thus influence politics through an employment of government institutions for furthering own preferences preventing the adoption of policies equally preferred by all social groups constituting a State. This can once again, be observed at the domestic level of the MSs and on the level of the Union with the MSs being treated as individual actors.

Liberal theory claims to forge "a direct causal link between economic, political, and social change and state behavior in world politics." [Moravcsik, 1997:535] The current state of international relations therefore is explained through factors closely related to liberal theory, namely, national self-determination, social citizenship, an increasing complexity of economic integration, and liberal democratic governance. Liberal theory argues that the emergence of a large and expanding bloc of pacific, interdependent, normatively satisfied states has been a precondition for the distinct nature of modern politics such as in the case of Europe. According to liberalism, state preferences may vary while keeping power and information constant thus explaining policy as a function of social context. Moravcsik in his article writes that "international regimes that induce greater societal demands for cooperation are more likely to deepen or expand over time, whereas those that do not are likely to be fragile." [Moravcik, 1997:537] Perhaps that's why EU is expanding as it places great societal demands on its MSs for effective cooperation and policies capable of managing joint social issues such as that of immigration.

Moravcsik states that "in short, in order to theorize rigorously about systemic social construction, we first require a liberal theory. Liberal institutions and norms may be particularly conducive to the promotion of peace and cooperation, but the argument implies that the convergence of certain other sorts of nonliberal values, such as monarchy in the Concert of Europe or ''Asian values'' in ASEAN, may also have significant, if generally less striking, effects on world politics." [Moravcik, 1997:540] Liberalism states that state behaviour is shaped by a combination of preferences and constraints. This implies that we need knowledge of a prior, specific, and consistent set of preferences. Without knowing these preferences, we would not be able to assess realist or institutionalist claims, whether coercive capabilities or institutions on interstate

conflict or cooperation. This is why a liberal theory was chosen for this work and not a realist or institutionalist one even though the work deals with the institution of the EU. Liberal Theory "explains when and why the assumptions about state preferences underlying realism or institutionalism hold, whereas the reverse is not the case" [Moravcik, 1997:543] Since this work aims to study the situation itself in which the said "crisis" occured, the theory of liberalism can be usefully employed to understand the underlying situations of the crisis. Moravcsik quotes Robert Dahl's analysis of power saying that it "teaches us that we cannot ascertain whether ''A influenced B to do something'' (that is, influence) unless we know ''what B would otherwise do'' (that is, preferences)." [Moravcik, 1997:543] Liberal theory therefore, defines the theoretical and empirical set up in which realist and institutionalist claims hold.

The theory presented here is expected to help support the claim that it is the individuals in the society that affect state preferences on the issue of migration. This in turn shaped state policy making MSs effective carriers of these opinions at the international level of the EU. As a secondary step when MSs are treated as individual actors, these preferences then influence the policies of the Union and how it conducts itself in the realm of international relations. To elaborate, the work seeks to find out whether there is a link between the refugee and asylum seeker influx and the change in legal restraints on migrants. Based on the above-defined liberal theory, if the public opinion of the populace of a given MS of the EU changes to negative towards the international migration, it should impact the policy of that particular MS in regards to migration, and also in regards to its migration policy on the level of the EU. This is based on the assumption that there exists a confusion in the public discourse, as argued before, in the terms refugee, asylum-seeker and migrant. It is therefore assumed, that the European national publics understand any newcomers, or even potential newcomers, as "migrants" who have a choice and can therefore choose to go elsewhere or perhaps even at another time. Hence, with the growing number of refugees and asylum seekers entering the EU, national electorates, or at least their parts, acquire a more negative outlook on "migration" as a whole and will therefore pressure their governments into adopting a more hard-line stance on the issue both at home and on the EU level. In order to prove this logical link, the following hypotheses need to be formulated:

H1: Higher number of immigrants and asylum seekers in the EU increase the negative opinion on migration of a state's electorate.

H2: Negative opinion on migration leads to adoption of policies on the domestic level and to adoption of state preferences on the EU level negatively inclined towards all migrants.

Both these hypotheses, if proven and taken together, should show that increase in the number of refugees and asylum seekers in the EU impacts the toughness of legal restrictions on migrants. The hypotheses work as a two-step process, first establishing a correlation between the number of immigrants and asylum seekers to the public opinion and then establishing a correlation between this public opinion and laws in each respective State.

All in all, this section clarified the basic terminology used in this work and provided a theoretical framework behind its claims. Based on these two blocks, it formulated two hypotheses that will be tested in the analytical part, following the description of the used method in the next section.

4. ANALYSIS

4.1 Methodology

With a clarification of what the terms essential to the research here mean, particularly, 'migrant', 'refugee' and 'asylum seeker', the method of how the research proceeds can be specified here. Before that, it should be noted that in the next chapter, these terms are used in regards to migration to the EU unless stated otherwise. Immigration implies immigration to the EU, migrants, refugees and asylum seekers in or somehow related to the EU unless indicated differently. Now, to study the interplay between the factors such as an increase in the number of migrants, refugees and, asylum seekers and the public opinion on the same - that is, whether it is impacted negatively or positively with changes in the former factors, the causal process tracing (CPT) method as outlined by Blatter (2012) will be utilized. Blatter cites CPT as an excellent tool for inferring causality. Based on observations about the number of people immigrating to the EU as migrants, refugees and asylum seekers, we can study whether this variable has a causal link with the expected outcome of a change in the public opinion about the same. As a second step, by employing the same technique, a causal link between public

opinion and state preferences and behaviour in the form of policies on the domestic and on the level on the Union will be established. (Blatter, 2012)

Continuing with the theoretical framework provided by Moravcsik, the liberal theory states that the preferences of the State must be set apart from its strategies and tactics and should be inferred either by an observation of consistent patterns of state behaviour or by an analysis of stable elements internal to states such as documents used for making decisions, oral histories, structure of domestic institutions. (Moravcsik, 1997:544). These could be a useful source of data for the application of the analysis technique mentioned before, making the theory and analytical technique compatible for a comprehensive study of the selected topic. Data for public opinion in particular cases will be drawn from opinion polls from various media publications or think tanks, data for state preferences regarding immigration will be drawn from domestic laws within the selected cases to see if any reforms were made or proposed after 2015 to the immigration policies of said states and finally an influence on the level of the Union will be studied through present data on the policies supported by selected States during Union discussions and what cooperation programs of the EU the States support or oppose during discussions as well as what they have chosen to accept so far in terms of management of the refugee crisis of 2015.

After the technique which is going to be utilized, what needs to be stated are the cases it is going to be applied to. The four cases selected to study the impact of increasing migration to Europe are interesting in their own right while making good samples for a comparative study based on the specificity of experiences and ability to be generalized for at least a group of states within the EU. The country to be selected is Germany, the country within the EU with the largest wave of migrants post 2015 with a maintained open-policy towards all immigrants right after the crisis till present times. The case can be a good representative of countries like Austria who have taken in a significant number of refugees and asylum applications within the Union. The second is that of Sweden, also with a high influx of new residents after the crisis, but perhaps with a lesser positive attitude towards taking in more refugees with their high numbers unlike in Germany. This might better reflect the situation in countries like France where there are already a lot of immigrants residing and is no "open door policy" for taking in numerously more refugees or asylum seekers. The third case is that of Italy, where there has been a significantly high amount of mixed migration - with no clear establishment

of distinction between illegal immigrants arriving in great numbers on boats from countries such as Libya from refugees fleeing the war in Syria. Another related country is Greece, which perhaps saw among the highest number of refugees at the beginning on the crisis. Spain has suffered the same fate after the Italian borders started to be more strictly policed, especially with immigrants from Morocco at the borders of Ceuta and Melilla. The fate of these countries is better attributed to their geographical location and ease of arrival through the "migration" routes than any policy per se, the policies relating to this issue have been undertaken to deal with the situation as it develops while the EU has been asked for help to manage the strain on these countries' resources in the aftermath of the crisis. The last case is that of the Czech Republic, where despite a negligible number of refugees accepted domestically, the public opinion towards immigration as a whole seems to be inclined negatively. The Czech Republic can be expected to offer a fair representation of the V4 (Czech Republic, Slovakia, Poland and Hungary) which has been vocal against the suggested "refugee quotas" per member state to help countries like Italy manage the situation with more ease.

The cases of these countries will be analyzed first with a presentation of the situation right before the 2015 crisis, that is the number of immigrants on EU territory in 2014 and the public opinion on the same in the selected States. This will be followed by the same data in the year of the crisis and the following years till the present year, 2019 to see how the situation temporally developed. Then in the following section, the same technique will be applied to studying the correlation between said public opinion and a change in the domestic policies of the state reflected as state preferences at the Union level influencing policies at that level.

4.2 Case Studies: Germany, Sweden, Italy and the Czech Republic

The EU, beginning in 2004 adopted the policy of free movement and residence of citizens of the EU within the the territory of the EU. Therefore, only citizens of non-EU countries are regarded as immigrants within the territory of the EU. Here in this section, the number of immigrants, refugees and asylum seekers in the EU as a whole and then on the territories of the selected cases will be noted in the time period of interest to this work, that is from right before the refugee crisis until the current year (2014-2019) as the available data permits and the effects thereof analyzed using the methodology presented in the previous section. With a wide variety of sources for the collection of data and the lack of concrete information provided by official sources, an

effort has been made to present data demonstrating the closest approximation to actual facts possible. As per its annual World Migration Report, the IOM in its 2018 edition estimates that there are 244 million global migrants, which constitutes about 3.3% of the global population. [IOM Website, 2018] Out of these, 2.4 million immigrants from non-EU countries entered the EU in 2017 making it roughly 1% of all migrants globally for the given year. Additionally, as per Eurostat, 22.3 million people (4.4 %) of the 512.4 million people living in the EU on 1 January 2018 were non-EU citizens. [Eurostat, 2018] According to the Flow Monitoring Website, 21,279 immigrants arrived to Europe in 2019 as of 2nd May 2019 out of which 16,806 came by sea and 4,473 by land. The number of arrivals seems to be dwindling each year with total arrivals noted in 2018 being 144,166, in 2017 the number being 186,768 and in 2016 it being 390,432. [IOM Flow Monitoring, 2019]

In the period beginning 2015, the EU had been overwhelmed with a high number of migrants, refugees and asylum seekers, a majority arriving through dangerous routes relying on illegal methods. The UNHCR in 2015 estimated over a million arrivals of refugees and migrants by dangerously crossing the Mediterranean Sea with over half of them being from Syria. Of the total sea arrivals in 2015, UNHCR identified 58 per cent as men, 25 per cent as children and only 17 per cent as women. [UNHCR website, 2019] The number of sea arrivals was noted to have increased significantly from the previous year 2014 - the year recorded about 216,000 arrivals by sea. While the Dublin Regulations specify a model of responsibility sharing among the EU member states for the management of refugees, the design has been critiqued as being unfair allocating responsibility on a basis of the geographical location of the MSs. The regulation states that asylum seekers should make a claim in the country they first entered and if s/he can be shown to have previously entered another EU country, s/he can be sent back there. The model was designed to share responsibility for asylum claims more equitably among EU countries and discourage people moving on from one EU country to another. However, the model has been criticised with the unfair burden of asylum claim management it places on a handful of countries on the external borders of the EU such as Greece and Italy. In light of this, Germany suspended the Dublin Regulations opening its borders to asylum seekers no matter what MS they entered first.

According to Amnesty International, countries like Turkey and Pakistan host a greater percentage of global refugees than all EU countries combined. Within the EU, Amnesty identified Sweden and Germany as consistent leaders in the combined EU effort in managing asylum applications and providing refugee status. As per its research, the organization also states that prior to arrival, asylum-seekers know little of the asylum system in any individual country and the factors affecting what country asylum seekers pick are family, community and language connections."[Amnesty Website, 2019] With the experience of individual MSs being so different based on their geographical locations and existing policies, the cases of four selected MSs will be analyzed to understand how the public opinions developed from right before the crisis, through it until present times in relation to the number of immigrants and asylum seekers each year. Following this, the narrative of each state will be analysed to see how the public opinion in turn after their domestic laws and the policies these countries support at an EU level. All cases will follow a similar method of analysis, with the number of migrants, refugees and asylum seekers on each country's territory being mentioned in the specified timeline following the state wise public opinion based on opinion polls, media and agendas of political parties. In the following section, any changes in domestic laws will be noted in response to the public opinion followed by the stance of these states in EU level discussions regarding immigration and the refugee crisis. As a conclusion to the analysis, whatever policies eventually have been adopted in each state will be mentioned.

The case selection along with the perceived domestic scenarios is as follows: the first case is that of Germany, a country with took in the highest number of asylum seekers, relaxing its borders increasingly over the years. Despite the highest number of refugees in the Union, the public seems quite open to the stance taken by Germany in the crisis, even though an increase in anti-immigration sentiments can be noted in certain parts of the country. The laws seem to have been relaxed, such as the suspension of the Dublin regulations to facilitate the movement of asylum seekers and offer them protection. The second case is that of Sweden, one of the leading countries in accepting the highest numbers of asylum seekers at the beginning of the crisis, however, with the ever-increasing numbers of immigrants and asylum seekers, the public opinion in support of taking in more people declined rapidly leading to a change in policies making Sweden from one of the easiest MSs to seek asylum in to one only adhering to the

minimum requirements of the EU for offering asylum. The public opinion does not seem negatively inclined towards immigration as a whole but rather the management of huge number of immigrants in Sweden. The third case is that of Italy, which due to its geographical location, had a very high number of asylum applicants as well as mixed migration movements, making it difficult to distinguish between economic immigrants and refugees fleeing for war or persecution. The public opinion seems to have developed negatively with time calling for stricter border patrol and policies aimed at a more egalitarian burden sharing among all MSs and limiting newer arrivals on Italian shores. The final case is that of the Czech Republic, a smaller nation in Central-Eastern Europe not at the external borders of the EU and not one with high number of migrants or asylum seekers. Yet in contrast to its neighbouring Germany, the public opinion about immigrants and asylum seekers seems extremely negatively inclined leading the country leading to strict guidelines for who might be accepted as a refugee as well as the lobbying for stricter methods of limiting total number of refugees in the EU and a staunch opposition to the quota system of refugee sharing among MSs to help out other states like Italy while limiting legal migration as well on its territory.

4.2.1 GERMANY

Germany has led the EU migrant crisis in the forefront as a place for refuge for the asylum seekers and migrants through as well as in the years following the crisis of 2015. While the German immigration policies were already considered liberal within EU standards aiming to attract highly skilled non-EU nationals, the policies have since been further relaxed to attract a medium-skilled workforce while continuing to be the EU State with the highest number of asylum applicants. Right at the beginning of the crisis, Germany received a high number of applications for asylum at roughly 442,000 applications in 2015 while applications in 2014 were only 172,945. With the public opinion being inclined towards helping those fleeing war and persecution, Germany continued to accept high numbers of asylum applicants. Over the following years the number of asylum applicants peaked at 722,265 in 2016 followed by a decline with 198,255 in 2017 and 161,885 in 2018 making it lower than the applications were before the crisis. The total number of immigrants in Germany was noted to be 884,893 in 2014, the highest being 1,543,848 in 2015 followed by 1,029,852 in 2016 and 9,17,109 in 2017 presenting a decline in the overall numbers from the year following the crisis. [Eurostat]

Following these high numbers of immigrants and refugees, the public started raising concerns on the possibilities of integrating more than 1.6 million refugees which have arrived on German soil since 2014. The polling data for 2016 show that only 31% of Germans considered the refugees from Syria and Iraq to be a major threat, as well as that the same number of people consider the growing diversity to be making Germany a worse place to live.[Pew Research, 2016] In 2018, Pew Research conducted a poll which found out that a majority (58%) of Germans wanted fewer immigrants to be allowed into the country, while 30% wanted to keep it at the current level and 10% wanted to increase immigration. In 2018, the analysis by Wall Street Journal found that in German crime statistics for crime suspects, foreigners who form an overall 12.8% of the German population, make up a disproportionate share of crime suspects (34.7%) To make the matters worse in public opinion on the increasing foreigners on German territory, an attempt at deportation of a denied asylum applicant suspected of illegal activities at a German housing facility for refugees and asylum seekers failed in 2018 due to mob like behaviour of other residents of said establishment. Incidents like these only increase scepticism about the possibility of integration of such a high number of refugees into the German society with complete adherence to German law. [Reuters, 2018] A research conducted by Social Change Initiative and Purpose Europe analysed inclinations and concerns about immigration in different sectors of public opinion in Germany stating that the recent electoral success of the right-wing AfD in Germany reflects a growing trend towards a negative opinion on pro-immigration policies. Their research states that the challenge for the current German Chancellor Merkel in the near future will be to see if she can reduce the favour of more parties with an anti-immigration stance like AfD amongst the "middle ground" of German society that is deeply conflicted over immigration, Islam, and "otherness". " [Open Migration Poll] With a majority of German nationals preferring a decrease in the number of refugees the country should take in, it is now to be noted whether such a preference has been reflected in laws and policies adopted by Germany.

The German Constitution stipulates right to asylum for victims of political persecution as a basic right. This right to asylum recognises the definition of 'refugee' as per the 1951 Refugee Convention and therefore offers protection to asylum seekers from deportation. Such protection is considered a part of the asylum procedure itself and

is offered by the Federal Office For Migration and Refugees (Bundesamt für Migration und Flüchtlinge, 'BAMF'). The first amendment to this section of the Constitution was noted in 1993 and then in 2015 following the high number of asylum seekers and the public demand for reform. Therefore, the right to asylum was limited. In the second half of 2015, a transformation of the fundamental right of asylum (section 16a GG) into an objective guarantee was demanded by the public in order to give the state the legal opportunity to impose an upper limit or quota on the number of asylum applications accepted. In accordance with Section 16a (1) GG of the German Basic Law, a person is considered to be experiencing political persecution if he or she is suffering from infringements of his or her rights by the state or third person measures that can be attributed to the state, because of religious or political beliefs or other inaccessible features that mark the individual's otherness. These infringements of personal rights and dignity depending on their intensity and severity, exclude the individual person from the state's general keeping of the peace and put him or her in a desperate situation making him or her eligible for asylum. On the other hand, Germany, in 2018, approved immigration laws aimed at easing the process of legal immigration of workers, both highly skilled and for medium skilled jobs from non-EU countries to Germany making the laws one of the most liberal in the Union. The law is aimed at filling the shortages in lower skilled jobs in the country, allowing even those whose asylum claims were rejected to stay on the territory and find work. As per the new laws, if the migrants can prove that they have sufficient resources to support themselves and present a sufficient knowledge of the German language, they can be granted a residence permit. This law was critiqued by the anti-immigration political party Alternative for Germany (AfD) claiming that the new laws would encourage migrants to come to Germany seeking asylum with the hope of finding a job, which would allow them to stay even if their applications are rejected. [Reuters, 2018]

Finally, at the level of the EU, Germany has been the country with the maximum number of asylum applicants and refugees accepted with further liberalisation of its immigration policies to also attract legal immigrants ranging from high to lower skills to fill in the gaps in the German labour market. Even though cases of the Dublin treaty being upheld with regards to refugees sent back to Italy from Germany have been noted, it can be explained as a short-term response to the public demands on better dealing with the refugee crisis. The German Chancellor Angela Merkel has been vocal in calling

for an EU-wide approach to irregular migration on a better burden sharing by the MSs. Since the 2015 migration crisis, the German government has pushed for asylum-seekers to be resettled from frontline countries such as Italy and Greece to other EU member states in order to share the burden across the bloc. The Chancellor has faced criticism from within her Christian Democratic Union (CDU), its Bavarian sister party, the Christian Social Union (CSU) and even other EU member states. [DW Website]

Concluding with the current state of how things are in Germany, the process for registration of refugees seems pretty straight-forward with enough support such as accommodation and legal assistance being offered by the German state as well as access to the labour market. There is a step by step guide to the asylum procedure available online to offer people looking for asylum opportunities a clear instruction for the process that lies ahead, making Germany an attractive destination among other reasons. As of 2017, Germany claims that there are 19.3 million people with an immigrant background in Germany and there are also many programs aimed at the integration of foreign populations. Based on the hypotheses mentioned before, an increase in the number of refugees and asylum seekers did lead to a change in public opinion with a greater portion of the German population demanding a change in policies for decreasing the influx of unmanageable refugees. While it did not lead to laws limiting such movement in the strictest sense, it led to an amendment in the basic law to make the migration processes more manageable and controllable by the State as well as a change in the political scene with an increasing support for parties espousing anti-immigration sentiments.

4.2.2 SWEDEN

Sweden, from the beginning of the crisis had been one of the countries with the highest numbers of asylum applicants as well as a willingness among the Swedish public to help people fleeing from difficult circumstances. The Swedish population grew by more than 100,000 in 2014 as a result of record high immigration up until that point by about 127,000 new immigrants (out of these 74,980 were asylum seekers) and more births than deaths. In 2014, the three largest groups of these asylum seekers were Syrians, Eritreans and people with no state or country (stateless). Germany was the only MS superseding asylum seekers compared to Sweden in 2014, and was followed by Italy and France. The main concern raised by the public in this time frame was the integration of migrants from different countries into the Swedish workforce and society

as well as providing the newcomers with opportunities for work and ensuring they have equality and high standards of life. To offer an insight into the Swedish demographic, every sixth person of the current Swedish population was born in another country. Therefore, immigration is in the forefront of public debate discussing the complications surrounding diversity and effective integration of foreign populations. A DN/Ipsos survey from March 2015 before the strongest wave of new asylum seekers arrived shows that six out of ten Swedes felt that immigration is mainly beneficial for Sweden. At the same time, six out of ten Swedes felt that it is the integration that needs improvement. [Sweden Migration Website]

The development of the number of immigrants in the time period being studied is as follows, starting with 126,966 total immigrants in 2014 with 74,980 being asylum seekers out of these, 1,543,848 total immigrants in 2015 out of which 442,800 were asylum seekers, 1,029,852 total immigrants in 2016 marking a slight decline from the previous year but with 722,265 asylum seekers, the highest number noted during the crisis followed by 917,109 total immigrants in 2017 out of which only 198,255 were asylum seekers. Finally in 2018, there were 161,885 asylum seekers noted keeping up with the trend of declining numbers of asylum seekers. In accordance with these high numbers of immigrants and asylum seekers, an impact on the public opinion can be noted. An index measuring the level of perceived socio-economic threat from immigrants found out that Sweden is one of the countries/regions with the weakest perception of threat. [Springer] As per the Eurobarometer poll, 96% Swedes polled that they would feel comfortable having an immigrant as a neighbour, among those who said they would feel totally comfortable, the highest proportions were found in Sweden (82%). [Eurobarometer 2018] In 2015, the 'refugee crisis' was presented negatively in Swedish media, presenting an image of intolerance and financial restraints, made Sweden seem more closed off to foreigners. However, based on opinion polls, less than one in five see immigration more as a problem than an opportunity, according to a Eurobarometer survey from April 2018 and continued to view the impact of immigrants on Sweden positively while maintaining their positions on the need for improvement for the integration models for immigrants. [Eurobarometer 2018]

While the public opinion did not change negatively towards the idea of immigration as a whole, it changed from being acceptant of newer applicants to closing its borders and focusing instead on better integration models of the ones already

accepted. To reflect the public opinion for better management of the refugee crisis, changes were made to the asylum policy of the country. As a measure to limit immigration since 2015, the Swedish government make some changes in its policies and started to focus more on integration of those already in the country. Sweden introduced tighter border controls making it harder to enter Sweden without a valid passport or other identification documents. Legislative changes were also made for asylum seekers making it more difficult to get a residence permit for the reasons of reuniting with family. Therefore, in a short period of time, Sweden went from having the EU's most generous asylum laws to adopting the minimum EU level. Sweden stated that its policy changes were partly due to the fact that most other EU countries failed to take in their agreed share of refugees. [Official Swedish Migration Website, 2019]

In August 2010, Sweden introduced the right of asylum-workers to work during the processing period of their asylum application under certain conditions including one that the person is able to prove their identity. According to the earlier legislation, the Migration Agency would have only granted the person an exemption from the obligation to hold a work permit if the processing of the matter was deemed to take longer than four months. In September 2013, the Migration Agency granted permanent residence permits to all Syrian and stateless persons who arrived from the war-torn Syria. Following this, on 12 November, 2015, Sweden introduced temporary border controls aiming to reduce the number of asylum seekers in the country. Shortly after, on 4 January, 2016, Sweden introduced temporary identity checks in order to try to reduce the number of asylum seekers coming to Sweden going from having the EU's most generous asylum laws to the minimum EU level. On 1 March 2016, Sweden pushed for a joint responsibility for receiving newcomers to the country and according to draft legislation 2015:33., all municipalities were expected to have an even portion of the refugees. Just a few months later, on 1 June 2016, there was a change in the Reception of Asylum Seekers Act (LMA), etc. An asylum seeker who received a negative response to his/her asylum application lost the right to aid if he/she did not leave the country voluntarily. An asylum seeker who received a definitive decision from the authorities stating that he/she is to be expelled or deported lost the right to a daily allowance, and to asylum accommodation paid for by the Swedish Migration Agency. Rights to aid for families with children under 18 were retained until they left Sweden.

On 20 July 2016, a new temporary law, valid until July 2019 was introduced. According to previous legislation, all persons in need of protection were usually granted a permanent residence permit. Now, new applicants applying for asylum receive a temporary residence permit which is valid for three years. There is also now a limited opportunity for family reunification: The opportunity for family reunification is restricted to those who have refugee status. Refugees must be able to provide support for both themselves and their family who receive a residence permit. Persons eligible for subsidiary protection are given a 13-month permit according to new legislation. These people do not have the right of family reunification but may apply for an extension of the residence permit. There is still a quota of refugees receiving permanent residence permits. [Migrationsverket Website]

A particular challenge Sweden faced in 2015 was the fact that 35,000 asylum seekers were 'unaccompanied minors', children who arrived in Sweden without parents or other legal guardian. Therefore, a law change was introduced in 2018 making it possible for young people to apply for a residence permit for studies at upper secondary school, even if their asylum application had been rejected. Out of 11,745 people who applied to the time-bound offer, 5,200 were granted a residence permit in 2018 based on this law change. During the waiting period for the processing of asylum applications, asylum seekers can work to support themselves in Sweden if they have received an exception from the work permit requirement. In case the asylum applicants have no means to support themselves, they can apply for a 'daily allowance' amounting to SEK 71 (EUR 7.70) per day for a single adult (or SEK 24 per day if food is provided free of charge at their accommodation). The country also offers asylum seekers accommodation, run by either the Swedish Migration Agency or a private actor. According to government agencies, if a person has been granted a residence permit for refugee or refugee-like reasons, Swedish municipalities are required by law to provide accommodation for that person. The reason stated for this change in the law from 2016 was to free up places in the Migration Agency's accommodation facilities for asylum seekers. There are also multiple NGO initiatives for refugees aimed at their effective integration into the mainstream society. [Official Swedish Migration Website, 2019]

On an EU level, Sweden pushed for a more equitable distribution of refugees among the MSs. While this did not become a reality, the EU provided support for integration programs of refugees in Sweden given the high number of arrivals.

[European Parliament Website]. Based on the two-step hypothesis, a link can be established between the high number of asylum applicants to a change in the public opinion. While the public opinion did not change negatively towards the acceptance of new applicants, it pushed the national legislation to implement policies that soothed the management of the crisis in an efficient manner. Therefore, a rather high correlation was found between the change in public opinion and the swift response of the Swedish government to reflect these preferences in its policies. Sweden's stance on the crisis can be summarised overall as a positive perception of immigration for the State with most of Swedes considering immigration a benefit for their country as well as a high standard of aid provided to the asylum seekers and effective integration programs.

4.2.3 ITALY

Italy, by the virtue of its geographical location was in the forefront of the discussion on the refugee crisis affecting the EU. A high number of asylum seekers arrived at the Italian ports following a perilous journey through the Mediterranean Sea. In 2014, the total number of immigrants in Italy was noted to have been 277,631 out of which 62,655 were asylum seekers, in 2015 this rose to 280,078 with a higher percentage of asylum seekers at 82,830. In 2016, this number further rose peaking at 163,005 total immigrants with an even higher ratio of asylum seekers at 121,185. In 2017, the number of total immigrants declined to 144,489 out of which 126,550 were asylum seekers, the highest number noted during this period. In 2018, there was a sharp decline with only 53,440 asylum applications received by Italy.

In relation to a high number of asylum applicants, Italy had a noticeable change in public opinion and also the political environment of the country with more politicians pushing for an equal burden sharing among all States of the EU and an increasing anti-immigration sentiment. In news found on the Italian Ministry of Interior's website, Italian voters were found to not have supported the center-left parties that had governed Italy for five years and were instead choosing to elect a populist coalition between the left-leaning Five Star Movement and the right-wing League party, formerly the Northern League. Matteo Salvini, head of the League, seems to have become the leading figure in Italy's government as the deputy prime minister and interior minister. Salvini's tough stance on stopping more migrants from reaching Italy's shores has made him popular among the public in the backdrop of rising concern among the public with the ever-increasing number of immigrants on Italian shores. Salvini, heading the far-right

nationalist League party, which won a record 17.4% of votes in elections pushed an agenda on the anti-immigration line. The politician, having helped build a coalition with the anti-establishment Five Star Movement, became the interior minister with a responsibility for national security, policing and immigration in Italy. The politician attempted to suspend asylum procedures completely until the EU agreed for fair distribution of refugees among all MSs. He received backlash by other EU leaders over blockage of boats loaded with rescued migrants from docking in Italian ports. His approach in light of the increasing anti-immigrant sentiments have won him support in Italy with polls conducted in Italy suggesting the League has support from 30% of voters. [Italian Ministry of Interior]

With a desperate cry from the Italian public on issues related to immigration, particularly an equitable burden sharing and reduction the number of new arrivals, Italy adopted hard-line immigration laws. The Italian Parliament approved a tough new immigration and security law, dubbed the "Salvini Decree" making it easier to deport migrants convicted of crimes including threat or violence to a public official; physical assault; female genital mutilation; and a variety of theft charges. Italy's lower house of parliament, the Camera dei Deputati, voted in favour of the law 396 to 99 on November 28 2018 for its approval, which was sponsored by Interior Minister Salvini. The law had previously been approved by the Italian Senate on November 7 2018. The primary objective of this law has been identified as the limitation of migrants in Italy. To achieve this aim, Article 1 of the decree abolishes residence permits for so-called humanitarian protection, a form of security available to those not eligible for refugee status. Under the new law, asylum will only be granted to legitimate refugees of war or victims of political persecution. The new law also introduces a series of special permits (for health reasons or natural disasters in the country of origin) with a maximum duration of between six months and one year. Extends Period of Detention for Migrants. Article 2 of the new law authorizes Italian authorities to detain migrants held at so-called repatriation centres (Centri di permanenza per il rimpatrio, CPR) for a maximum of 180 days, up from a maximum of 90 days. The asylum application may also be suspended in case the applicant is found to be a part of a criminal proceeding for one of the aforementioned crimes and would result in the refusal of asylum in case s/he is finally convicted. Furthermore, refugees who return to their country of origin, even temporarily, will lose international and subsidiary protection. It also established a list of

safe-countries which many other EU countries already have and in case of asylum applicants from these countries, they will need to prove the real threat of danger to them for their applicants to be approved. On facing criticism from left aligned parties and several NGOs, Salvani is quoted as saying "I wonder if those who contest the security decree have even read it. I do not really understand what the problem is: it deports criminals and increases the fight against the mafia, racketeering and drugs." [Italian Ministry of Interior] At a press conference, Salvani also said that the new law would seek to provide order for a dysfunctional asylum system and with the right criteria, the asylum system can be transformed to have order, rules, seriousness, transparency and uniformity in the asylum reception system. The minister also highlighted that economic migrants are no longer welcome in Italy as it tries to help those fleeing from difficult circumstances such as war. Additionally, the minister stated that Italy will not be a signatory to the United Nations Global Compact for Migration and neither will the Italian officials attend the conference in Marrakech, Morocco, on December 10 and 11 in 2018 to adopt the agreement. He stated that not only does the Global Compact aim to establish migration as a human right, but also to outlaw criticism of migration through hate crimes legislation which could prove to be dangerous to the implementation of laws offering security to the Italian State. Italy has been a main European gateway for migrants arriving by sea since the start of the crisis: 119,369 arrived by sea in 2017, after 181,436 in 2016, according to the IOM. An estimated 700,000 migrants have arrived in Italy during the past five years, but since Salvini took office, the number of arrivals has fallen sharply. During the first eleven months of 2018, only 23,000 migrants arrived, according to the IOM. [IOM Website]

Despite the changes in legislation to discourage further immigration, Italy provides resources to its asylum applicants for housing and expenses. Opening of bank accounts has also been simplified for the ease of asylum seekers stating that the presentation of the residence permit for asylum request is in itself sufficient upon opening of a basic current account. At an EU level, Italy's government has taken a hard-line stance against irregular migration, with Interior Minister Matteo Salvini calling for significantly strengthening the bloc's external borders. In practice, Italian authorities have prevented humanitarian ships carrying migrants rescued in the Mediterranean from docking at the country's ports and threatened to seize rescue boats, which have been operating illegally. After the Balkan route was closed in early 2016, migrants fleeing

conflict and extreme poverty in Africa, the Middle East and Asia had been taking to the central Mediterranean as an alternative route to enter the EU via Italy. Italy made its refusal vocal about accepting migrants from other EU countries, with Salvini telling German media: "We cannot take in one more person." [DW Website] The European Commission also provided €19 million in emergency funding during 2016 for migration and border management from 2014-20 for the facilitation of reception, returns, and relocation in Italy. [European Commission Website]

In regards to the hypotheses being tested, an increase in the number of immigrants and asylum seekers did lead to a negative public opinion which lead to the public electing a right-wing party which was staunchly opposed to increased immigration, especially illegal immigration to Italy. Since its election, the party delivered on its agenda pertaining to the limitation of immigration with the introduction of laws making asylum seeking in Italy more difficult and with strict punishment for any illegal activity.

4.2.4 CZECH REPUBLIC

In contrast with its neighbour Germany, the Czech Republic has been opposed to accepting a high number of asylum seekers on its territory. The public opinion, even with a slight increase in the number of immigrants and asylum seekers on Czech territory became disproportionately, mostly due to media's portrayal of immigrants in negative light. The number of asylum applications in the Czech Republic were noted to be 905 in 2014 while in 2015 the number rose to 1,235 and while the number continued to rise in the other cases, it dropped slightly to 1,200 in 2016 followed by a further slight decline to 1,140 in 2017 followed by an increase in the previous year 2018 with 1,350 asylum applications noted after the end of the crisis. The total number of immigrants on Czech territory as identified by the Czech Statistical Office in 2014 was 449,367 followed by an increase in 2015 with the number being 464,670. The overall number kept increasing in 2016 with 493,441 and in 2017 with 524,142 total immigrants. [CSO, 2018] According to the data provided by the Czech Foreign Police, foreigners holding a residence permit for more than twelve months represented 4.3% of the Czech population in 2015, 4.5% in 2016. In both years, the majority (56% and 55%) of all foreigners legally residing in Czech Republic consisted of foreigners with permanent residence in the Czech Republic, the type of residence permit, which can only be granted to

foreigners after five years of continuous residence in the Czech Republic. [EC Website]

Ever since the topic of refugees came to the forefront of public discussion in 2015, the Public Opinion Research Centre (CVVM) started measuring public attitudes towards refugees and migrants on regular base. The collected data shows that the willingness of Czech people accepting war refugees in Czech Republic is rather low and slightly sinking, while the number of people with reservations about taking in refugees is stable and slightly rising. During the observed period (2015-2017), only 2 - 4 % of Czechs agreed with letting refugees settle down in the Czech Republic. Another 32 – 40 % said that they would accept them only until they would be able to return to their countries of origin. Whereas in September 2015, there were almost balanced views about the question whether to accept or not accept war refugees (48 % for - 50 % against), in February 2017 there were only 35 % of for as opposed to 61 % of the population disapproving the acceptance of refugees. Another survey carried out by the public opinion research agency MEDIAN in March/April 2016 asked the Czech population whether or not they would agree with accepting refugees in Czech republic and also what circumstances would qualify as conditions where such refugees could be accepted. the respondents proposed certain economic, security, or other conditions for refugees to be accepted. The rate of acceptance increased to 23 % (without any conditions) to 64 % (with one condition such as asylum seekers being sent back in case of violence or crime). In the 2018 survey on immigration to the EU conducted by Eurobarometer, Czech respondents stated that they would be uncomfortable having social relations of any of the types explored in the study with immigrants, and also only a small minority would feel comfortable with having an immigrant as their manager. Only 2% of the Czech respondents stated that they have an immigrant as a friend and about 50% of the population considered immigration to be a problem. There are seemed to be a significant negative correlation between the presence of immigrants in a country and the propensity to see immigration as a problem. In countries with a relatively low proportion of immigrants, such as the Czech Republic, a greater proportion of respondents saw immigrants as a problem, while in countries with a relatively high proportion of immigrants, such as Sweden, significantly fewer saw immigration as a problem. About 51% of respondents from the Czech Republic believed that immigrants have a negative impact on society while only 11% believed that difficulties in accessing

long term residence permits could constitute an obstacle for the integration of immigrants. 73%of those polled in the Czech Republic believed that the media is an important actor for the successful integration of immigrants. [Eurobarometer 2018]

Migration policy in the Czech Republic is primarily covered by laws, i.e. the Aliens Act (326/1999 Coll.), the Asylum Act (325/1999 Coll.) and the Temporary Protection Act (221/2003 Coll.); secondly by other documents such as the Administrative Procedure Code (500/2004 Coll.) or the Employment Act (435/2004 Coll.) Both the Aliens Act and Asylum Act have undergone several steps of amendment in recent years. In the case of both laws, the amendments lead mainly to tightening the conditions for obtaining both long-term residence permits and both types of the international protection. Under the Aliens Act, two major amendments have been made in the last three years. First in mid-2014, the second in mid-2017. In the amendment No. 101/2014 from June 2014, a new type of residence permit was introduced, namely an employee card. The amendment came into force in June 24, 2014. The main objective of the amendment was to implement a European directive on a uniform procedure for handling applications for a single residence permit and work permit in an EU Member State for third-country nationals into Czech laws. By mid-2017, there were other major changes to the Alien Act majorly limiting foreigners' rights on Czech soil for example by no longer allowing foreigners who reside in the Czech Republic without a residence permit or on the basis of an exit visa to submit an application for temporary residence of a family member. The European Council noted that this proposed provision is contrary to European law. The new law makes co-operation on the part of the applicant utmost value in the application procedure and in case an applicant cannot appear for a scheduled appointment, the application's proceeding might be brought to a complete halt. According to the amended regulation, the time limit for issuing a decision was also noticeably prolonged from the original 90 days to 6 months, with a possibility of extension up to 18 months in particularly complex cases. On the other hand, the Ministry has set a time limit of 10 days for the decision on the inadmissibility of the application. Overall, the amendments have made legal immigration to the Czech Republic increasingly difficult leaving no room for error on the applicant's end with the State's stringent procedures. [European Commission Website]

While the actual number of immigrants in the country has remained low, the public image of migrants and refugees, which in a large part is still presented the media,

populist politicians and right-wing groups remains negative and selectively focuses on terrorism, crime and failed integration. While physical violence against migrants and refugees is very rare, the public opinion is rather negative and verbal attacks, hate speech, and threats towards migrants have become common. It is not only asylum seekers which are affected by this negative discourse but legal immigrants have also been subjected to criminalisation by populist politicians and some media. The last amendment of the Aliens act "shows that legal measures are following the path of the public discourse, tightening the legal framework for stay and economic activities of foreigners in Czech Republic" [European Commission Website]. The Commission also points out as only a dismal number of Czech people have contacts with immigrants, their public opinion is in a major part only dictated by media which is negatively inclined. [European Commission Website]

On an EU level, the Czech Republic has refused to accept irregular migrants, especially under a quota scheme. The country opposes a flexible EU approach to migration and rejects the quota system of redistribution of asylum seekers among the MSs. Czech Prime Minister Andrej Babis stated that "the idea that Frontex will guard everything by itself is not realistic in the long term, individual states must guard that." The Czech Republic - along with Hungary, Slovakia and Poland (V4) has taken a hard line on the issue and refused to accept more than a very low numbers of refugees. [Reuters, 2018] Concerning the hypotheses, a change in number of immigrants, though dismal, lead to a change in public opinion from moderately against immigration to extremely against immigration. The change in attitude however, can be better correlated to an increase in the number of immigrants in the EU as a whole than just the Czech territory where despite there being a change, was not significant. As a result of a fear of immigration increasing in the Czech Republic as it did in other MSs, harsh policies were introduced to limit the legal migration as there was no noticeable illegal migration to the Czech Republic to begin with.

Based on the cases analysed in this work, both the formulated hypotheses can be considered proven. In each case, the public opinion adapted to the change in the number of immigrants and asylum seekers in each State and to reflect these changes in majority public opinion, however extreme or minor the changes were, policies of each State were altered accordingly. While in Germany, a high number of immigrants lead to the public preferring a lower number of immigrants in Germany and better management of those

already there, the policy changes reflected these changes in public opinion though not by limiting the absolute number of immigrants and asylum seekers but by introducing policies for the State to be able to better control the asylum application procedure including a change in the Constitution to be able to impose quotas on the number of immigrants in the State. In the case of Sweden, an uncharted increase in the number of asylum applicants led the public opinion to shift from welcoming high numbers of applicants to a more conservative approach of taking in only the minimum number of applicants as expected by the EU and focusing instead on proper integration of those already present within the State. The policies were changed without haste to align with the public opinions and the number of asylum applications accepted reduced each year since the policy changes. Finally, in the case of the Czech Republic, a slight rise in immigrants on its own territory led to an extremely negative public opinion on the topic of immigrants and the possibility of accepting asylum seekers with the entire political environment turning against an acceptance of asylum seekers with the State criticizing attempts by the EU to distribute the burden of asylum applicants equally on all MSs. The State's policies changed accordingly to reflect these opinions, not only did it limit asylum applications, the numbers of which were never very high in comparison with other States, the amendments also made legal migration increasingly difficult.

5. CONCLUSION

The presented work started with an overview of what immigration has been like in the European Union and aimed to study the policy changes within Member States to adapt to the refugee crisis of 2015. Related literature was studied in order to better understand the academic context within which the work is placed, as well to find out what relevant pieces of literature might be helpful in realizing the intended aims of this work. One of the initial aims was to provide clarifications on terminology used in the discourse pertaining to immigration. Four particular terms were assessed in detail following the presentation of a comprehensive definition for the terms migration, immigrant, refugee and asylum seeker from sources which use these terms commonly and influence how they are used in the discourse, both public and academic. After the basic terminology the work would deal with had been clarified, the following section moved on to the theoretical framework provided by Moravcsik in his work on a Liberal Theory of International Politics to provide the structure for an understanding of the

framework under which this work operates. The theory supports the claim of individual actors within a state influencing state preferences from the group-up, that is individual members of the society exert an influence on the state policies and preferences through public opinion and simply demanding the state to act in a particular way. States therefore, act to represent the preferences of the people who are the constitutive elements of the States. After the theoretical framework, the two key hypotheses for this work are mentioned. The hypotheses can be understood as interrelated, the first states that an increase in the number of immigrants and asylum seekers negatively impacts the opinions on migration among the public and the second states that this negative impact in public opinion is reflected by the States through appropriate changes in its legislation, a negative opinion leading to changes aimed at limiting immigration and asylum applications.

The hypotheses were tested in four EU MSs, namely Germany, Sweden, Italy and the Czech Republic. The cases were selected so as to offer a fair representation of a majority of MSs. Germany can be considered as a representation of States with liberal immigration policies and an overall positive outlook on the topic of immigration, with the process being seen as something offering enrichment to the domestic atmosphere as well as upholding human dignity of those fleeing perilous atmospheres of war and persecution. Before testing the hypotheses, it was supposed that prior to the crisis, Germany had a positive opinion about immigration and the policies reflected the same by being liberal for non-EU nationals. During the crisis, Germany seemed to have maintained its positive stance on immigration despite criticisms from a few sections of German society. The major increase in the number of immigrants and asylum seekers in Germany led to a negative opinion among the public on the high intake of asylum seekers and the management of the crisis. The negative public opinion translated into stricter policies on migration including a constitutional change to be able to limit the number of asylum seekers in Germany. However, the changes were not reflected proportionately as the number of asylum seekers was not really limited a lot in response to a public preference increasingly asking for the same. This then led to the public showing increasing preference for political parties that had stricter anti-immigration policies better reflecting the public preferences. Nonetheless, both the hypotheses were considered proven in the case of Germany.

Sweden was selected as a case which was initially very supportive of accepting high numbers of refugees but with the increasingly high numbers at the peak of the crisis, the public opinion shifted negatively towards taking in a greater number of asylum applicants proving the H1. The public expressed a preference to focus instead on the integration of those already present on the State's territory. The policies of Sweden then changed from being very open to new asylum seekers to only accepting the minimum number stipulated by the EU, further keeping up with a reflection of the public preferences and allocating more resources to maintaining the high standards of life of the refugees accepted into the country. Therefore, the H2 can also be considered to be proven in the case of Sweden.

The selection of Italy as a case was due to its distinct experience with the refugee crisis due to its geographical location making it a key hotspot for mixed migrations, of a high number of asylum seekers mixed with economic migrants. The extremely high number of immigrants at once strained the State and its resources turning the public opinion overwhelmingly negative pertaining to the intake of newer immigrants and asylum seekers. The public preferences considered the period a major crisis for the Italian state and called for a reduction of the total number of along with a better management of the situation. The H1 therefore stands proven in light of the public preference change reflected in also the increasing support for anti-immigrant right wing parties who then made laws limiting the right to asylum in Italy and enforcing stringent punishments for any asylum seekers engaging in unlawful activities. The country also demanded help from the EU on dealing with the crisis and a better method of crisis management than what was outlined in the Dublin Regulation. The reflection of public opinions in the political environment and adoption of stricter policies limiting immigration can be understood as proof of H2 in the case of Italy.

The Czech Republic was selected as the final case to contrast with the bigger nations and represent the political scenarios of the V4. While the Czech Republic was never overwhelmingly supportive of a high number of immigrants and asylum seekers on its territory, a slight increase in the numbers met with an increasingly negative public opinion on the same proving H1. This change however, was not only due to the actual change in the number of immigrants during the crisis but by the media representations of what what happening with the unprecedented rise in the number of immigrants in neighbouring countries like Germany. The negative opinion was reflected by the Czech

state in its preference against the adoption of quotas proposed by the EU for a more equal burden sharing among MSs. The Czech Republic following the crisis did not only amend its laws to limit illegal immigration and asylum applications but also legal migration, therefore the number of total immigrants during the crisis decreased instead of increasing as it did in the other cases. Based on these changes, H2 can be assumed to have been proven as well.

Overall, the hypotheses formulated in this work were founded to be proved correct based on the cases that were studied. An increase in the number of immigrants lead to a negative inclination among the public on increased number of immigrants, not just dependant on the numbers alone but also usually accompanied by a strain on the State's resources to be able to control and manage the situation effectively. The second part of the hypothesis stating that an increase in this negative public opinion is also reflected in the laws of States which then aim to limit immigration was also founded in each case with countries amending legislations in order to be able to better manage and control the number of immigrants and asylum seekers on their territories.

SUMMARY

The presented work aimed at establishing a positive correlation between an increase in the number of immigrants and asylum seekers within a territory to an increase in negative attitudes towards the increasing number of foreigners within the territory. This correlation was then followed up by the establishment of a positive correlation between an increase in negative attitudes towards immigration to an increase in the number of policies aimed at restricting immigration as well as an alteration of pre-existing laws to better control or restrict immigration. The hypotheses were tested using case studies of Germany, Sweden, Italy and Czech Republic, each case of the EU states presenting a different national experience with the refugee crisis of 2015. The hypotheses were founded to be correct and were useful in relating the increase in the number of immigrants to an increase in public concern over their increasing numbers which in consequence let to the adoption of stricter immigration policies negatively inclined towards foreigners.

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ANNEX: TERMINOLOGY RELATED TO MIGRATION

Asylum seeker	A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments
Contract migrant workers	Persons working in a country other than their own under contractual arrangements that set limits on the period of employment and on the specific job held by the migrant
Displaced person	A person who flees his or her State or community due to fear or dangers for reasons other than those which would make him or her a refugee
Economic migrant	A person leaving his or her habitual place of residence to settle outside his or her country of origin in order to improve his or her quality of life. This term is often loosely used to distinguish from refugees fleeing persecution and is also similarly used to refer to persons attempting to enter a country without legal permission and/or using asylum procedures without bona fide cause. It may equally be applied to persons leaving their country of origin for the purpose of employment
Foreign migrant workers	Foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold
Foreign students	Persons admitted by a country other than their own, usually under special permits or visas, for the specific purpose of following a particular course of study in an accredited institution of the receiving country

Foreigners whose status is regularized	Persons whose entry or stay has not been sanctioned by the receiving State or who have violated the terms of their admission but who are nevertheless allowed to regularize their status. Although most persons regularizing their status are already present in the receiving country for some time, their regularization may be taken to represent the time of their official admission as international migrants
Internally displaced persons (IDPs)	Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border
Irregular migrant	A person who, owing to unauthorized entry, breach of a condition of entry or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term 'irregular' is preferable to 'illegal' because the latter carries a criminal connotation and is seen as denying migrants' humanity
Itinerant worker	A migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation
Long-term migrants	A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence. From the perspective of the country of departure, the person will be a long-term emigrant, and from that of the country of arrival, the person will be a long-term immigrant
Migrants	According to the United Nations recommendations, migrants consist of four categories: long-term immigrants (or emigrants), short-term immigrants (or emigrants); residents returning after (or leaving for) a period of working abroad; and nomads

Migrants for settlement	Migrants for settlement are foreigners granted the permission to stay for a lengthy or unlimited period, who are subject to virtually no limitations regarding the exercise of an economic activity
Migrant workers	See Foreign migrant workers
Principle migrant	The migrant within a family group is the person who is considered by immigration authorities to be the head of the family and whose admission depends on that of the other members of the family
Refugee	A person who, 'owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country
Returning migrants	Persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year
Seasonal migrant workers	Persons employed by a country other than their own for only part of a year because the work they perform depends on seasonal conditions. They are a subcategory of foreign migrant workers
Settlement	See Migrants for settlement
Short-term migrant	A person who moves to a country other than that of his or her usual residence for a period of at least three months but less than a year (12 months) except in cases where the movement to that country is for purposes of recreation, holiday, visits to friends or relatives, business, medical treatment or religious pilgrimage

2. The following as some key terms related to migration taken from the IOM website:

"Assimilation - Adaptation of one ethnic or social group – usually a minority – to another. Assimilation involves the subsuming of language, traditions, values, mores and behaviour or even fundamental vital interests. Although the traditional cultural practices of the group are unlikely to be completely abandoned, on the whole assimilation will lead one group to be socially indistinguishable from other members of the society. Assimilation is the most extreme form of acculturation.

Assisted Voluntary Return - Administrative, logistical, financial and reintegration support to rejected asylum seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

Asylum seeker - A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related grounds.

Border management - Facilitation of authorized flows of persons, including business people, tourists, migrants and refugees, across a border and the detection and prevention of irregular entry of non-nationals into a given country. Measures to manage borders include the imposition by States of visa requirements, carrier sanctions against transportation companies bringing irregular migrants to the territory, and interdiction at sea. International standards require a balancing between facilitating the entry of legitimate travellers and preventing that of travellers entering for inappropriate reasons or with invalid documentation.

Brain drain - Emigration of trained and talented individuals from the country of origin to another country resulting in a depletion of skills resources in the former.

Brain gain - Immigration of trained and talented individuals into the destination country. Also called "reverse brain drain".

Capacity building - Building capacity of governments and civil society by increasing their knowledge and enhancing their skills. Capacity building can take the form of substantive direct project design and implementation with a partner government, training opportunities, or in other circumstances facilitation of a bilateral or multilateral agenda for dialogue development put in place by concerned authorities. In all cases, capacity building aims to build towards generally acceptable benchmarks of management practices.

Circular migration - The fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.

Country of origin - The country that is a source of migratory flows (regular or irregular).

Emigration - The act of departing or exiting from one State with a view to settling in another.

Facilitated migration - Fostering or encouraging of regular migration by making travel easier and more convenient. This may take the form of a streamlined visa application process, or efficient and well-staffed passenger inspection procedures.

Forced migration - A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects).

Freedom of movement - A human right comprising three basic elements: freedom of movement within the territory of a country (Art. 13(1), Universal Declaration of Human Rights, 1948: "Everyone has the right to freedom of movement and residence within the borders of each state."), the right to leave any country and the right to return to his or her own country (Art. 13(2), Universal Declaration of Human Rights, 1948: "Everyone has the right to leave any country, including his own, and to return to his country. See also Art. 12, International Covenant on Civil and Political Rights. Freedom of movement is also referred to in the context of freedom of movement arrangements between States at the regional level (e.g. European Union).

Immigration - A process by which non-nationals move into a country for the purpose of settlement.

Internally Displaced Person (IDP) - Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (Guiding Principles on Internal Displacement, UN Doc E/CN.4/1998/53/Add.2.). See also de facto refugees, displaced person, externally displaced persons, uprooted people.

International minimum standards - The doctrine under which non-nationals benefit from a group of rights directly determined by public international law, independently of rights internally determined by the State in which the non-national finds him or herself. A State is required to observe minimum standards set by international law with respect to treatment of non-nationals present on its territory (or the property of such persons), (e.g. denial of justice, unwarranted delay or obstruction of access to courts are in breach of international minimum standards required by

international law). In some cases, the level of protection guaranteed by the international minimum standard may be superior to that standard which the State grants its own nationals.

Irregular migration - Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

Labour migration - Movement of persons from one State to another, or within their own country of residence, for the purpose of employment. Labour migration is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and seeking opportunities for their nationals abroad.

Migrant - IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services.

Migration - The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.

Migration management - A term used to encompass numerous governmental functions within a national system for the orderly and humane management for cross-border migration, particularly managing the entry and presence of foreigners within the borders of the State and the protection of refugees and others in need of protection. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues.

Naturalization - Granting by a State of its nationality to a non-national through a formal act on the application of the individual concerned. International law does not provide detailed rules for naturalization, but it recognizes the competence of every State to naturalize those who are not its nationals and who apply to become its nationals.

Orderly migration - The movement of a person from his or her usual place of residence to a new place of residence, in keeping with the laws and regulations governing exit of the country of origin and travel, transit and entry into the destination or host country.

Push-pull factors - Migration is often analysed in terms of the "push-pull model", which looks at the push factors, which drive people to leave their country (such as economic, social, or political problems) and the pull factors attracting them to the country of destination.

Receiving country - Country of destination or a third country. In the case of return or repatriation, also the country of origin. Country that has accepted to receive a certain number of refugees and migrants on a yearly basis by presidential, ministerial or parliamentary decision.

Refugee - A person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. (Art. 1(A)(2), Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol). In addition to the refugee definition in the 1951 Refugee Convention, Art. 1(2), 1969 Organization of African Unity (OAU) Convention defines a refugee as any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality." Similarly, the 1984 Cartagena Declaration states that refugees also include persons who flee their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order."

Remittances - Monies earned or acquired by non-nationals that are transferred back to their country of origin.

Repatriation - The personal right of a refugee, prisoner of war or a civil detainee to return to his or her country of nationality under specific conditions laid down in various international instruments (Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, Annexed to the Fourth Hague Convention, 1907, human rights instruments as well as customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. In the law of international armed conflict, repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the country of origin to receive its own nationals at the end of hostilities. Even if treaty law does not

contain a general rule on this point, it is today readily accepted that the repatriation of prisoners of war and civil detainees has been consented to implicitly by the interested parties. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis as well as expatriates and migrants.

Resettlement - The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. In the refugee context, the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them. The refugees will usually be granted asylum or some other form of long-term resident rights and, in many cases, will have the opportunity to become naturalized.

Smuggling - "The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights.

Stateless person - A person who is not considered as a national by any State under the operation of its law" (Art. 1, UN Convention relating to the Status of Stateless Persons, 1954). As such, a stateless person lacks those rights attributable to nationalidiplomatic protection of a State, no inherent right of sojourn in the State of residence and no right of return in case he or she travels.

Technical cooperation - Coordinated action in which two or several actors share information and expertise on a given subject usually focused on public sector functions (e.g. development of legislation and procedures, assistance with the design and implementation of infrastructure, or technological enhancement).

Trafficking in persons - "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

Xenophobia - At the international level, no universally accepted definition of xenophobia exists, though it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. There is a close link between racism and xenophobia, two terms that can be hard to differentiate from each other." [IOM, Glossary on Migration]

3. The following definitions are taken from the UNESCO website:

"The term **migrant** can be understood as *"any person who lives temporarily or permanently in a country where he or she was not born, and has acquired some significant social ties to this country."* However, this may be a too narrow definition when considering that, according to some states' policies, a person can be considered as a migrant even when s/he is born in the country.

The UN Convention on the Rights of Migrants defines a **migrant worker** as a *"person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national."* From this a broader definition of migrants follows:

"The term 'migrant' in article 1.1 (a) should be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of 'personal convenience' and without intervention of an external compelling factor."[2]

This definition indicates that **migrant** does not refer to refugees, displaced or others forced or compelled to leave their homes. Migrants are people who make choices about when to leave and where to go, even though these choices are sometimes extremely constrained. Indeed, some scholars make a distinction between voluntary and involuntary migration. While certain refugee movements face neither external obstacles to free movement nor is impelled by urgent needs and a lack of alternative means of satisfying them in the country of present residence, others may blend into the extreme of relocation entirely uncontrolled by the people on the move.

The Special Rapporteur of the Commission on Human Rights has proposed that the following persons should be considered as **migrants**:

(a) Persons who are outside the territory of the State of which their are nationals or citizens, are not subject to its legal protection and are in the territory of another State;

(b) Persons who do not enjoy the general legal recognition of rights which is inherent in the granting by the host State of the status of refugee, naturalised person or of similar status;

(c) Persons who do not enjoy either general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or other agreements.[3]

This broad definition of migrants reflects the current difficulty in distinguishing between migrants who leave their countries because of <u>political persecution, conflicts, economic problems, environmental degradation or a combination of these reasons</u> and those who do so in search of conditions of survival or well-being that does not exist in their place of origin. It also attempts to define migrant population in a way that takes new situations into consideration.

Turning to the concept of **migration**, it is the crossing of the boundary of a political or administrative unit for a certain minimum period of time. It includes the movement of refugees, displaced persons, uprooted people as well as economic migrants. Internal migration refers to a move from one area (a province, district or municipality) to another within one country. International migration is a territorial relocation of people between nation-states. Two forms of relocation can be excluded from this broad definition: first, a territorial movement which does not lead to any change in ties of social membership and therefore remains largely inconsequential both for the individual and for the society at the points of origin and destination, such as tourism; second, a relocation in which the individuals or the groups concerned are purely passive objects rather than active agents of the movement, such as organised transfer of refugees from states of origins to a safe haven.

The dominant forms of migration can be distinguished according to the motives (economic, family reunion, refugees) or legal status (irregular migration, controlled emigration/immigration, free emigration/immigration) of those concerned. Most countries distinguish between a number of categories in their migration policies and statistics. <u>The variations existing between countries indicate that there are no objective definitions of migration.</u> What follows is a more common categorisation of international migrants:

- **Temporary labour migrants** (also known as **guest workers** or **overseas contract workers**): people who migrate for a limited period of time in order to take up employment and send money home.

- **Highly skilled and business migrants**: people with qualifications as managers, executives, professionals, technicians or similar, who move within the internal labour markets of trans-national corporations and international organisations, or who seek employment through international labour markets for scarce skills. Many countries welcome such migrants and have special 'skilled and business migration' programmes to encourage them to come.

- **Irregular migrants** (or **undocumented / illegal migrants**): people who enter a country, usually in search of employment, without the necessary documents and permits.
- **Forced migration**: in a broader sense, this includes not only refugees and asylum seekers but also people forced to move due to external factors, such as environmental catastrophes or development projects. This form of migration has similar characteristics to displacement.

- **Family members** (or **family reunion / family reunification migrants**): people sharing family ties joining people who have already entered an immigration country under one of the above mentioned categories. Many countries recognise in principle the right to family reunion for legal migrants. Other countries, especially those with contract labour systems, deny the right to family reunion.

- **Return migrants**: people who return to their countries of origin after a period in another country.[4]

Migration is an important factor in the erosion of traditional boundaries between languages, cultures, ethnic group, and nation-states. Even those who do not migrate are affected by movements of people in or out of their communities, and by the resulting changes. Migration is not a single act of crossing a border, but rather a lifelong process that affects all aspects of the lives of those involved." [UN Website]