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Securitization of Immigrants
- and its Political Impacts on European Union

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Abstract

The immigration policies have been highly politicized and are an important part of political debate in European Union. European Union has done a lot in trying to create a harmonized immigration policies, yet there have been challenges. The 9/11 or the refugee crisis that started in 2015 have been something that have turned immigration questions into security questions. There is fear that has been a lot affected by the securitization of the immigrants and the securitization has a strong political impact.

Key words:

securitization, European Union, immigration, refugee crisis 2015, immigration policies

Range of thesis: 19,300

Declaration of Authorship

1. The author hereby declares that she compiled this thesis independently, using only the listed resources and literature.
2. The author hereby declares that all sources and literature have been properly cited.
3. The author hereby declares that the thesis has not been used to obtain a different or similar degree.

In Tallinn, 30th December 2016

Noora Mattsson

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Methodology

The author will use qualitative research method to try to explain how securitization of immigrants have strong political impacts and that immigration is heavily securitized. The phenomena is explained by introducing securitization theory and how immigration has been securitized as the bases to show why immigrants are seen as a threat and how it has lead into many policy changes by the European Union as well as the member states. Different examples of the securitization of immigration are introduced as well as European Union's immigration policies to provide support for the arguments.

The Structure of the Thesis

Chapter 1 will discuss about the theory of securitization. It describes the history of securitization and how different topics in world politics became more of security questions when the concept of security became more wide. Copenhagen school's securitization theory is then introduced with Balzacq's views on securitization as well as what kind of actors are part of securtization. Examples of securitization of immigration are provided.

Chapter 2 continues with the topic of securitization of migrants. First Huysmans' article is analysed since it discusses how immigration has become a political discussion because of the securitization. After this different examples of securitization of immigrants is introduced, all of them arguing that there are more reasons to securitization than terrorism, and all of them showing examples from different countries' policies run by the securitization of immigrants.

Chapter 3 shows the consequences from securitization of immigrants when different demands have been made to change immigration policies.

Chapter 4 introduces briefly what kind of security integration European Union has done overall to create a picture of cooperative actions between the member states.

Chapter 5 discusses about common immigration policies in EU. It introduces the many acts done considering immigration, this is partly to regulate the immigration, but also how many member states are not willing to follow these rules. There are many reasons behind this, but one major one is the fear securitization of immigrants has caused and how European Union is powerless to tackle

these fears. It is extremely important to understand how much EU has done to regulate the immigration but also it is extremely important to see how the member states have differences on their immigration policies; and this is often because of the securitization.

In **Chapter 6** the effects of 9/11 on European Union are described. 9/11 is an important factor to show how the terrorist attack forced EU to actions from which many touched immigration. From this we can conclude that securitization of immigrants had something to do with EU's actions, it can be easily seen since terrorist attack made EU regulate more immigration although immigration is not a link to terrorism.

Chapter 7 manages to introduce the refugee crisis started in 2015. I see it as current and important topic which tackles with the securitization of immigrants a lot. Differences in EU member states is being showed as well as the fears immigrants bring. Different horrifying events are listed which has gotten a lot of attention by the EU member states, it is important comparison on the negative pictures that media is also showing. Also the effects from refugee crisis is showed.

Chapter 8 provides policy recommendations for the European Union. It is important to show how EU could improve its immigrations policies, create a feel of security by being more credible and also reduce securitization of immigrants. I will include the European Commission's recommendations, but also Human Rights Watch's propositions.

Criteria for Sources and References

This thesis has succeeded in using research papers as sources – especially while explaining the theoretical part. The European Union's own internet sites have been an important part of the informational part. Several academic articles have also been used. The analyses on 9/11 effects are obviously provided better than the effects of refugee crisis because refugee crisis is still a new phenomena and long-term effects cannot be analysed because of this. Yet, there has been a fair amount of academical literature already about the current topic.

Introduction

How much can securitization have an impact? I will show on this thesis how securitization has definitely strong political impacts with the example of immigration policies. The immigration questions are not only highly politicized issues in European Union, but the securitization of immigrants has created its own challenges and it is a reason for many policy changes. The securitization of immigrants does not only affect on domestic political situations but also on European Union policies. This thesis shows analyses about how there is a strong securitization of the immigrants. I will argue that immigration is heavily securitized and securitization is a reason for many policy changes as well as that securitization can have a heavy impact on policies.

European Union member states are not similar, and so they all have very different ways of seeing the immigrants. History, economics and many other things are affecting on this. Also, countries are affected by immigrants very unevenly; a lot of immigrants are coming via sea routes and because of this countries next to the Mediterranean sea are facing completely different challenges than countries in continental Europe. While European Union is trying to control this and has created many regulations, at the same time countries are not willing to do burden sharing. One very important reason for this is the securitization of the immigrants. There is fear how European culture can be affected by the immigrants but I argue that there is securitization at the moment also because of terrorism and economics. These reasons drive the EU member states to policy changes, but also European Union as a whole union. It is also important to show how European Union has created a lot of cooperation and regulations considering immigration. This has happened because of the securitization but also it creates securitization of immigrants since for example military cooperation gives a picture that military, security actor, is needed.

By offering explanations about the securitization, securitization of the immigrants, different policies by EU and member states as well as events that have changed policies and increased securitization this thesis will answer to questions:

- Has there been securitization of immigrants?
- Has the securitization of immigrants affected on European Union's immigration policies?
- Has securitization of immigrants affected on European Union's policies beyond immigration policies?
- What kind of impact has the securitization of immigrants had on European Union's immigration policies? What about member states' immigration policies?

1. Theory of securitization

Security and migration became a topic of discussion in the end of the 20th century. In the 1980's, the “scope of security studies started to expand, both vertically and horizontally”¹, which meant that vertically expansion happened from states towards different levels such as regional, and horizontally the security studies expended from military to other actors such as economical. At the same time securitization theory was represented and it was made to explain when something changes to security question.²

The Copenhagen School's vision considering the securitization is that the object of the threat is different for every subject and the object does not even “have to be real”³. Because of this it is hard to comprise the securitization and at the same time the security threats more often processed.

Balzacq has argued on his securitization theory “that public acceptance or ‘moral support’ of a securitizing move, while subordinate to the ‘formal support’ of the relevant policy-making body, is essential for the securitizing actor to avoid ‘breaking bonds with constituencies [and wrecking its] credibility’ (Balzacq 2005: 184-185)”⁴. When analyzing this to the securitization of the immigrants, it has nothing to do how much immigrants bring a real security threat, yet it is how they are securitized and then seen as security threat⁵.

The actor in the process of securitization is important and obviously the more legitimate the actor is, the more it has an impact on securitization. State is often believed to have a lot knowledge considering security issues and so can be trusted, but with immigrants also for example the media

1 Jakesevic, R. & Tatalovic, S. Securitization (and de-securitization) of the European Refugee Crisis: Croatia in the Regional Context. *Teorija in Praska*. (2016): 1246-1264. Web. pg. 1250

2 Ibid. pg. 1250

3 Seidman-Zager, J. The Securitization of Asylum: Protecting UK Residents. *Refugee Studies Centre, working paper series no. 57*. (2010): 1-31. Web. pg. 8

4 Ibid. pg. 8

5 Ibid. pg. 8-9

has been in major role in securitizing the immigrants. It not only the actors who make the securitization but it is also how the possible threat is being represented. This is called the speech-act model, however it includes other factors than just the verbal actions but also actions such as visual. To securitize, the securitizing actor has to use something known as the example and when securitizing actor is using known examples or traumatic experiences to show the possible seriousness of the securitized object. Also, there are several topics that have “become 'institutionalized' as security problems”⁶. This means that topic, such as terrorism, immediately creates a securitization of a person, groups, or something else. Asylum seekers have been securitized by using terrorism as the reason, and this has been justified since terrorism is institutionalized⁷.

6 Ibid. pg. 10

7 Ibid. pg. 8-10

2. Securitization of Migrants

Jef Huysmans writes on his article *The European Union and the Securitization of Migration* how different regulations done by European Union considering migration are first of all making migration process challenging and how there are aspects indicating that migration can be a security threat. Mainly immigration has been securitized since it is seen as a threat to economics, culture and domestic security ⁸.

The border control has been highlighted since it is the one official authority that has the control to keep people away who are defined as security threat by many. Border control is not the only thing that is keeping people away, but there are many other policy areas which make it hard for people to migrate to EU; for example laws favouring the member states' nationals. ⁹

The migration has been claimed to bring “terrorism [and] transnational crime” ¹⁰. Because of securitization of migration the regulations considering migration are very clearly regulating aspects that are seen as security threats. Huysmans argues that one way the securitization has happened is that police has become the person who deals with immigration processes; this can lead the way of thinking to the point that immigrants are a security threat since they are dealing with a police, an officer who is seen as someone who brings security. Irregular migration is one big reason also for securitization of migration since it is not controlled in a way than legal migration is ¹¹. If we think of the on-going refugee crisis we can easily conclude that a lot of fear brings this irregular migration which is a huge problem on the EU area. When European Union does not have a control over the migration there is a bigger possibility that criminals or terrorist also are able to come to EU and

8 Huysmans, Jef. *The European Union And The Securitization Of Migration..JCMS: Journal of Common Market Studies* 38.5 (2000): 751-777. Web. pg. 751-752

9 Ibid. pg. 753

10 Ibid. pg. 756

11 Ibid. pg. 756-757

challenge its security.

One other reason for securitization of migration is a fear of losing Western civilization because of people coming from other cultures. A lot of racist thinking can have behind it a fear of how 'aliens' come with their new habits and take away the countries' old traditions ¹². During the on-going immigration crisis the fact that most of them are Muslims also must bring these kind of fear since European Union is mostly Christian and so Islamic habits seem weird as well as can be mixed with terrorism in the minds' of people.

Huysmans continues how migration is nowadays in political debates as a sort of symbol for issues. The questions considering migrants have gotten in politics much of a negative picture. Since immigrants are seen as a challenge to politics more than as an opportunity to new development in many areas the securitization is indispensable effect. Media continues to build this picture when showing migrants in negative light. The integration process can be seen harmful when it is seen as threat to culture and society. Nationalism can rise from this kind of fear and it has been seen lately also in European Union since there has been a growth in nationalistic political parties. Integration also assumes that cultural homogeneity is needed in well working society, and this can lead to the assumption that alien cultures cannot bring any good. European Union has tried to supervise against racism for example by creating same rules for everyone, yet I can argue that they have not succeeded in it and the refugee crisis is not making it any better. European Union's fears of racism are caused by the fear of returning to the 20th century. If we think about Nazi Germany for example, it is quite clear why EU wants to prevent racism and nationalism from rising again. The problem in European Union's immigration policies is that it can quite easily lead to the way of thinking that immigrants are a threat to European society and so immigrants are once again securitized ¹³.

12 Ibid. pg. 758

13 Ibid. pg. 762-763, 765-766

The other very straightforward fear considering immigration is economical. They are not seen only as people who may steal jobs but also it is believed that immigrants can arrive to European Union to improve their living standards because of social welfare systems. This exploitation is something Europeans fear, especially now after the economics of EU has suffered from great recession ¹⁴.

Elisabeth Farny argues that since immigration has grown in many areas, also fear towards for example terrorism has grown within it. By using the Copenhagen School's theory she continues that securitization as well as migration can be linked in together. In European Union the migration has overall been politicized topic and involved different security actors. However, it is not EU-level where securitization of immigrants occurs, but rather in Western societies, including especially United States. In United States immigration as security threat was firstly seen mostly economic and considering immigrants from Latin America, but 9/11 changed the topic more into securitization of migrants, especially Muslims ¹⁵.

It is obvious that 9/11 also had an effect on the securitization of migration in European Union. This happened mostly because migrants were a huge part of discussion about actions against terrorism. I will continue the effects of 9/11 to European Union later. However, Farny argues that terrorism is not the major issue in European Union but that there is an issue of loosing culture and economical fears. Border security has become an important political part of immigration and it is due to the securitization of immigration. The US-Mexican border can be compared to Mediterranean Sea, both has been a major topic of discussion. They are human security threats, but from the other aspect irregular immigration is a security threat and part of securitization of the immigrants ¹⁶.

14 Ibid. pg. 767

15 Farny, E. (2016) Implications of the Securitisation of migration. [online] Available at: <http://www.e-ir.info/2016/01/29/implications-of-the-securitisation-of-migration/>

16 Ibid.

To add to this, Farny continues by using Neta Crawford's and Claudia Aradau's claims that emotions has to be involved in international politics. In European Union fear of the citizens is a tool also for the politicians and part of the securitization of immigrants. The speech act model can cause fear towards immigration and so lead to securitization. Also racism towards migrants is in some cases reason for the securitization since people are afraid of the differences in the immigrants. In European Union there is homogeneity in culture as well as in people and it can be seen as threatened by migrants. It can be concluded that the protection and fear of losing culture drives politicians in actions that can be seen as racist. The securitization of migrants has led into behavior towards immigrants that can be seen as racist. The term of "new racism"¹⁷ is introduced, where "cultural differences" are the reason towards racism instead of "biological ones"¹⁸. This is widely occurring in EU member states and the securitization of migrants is a part of it¹⁹.

Also Jakesevic and Tatalovic argue that terrorism is not the only reason of securitization of migration, but also different sexual assaults done by the migrants as well as economy of European Union. They also argue that the word refugee is less securitized than the word migrant in Croatian media. This is something that has been seen in other medias too and mentioned in this research. Because of the important role of media in Croatia they have experienced pressure from both sides: while some politicians are expecting media to take part on the securitization, the others expect the opposite. In Croatia the humanitarian aspect overcame the securitization, this may be because Croatia was only a transit country for the refugees arriving to the country; the refugee crisis was easily represented as humanitarian crisis since they were not going to stay in Croatia and so were not going to use Croatia's funds²⁰.

17 Ibid.

18 Ibid.

19 Ibid.

20 Jakesevic, R. & Tatalovic, S. Securitization (and de-securitization) of the European Refugee Crisis: Croatia in the Regional Context. *Teorija in Praksa*. (2016): 1246-1264. Web. pg. 1249, 1254

In Croatia two sides have been leading the discussion considering refugee crisis started in 2015; while others wanted to close the borders from the refugees, the others wanted to guarantee an access for the refugees to travel safely across Croatia to their destination. “The center-right and right wing political parties, led by the Croatian Democratic Union”¹³ was supporting the securitization, while “Social Democratic government of Zoran Milanovic” had the latter, humane approach. Croatia’s president supported the securitization approach and put emphasizes on European Union to solve the issue. At the same time the Prime Minister opposed the president’s views, but still the State Border Protection Act and the Defence Act were adopted giving army more power for the border control and more possibilities for securitization²¹.

Joshua Seidman-Zager writes on Refugee Studies Center paper about how security actions considering refugees and asylum seekers are needed but there should not be “over-securitizing” behavior. He uses UK as an example of how over-securitizing affects on the people living in UK. Securitizing refugees in UK go beyond terrorism to for example seeing refugees as abusers of welfare systems. Seidman-Zager continues by arguing how there is a difference in words; refugees are not securitized as much as asylum seekers²².

In UK the securitization of asylum seekers is done by “politicians, the government, other public figures and the media”²³. Asylum seekers have an image of being a security threat for inhabitants since they are seen as dangerous as well as, like mentioned before, possible terrorists. The government of UK has decided that if asylum seeker with a refugee status does a crime, even a small one like shoplifting, can that person be exhibited. This describes the securitization of asylum

21 Ibid. pg. 1258-1260

22 Seidman-Zager, J. The Securitization of Asylum: Protecting UK Residents. *Refugee Studies Centre, working paper series no. 57*. (2010): 1-31. Web. pg. 3-5

23 Ibid. pg 10

seekers well, the government sees that they pose a threat and believe that even shoplifting can prove it ²⁴.

The UK has restricted its asylum policies from a very liberal one. In 1993 Asylum and Immigration Appeals Act was introduced to make asylum part of UK legislation. It has the same purpose than other acts done in the 90's, which was to complicate the process of staying in the UK. According to Seidman-Zager different Acts done in the 90's have nothing to do with mixing terrorism to asylum seekers. Since Northern Ireland has been the major issue of terrorism in the UK it was also seen as the terrorist threat in UK in the Acts until Terrorism Act of 2000. The Terrorism Act of 2000 as well as the events happened 9/11 make a shift of seeing asylum seekers as terrorists. It was mainly politicians who associated asylum seekers with terrorists and this also made asylum seeking to be seen as something that could be also terrorists' way to enter to the UK. The 2001 Anti-Terrorism, Crime and Security Act also included possible ways to recognize terrorists from asylum seekers and there was an assumption then that asylum seekers are likely to be terrorists. Although media has no political reasons, they have been extremely important in securitizing asylum seekers. The media has covered asylum seekers as possible terrorists and so created a negative picture of them ²⁵.

Fear by the residents considering terrorism has caused also them to be afraid of asylum seekers, who have been made as terrorists by the media. Since terrorism causes serious risks or even death to its victims the fear is also huge. In UK the fear of terrorism has caused people to believe that the more there are asylum seekers, the more there is a risk of terrorism. This obviously is not a fear based on facts but created by the media as well as public discourse and securitization. Because terrorism is not something that individuals can fight against to, they often rely on government and feel that they are dependent on the government's actions. At the same time individuals create racist

24 Ibid. pg. 10-12

25 Ibid. pg. 13-16

conclusions by the looks of people and conclude that people looking someone who could be asylum seeker would also be a possible terrorist ²⁶.

26 Ibid. pg. 16-19

3. Demand of Changes in immigration policies

Adam Luedtke analyzes the work of Baumgartner and Jones (1993) who have researched the case of United States. It can be compared to the European case since the main topic is how the government works in United States and from this Luedtke has concluded to the continuous and comparable question in EU is how much power should Brussels get and how much can countries decide on their own. According to Baumgartner and Jones the policies face new challenges and will be changed when a certain policy becomes part of public's interests. Policy-makers are forced to make changes, they can be long-term or short-term, depending on what is tried to be changed. According to Baumgartner and Jones the public demands actions on topics that are relevant on that time period, and they hear about these topics all the time for example from the newspapers ²⁷. If we look at terrorist attacks, the European Union's refugee crisis or immigration topics in total, it can be said that they have been very visible the whole time, newspapers are continuously writing about the situations and media also is part of the securitization of the topic. Also, we can think that there has been a lot written about European Union's failures throughout time. In combining these two, there is no question doubted why people are worried about European Union dealing with refugee flows, immigration or possible terrorists, especially when there is a lot written about how much mistakes and problems there has been. If we think of Baumgartner's and Jones' argument, the demands from citizens to change policies can be concluded to touch a lot of immigration issues.

The changes however do not only come from the demands of people, but also from governments that use European Union as a base to change policies. What this means in practice is that countries give up their sovereignty to EU because the EU policies actually turn their direction to wanted policies and so EU regulates these policies also. In 1993 Germany gave an example how to use

²⁷ Luedtke, A. Uncovering European Union Immigration Legislation: Policy Dynamics And Outcomes. *International Migration* 49.2 (2011): 1-27. Web. pg. 150

harmonization as part of their political asylum policies: they harmonized with European Union so that the responsibility moved from national court to EU court. It can be easily analysed how Germany benefited from this: they got a new authorities to take care of a big issue. At the same time however United Kingdom wants to have all the possible power to have an impact when it comes to immigration policies and so they are against EU harmonization. This has caused the UK to prepare in leaving the whole European Union. Countries can easily seek harmonization when needed, but if a country wants to follow its own regulations this is also possible ²⁸. This does not only wake up the question how much power should EU have over national courts, but also how much should countries have the right 'play' with EU and so change their own immigration policies? It is clear that there is no one country that wants to take responsibility from the massive flows of refugee that EU is facing, but at the same time EU is not a power that can demand whatever it wants from its members. There has been and will be demands on changes in immigration policies and probably many countries will also still want more changes at some point. The securitization of immigrants is not only affecting national policies but also EU policies.

During elections some changes may occur because of the clear reason that parties in charge want to stop the rise of far-right parties. In this case parties are forced to act although it may not be the parties own goal. When immigration becomes a topic of discussion also anti-immigration views and debates around it obviously become important factors to which also politicians have to take into consideration. Issues like political asylum and illegal immigration are something that fast will and have grown into security topics. The far-right political parties grab into these topics that worry the nation and campaign against them to gain attention and support. It is clear that these kind of political parties also slow down the harmonization process and makes the refugee policies more chaotic when all countries have not agreed on the same rules and regulations under European Union

28 Ibid. Pg 151

29 Ibid. pg. 151, 155

4. European Union's Security Integration

Although European Union has created border control due to the securitization of immigrants and fear of terrorism, yet its foreign policy response has not been successful. It has been argued for a long time that Schengen area works as an idea when the area's borders are controlled. The border control is not only between EU member states, but also with non-EU countries. It has not succeeded, instead Angeliki Dimitriadi argues that it is unequal partnership. In 2005 EU started to tie diplomatic relations with countries and Global Approach to Migration and Mobility was created. However, it did not work in planned ways and once again EU returned to its migration policies with strong security agendas, one view again that makes securitization of immigrants visible. EU had issues with the diplomatic relations since there has been problems inside the EU which then affected with the relations between non-EU states. At the same time security agendas have created cooperation. However, according to Dimitriadi it only moves the migrant flows to new routes. One argument is that securitization of the immigrants and the fear coming from it has made European Union to make quick decisions without planning long-term effects³⁰.

However, the diplomatic relations between EU member states and non-EU states have succeeded in making platforms for dialogue. Still, we can conclude from the current refugee crisis that this has not reduced the illegal immigration, one that is seen as a major security threat mainly because of terrorism. Because of this the EU has created new actions to secure Schengen area's 8000 kilometres long land borders and 43000 kilometres of sea borders. It is however impossible to control the whole area and because of this the irregular immigrants move always to new routes when one route becomes monitored by EU. After Arab Spring EU tried to create new actions to maintain security inside EU borders. First, the Schengen Governance Package, done in 2013, gave a

30 Dimitriadi, A. (2016) Deals Without Borders: Europe's Foreign Policy on Migration. [online] Available at: http://www.ecfr.eu/page/-/ECFR-165-DEALS_WITHOUT_BORDERS.pdf

permission for member states to return into internal border control in the case when unexpected amount of people arrive. Securitization of immigration became more important part of EU policies when there was a realization that crisis beyond EU still had an effect on EU ³¹.

After World War II security has been Europe's priority and it has been demanding integration between member states. Since European Union has been expanding to South and East of Europe, also the borders of EU have been moving. Because of this different events causing the refugee crisis are now happening right on the backyard of EU. The European Neighborhood Policy has tried to extend “the benefit of EU integration by means of lowering trade barriers and, crucially, opening borders” ³² with “countries in the Middle East, North Africa, and Eastern Europe” ³³, but the refugee crisis and security concerns caused by it has slowed down, or even stopped the process. The refugee crisis has also caused the rise of Euroscepticism, something that has not been before as visible as nowadays ³⁴.

31 Ibid.

32 Ibid. pg. 78

33 Ibid. pg. 78

34 Ibid. pg. 72, 78, 80

5. Common Immigration policies in EU

There has been a lot of policies done considering immigration policies during the era of European Union. They are policies which are not only a part of the fundamental base of the European Union, but also politically very debatable policies. This paper will describe these policies to create a common picture of how much has been made while trying to regulate the immigration but also how there are responsibilities to every EU states although it does not seem about it all the time.

Especially the refugee crisis that started in 2015 has showed how there are many regulations, but since member states are not legally bound to follow these regulation it is quite clear why member states can easily stop following the regulations: immigrants are easily seen as a security threat and this is why many countries want to limit the amount of immigrants. Terrorism has been lately a lot on the news because of terrorist attacks in Paris, Nice, London or for example Brussels. Because of the nature of the attacks, immigrants are an easy target for hatred and blame. But terrorism is not the only thing that causes negative pictures against immigrants, yet there are also aspects such as economical. Still, European Union has tried to have its member states equally share responsibilities considering immigrants and now this papers will move into introducing these actions.

Single European Act in 1987 gave the rights that include for example right for people inside of European Union to work in every EU state. These rights have given a lot for the EU nationals considering immigration since people have had the the right to move freely. However, third country nationals were not enjoying the same rights but NGOs as well as different business lobbies have intervened into this question and this has lead to a participation in affecting European Commission's and Parliament's policies. Eurocrats have become liberal towards the politics considering third country nationals' rights, but at the same time many national parties believe that they bring security threats. The Hague Programme, gave certain rights for the European Union; European Commission

got the right to independently “propose new laws”³⁵ and also it gained rights for “majority voting in the European Council”³⁶ and so there was not anymore a need for unanimity in voting. This can be seen as a huge lost for Eurosceptic countries and give for more liberal states more benefit than for countries which are against some parts considering certain policies. Immigration and questions considering this have also made national parties rise while questioning different consequences that immigrants may bring. Also, Hague Programme gave more power for the European Parliament³⁷.

These new decisions can be concluded in one way: they took power from national decision-makers and instead gave power for European Union. The immigration is seen very differently in different countries, and it is quite clear that history is one big reason how immigration is seen in different EU member states. Only legal migration did not become a part of these changes and it is greatly important notion. What this means in practice is that national governments still have their sovereignty when it comes to topics such as family reunification and so there is a huge variations inside of European Union considering extremely important political debates. Because of this European Union cannot be seen as an union with shared and common interests, which obviously proves that also it is not as strong as it could. Yet, Hague Programme at the same time became an important factor in areas such as illegal immigration or refugees³⁸ and it is important notion also when discussing about the securitization of immigrants.

The changes in Hague Programme gave for the left governments an easy way to implement their views since left governments had supremacy in European Union. After the success in creating new hate crime and anti-discrimination laws, which can be seen as common values inside of European Union and also important when looking at the immigrants coming to EU, European Commission

35 Houtum, H. & Roos P. The European Union As A Gated Community: The Two-Faced Border And Immigration Regime Of The EU *Antipode* 39.2 (2007): 291-309. Web. pg. 2

36 Ibid. pg. 2

37 Ibid. pg. 2-3

38 Ibid. pg. 3

took a new proposition on their table: it was the Directive Concerning the Status of Third-Country Nationals who are Long-Term Residents. It was mentioned during this proposition how during Tampere European Council in 1999 the member states had agreed (“informally”) how the member states would harmonize to EU policies considering immigration topics. Commission introduced this proposal as a part of a bigger picture when it comes to EU policies considering immigration. Yet, Commission also was not hiding the fact that Tampere Conclusion had not succeeded in many parts as it had assumed. Instead it had given so many freedoms of choices for countries that for example eurosceptic British were supporting some parts of it. Overall, a lot of new positive rights were not created for the immigrants, opposite to what the Commission had wanted. One big prove on how little actual harmonization was done is that considering the immigration policies, countries' responsibilities were signed with a word “may” instead of “shall”. National sovereignty won once again and we may question the whole common European immigration system and even the hole European Union, which has to give freedoms for countries to follow the policies or countries may leave the union - and so we can conclude that the power of EU is quite questionable ³⁹. When countries gain a lot of freedoms it seems quite peculiar that union like EU is even still working. When thinking about the refugee crisis it can also be easily reasoned how some EU member states do not want to take refugees into their countries as much as EU would propose: it is not only expensive but seen also as a security threat and after different terrorist attacks are a big part in believing so and also when we think of events like New Years Eve in Cologne it is clear why there are security fears. EU also lets countries decide by themselves and so securitization of immigrants can strongly effects each member state's policies.

Still something was also agreed on Tampere European Council since family reunification was signed and it is still very important factor in EU immigration policy. Family reunification became a sort of sign of some kind of harmonized immigration policies inside of European Union. The family

39 Ibid. pg. 5-7, 9

reunification was unique in the sense that it changed a lot in many EU countries and yet it was successfully admitted. For example Italy did no changes since their domestic legislation was basically same as the one agreed on Tampere European Council. At the same time Belgium, as well as France, both had more rights than what European Council proposed and so the immigrants had rights taken away in these countries. Especially Belgium had been extremely liberal on family reunification; it for example gave same rights for gay couples as for heterosexuals and the new directive had no mention about this right. Many waiting periods also changed longer in some countries, for example the period when to get a residence permit ⁴⁰. These changes wake up a question that where does the limit go? European Union takes away some freedoms from some countries, which does not seem fair. Countries do not want to seem more desirable for immigrants than other countries and this has caused EU to take for example from gay couples when considering family reunification. Countries move towards EU when it seems desirable for them and when EU may provide security for them and in other situations they are free to move away from the European Union. So, the freedom of choice takes away the credibility from EU.

And so, “ laws governing long-term residents and family reunification are now (despite some exceptions) an area of EU law, bound by EU institutional rules” ⁴¹. This quote still does not show the whole truth. EU member states have been keeping in their own hands for example the whole labor migration, something that is also a very important part of migration policies. Securitization caused by economical topics have been discussed already earlier. The Commission has tried to change certain topics to supranational but it has not quite worked as wanted since countries have not been willing to give up their power. While EU was trying to change the labor immigration regulations, the countries which had similar legislation, United Kingdom and Ireland, had no interest in pushing the EU legislation since they were surviving well without European Union.

40 Ibid. pg. 12-13

41 Ibid. pg. 15

Cooperation can happen on EU-level in these topics, but the countries have zero interest in harmonization. The EU Commission has had some success in making common regulations inside of the European Union, but it is obvious how countries still want in most parts have their own decision-making rights.⁴² So the immigration policies are not as a whole a topic that could be something that can be argued to be clearly EU topic or national topic. This can be confusing and it shows how European Union member states are not agreeing in many issues. Because of this the struggle of refugee and immigration questions which are now on-going is massive: differences in the views by all the countries make it hard to find a common ground and at the same time there should be cooperation which would ease every party involved. However, the confusing policies may push countries away from following them since they have the possibility to do so.

5.1. European Union's Offices for Immigration Policies

DG Migration and Home Affairs is one active part considering migration as well as asylum, but also considering security inside of European Union. They deal with topics such as migration and integration following the migration but then also security questions such as terrorism or threats on European Union's borders⁴³. This is an important part of the whole on-going refugee crisis since fear of terrorists is growing if we think of for example the events in Paris on November 2015. It is interesting to see how the President of the European Commission saw after the attacks as an important factor to mention how refugee crisis should not be mixed up to the terrorist events in Paris⁴⁴. This proves how refugees coming to Europe are feared by many, otherwise statement like this would have not been showed in public. While this was an important notion from the President of European Commission, it does not remove the securitization considering immigrant, but reminds

42 Ibid. pg. 15-16, 18, 20

43 European Commission (2015) Policies. [online] European Commission, Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/index_en.htm

44 European Commission (2015) News. Paris Attacks: the European Union stands united. [online] European Commission. Available at: http://ec.europa.eu/news/2015/11/20151116_en.htm

that it is present.

One very important aspect considering immigration to European Union countries has been the family reunification. It gives for immigrants the possibility to continue their family lives but also makes the integration process easier and so promotes European Union's values when it comes to immigration policies. The Directive on the Right to Family Reunification is, as it can be deduced, a common base for family reunification in EU countries. Basically it is the legal base telling when family reunification is possible and what kind of rights will be given. The basic right under The Directive on the Right to Family Reunification is that non-EU nationals who are legally living in a European Union Country “can bring their spouse, under-age children and the children of their spouse to the EU State in which they are residing”⁴⁵. The regulations are not this strict though, in different circumstances partners who are not married as well as children or elderly people who need to be taken care of may enjoy family reunification⁴⁶. Obviously the possibility to interpret will give the family reunification a right to live on the situation and countries will then use their own views on the topic. Because of this many countries must change the family reunification policies when there are a bigger amount of immigrants coming - just like the situation has been during recent year.

Basically if there are all legal rights for family reunification the family members will get their residence permit and can ask for an autonomous status after five years. However, the family reunification has to take into account the security of public and because of this EU countries has the right to require from non-EU nationals different conditions like for example insurances. The family reunification in EU countries gives for the non-EU nationals also responsibilities to follow the country's regulations where they have arrived; for example there is only right for one spouse and so polygamy is not seen as legal. This reunification works only between for non-EU citizens and the

45 European Commission (2015) Family Reunification. [online] European Commission. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/legal-migration/family-reunification/index_en.htm

46 Ibid.

European Court of Justice demands EU states to follow the regulations so that rights of the immigrants as well as their families are being respected ⁴⁷.

However, it is important to note that family reunification, which has been a success in showing EU values as well as prove of harmonization of EU immigration regulations, has now because of the refugee crisis experienced a blow. For example Finland changed its regulations tighter to become close to new EU regulations considering family reunification. New regulations for example require people with refugee status to apply family reunification within 3 months after the status has been granted. The Finnish Immigration Service writes on their web page how Finland is making the family reunification more strict because of the reason that they want to influence to the reasons why would asylum seeker come to Finland instead of other country and since other European Union member states are making their regulations more tight Finland has to follow them ⁴⁸.

This shows how countries inside of European Union are making their own decisions instead of letting EU set the rules and at the same time they follow EU rules if they benefit from it. Seems like in immigration policies often EU is being listened only when states want to stay in the same strict line as other states are. Obviously there are EU regulations which are followed, but at the same time there are many freedoms for countries and this gives for the countries sovereignty which makes the whole European Union quite questionable.

5.2. Irregular Immigration to European Union

It can be argued that irregular immigration brings a greater security threat, not only to the people

⁴⁷ Ibid.

⁴⁸ Sisäministeriö (2016) Perheenyhdistämisen edellytykset tiukentuvat myös Suomessa [online] Mediatiedote.

Available at:

http://www.intermin.fi/fi/ajankohtaista/uutiset/maahanmuutto/1/0/perheenyhdistamisen_edellytykset_tiukentuvat_m_yos_suomessa_65175?language=fi

who are migrating, but also to European Union which can be incapable keeping track of the people arriving into EU. From 2013 to 2014 there has been 138 per cent increase of immigrants who have arrived irregularly to European Union and the numbers are getting higher now during the refugee crisis. Most of the immigrants who are arriving to European Union in illegal ways are using the help of criminals. This has grown into a world-wide criminal activity called the migrant smuggling. People desperate to leave their homes because of different crisis have turned into getting help from the smugglers ⁴⁹. While smugglers can bring people who are a security threat to European Union's soil at the same time they use questionable ways to smuggle them and so refugees face also huge risks.

More than ten years has the European Union tried to stop migrant smuggling. In 2002 a Directive and Framework Decision were done to help to fight against irregular immigration. These actions try to prevent irregular immigration and also guide EU states to fight against migrant smuggling. This has not stopped however the smuggling threatening human lives. Irregular migration has actually grown, especially by the sea. The Central and Eastern Mediterranean routes have faced an exponential growth during past years: in 2014 220 000 irregular immigrants used this route which means 310 per cent growth from the year 2013. The human lives are not respected on this route and about 3000 people died in the Central and Eastern Mediterranean routes in 2014 ⁵⁰.

The people travelling across the Mediterranean have become sort of a symbol picturing the crisis happening. Accidents causing human lives are part of irregular migration. Smuggling via sea routes is extremely dangerous and because of this actions against it has been done. European Union member states have started cooperation to save irregular migrants from emergencies in the sea, but also cooperation with the European Agency for the Management of Operational Cooperation at the

49 European Commission (2015) Irregular Migration & Return [online] European Commission. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/irregular-migration-return-policy/index_en.htm

50 Ibid.

External Borders is needed ⁵¹. The threat taking possible lives has had an impact of EU member states to cooperate, but it cannot be forgotten how countries with closer to sea, especially the Mediterranean Sea have much more interest in cooperating than countries which are not necessarily in any ways affected by people using this route.

The Commission's an EU Action Plan against Migrant Smuggling has been established to try to not only stop but also prevent the immigrant smuggling. This includes cooperation between countries from which the immigrants leave and to where they arrive. The criminal actions however do not end after the smuggling in many cases, and although European Union has criminalized for example faked documents, still it is happening in many cases. ⁵² Cooperation makes the union stronger, but as mentioned earlier there is not only common goals but countries drive their own benefits as well. If immigrants survive the dangerous trips crossing borders there are still other threats for them. Because of this European Union is not only trying to prevent different forms of exploitations but is also offering help for victims. Job markets in European Union are one factor that pulls non-EU nationals to immigrant illegally to EU countries and they can become easily exploited in the job markets. Because of this EU states have intervened by creating regulations and started to make hiring irregular immigrants hard and punishable ⁵³.

Yet, it is not only smugglers that irregular immigrant use when coming to Europe. Many come to Europe in legal ways but stay illegally. This means that they have gotten a short term visa, but after it has expired the immigrants stay in European Union, often this is because of some economical causes. This has caused EU to collect data, for example by taking fingerprints, to find out is there are irregular immigrants staying inside of European Union's borders ⁵⁴. People who are staying

51 Ibid.

52 Ibid.

53 Ibid.

54 European Commission (2015) Irregular Migration & Return [online] European Commission. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/irregular-migration-return-policy/index_en.htm

illegally in EU cannot be maybe as easily found when needed. They can be the criminals on some cases as well as the victims of the criminals. This may cause huge security threats and all countries must have same goals in preventing them. Because of this preventing crimes must be for all member states something that creates unity and cooperation. In cases like this it is easy to argue that the refugee crisis has made EU more united, yet countries have in so many other areas different interests and this brings out the possible problems.

The Commission is fighting against irregular immigration. It wants to create for each EU country their own possibilities to take part of control of the borders, but also The Commission is seeking to create trustworthy immigration system in the European Union as a whole and create respect of human rights of the immigrants. One important action has been to create laws working across the European Union. Some important parts of this new legislation has been: give more rights and responsibilities for the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX) to improve its work, “Establishing an evaluation mechanism to verify the correct application of the Schengen rules”⁵⁵, create a base where the border control authorities can cooperate and possibly even integrate and create common border control systems, and also laws have been made so that a success in the control of sea borders would work⁵⁶.

5.3. Return Policy

EU Charter of Fundamental Rights as well as encouragement of possible voluntary return are the ground for European Union's humane and workable return policy. The return policy is extremely important and has to be same in all EU countries as a part of coherent immigration policy. This is why European Union is trying to create a common Return Directive which does not only guide each

⁵⁵ Ibid.

⁵⁶ Ibid.

country's exertions in battle of irregular immigration but also gives shared rules for EU countries to deal with illegal immigrants. It works closely with the Asylum, Migration and Integration Fund. One challenge with the return policy is that also non-EU countries has to cooperate with European Union so that the returns will happen in humane and effective ways. ⁵⁷

Schengen rules have included also return policy. The Commission with the help of different specialists is trying to monitor this return policy. "So far the Commission has been formally authorised to negotiate EU readmission agreements with Russia, Morocco, Pakistan, Sri Lanka, Ukraine, the Chinese Special Administrative Regions of Hong Kong and Macao, Algeria, Turkey, Albania, China, Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Bosnia-Herzegovina, the Republic of Moldova, Georgia, Cape Verde, Tunisia, Armenia, Azerbaijan and Belarus... [and]... Agreements with the two Chinese Special Administrative Regions, Sri Lanka, Russia, Ukraine, the Western Balkan countries, the Republic of Moldova, Georgia Turkey, Armenia, Azerbaijan, Cape Verde and Pakistan have entered into force." ⁵⁸ The Commission has made important work on this, at it would be hard to find reasons why member states would act against return policy.

5.4. Legal Rights for Asylum

When a person is being persecuted or in any other ways may confront a serious threat where this person is living, then this person should get an asylum. Since the 1951 Geneva Convention of the protection of the refugees the asylum has been recognized as a human right and so all countries are obligated to give one when needed. Since European Union has a free movement of people inside of its borders, should the European Union states share the same moral obligations and have shared

⁵⁷ Ibid.

⁵⁸ Ibid.

rules in granting asylum. This means that the methods considering granting asylums need to work in fair and efficient ways in EU countries and be impossible for any kind of exploitation. Because of these goals the Common European Asylum System has been agreed on ⁵⁹.

There has been talks considering the Common European Asylum System already in 1999 as well as developing the politics about asylum in European Union. From 1999 to 2005 there were several laws harmonized inside of EU considering asylum and also certain common standards were agreed on. European Refugee Fund was established to give shared financial aid and Temporary Protection Directive was created to help people in need. During this time however there was not actual crisis going on, which obviously made agreeing on something easier. Family Reunification was part of these pacts. This was followed a Green Paper that showed how well new instruments had worked and it gave directions for European Commission's Policy Plan on Asylum. It basically deals with the same topics as the Common European Asylum System already was managing: topics such as the harmonization, cooperation inside of European Union as well as between EU and non-EU countries, and moral liabilities. These new rules set to European Union:

- The revised Asylum Procedures Directive:
 - its goal is to make the decisions as conveniently as possible
- The revised Reception Conditions Directive:
 - its goal is that for example housing is available for the asylum seekers
- The revised Qualification Directive:
 - its goal is to ensure the international protection mentioned earlier ⁶⁰
- Before a person can enjoy the rights given by The Qualification Directive that person must

59 European Commission (2015) Common European Asylum System [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

60 Ibid.

be given the status of a refugee. In addition to the international protection the Qualification Directive also takes care of different rights for refugees that are part of protective manners, for example rights of the children. Before the international protection was mainly in the hands of every state and this caused obvious problems of interpretation. Now with the harmonization the courts' decisions inside of EU should treat the questions considering asylum seekers in same ways.⁶¹

- The revised Dublin Regulation:
 - its goal is to give rules and regulations considering states' responsibilities
- The revised EURODAC:
 - gives a access in serious circumstances to asylum seeker's fingerprints.⁶²

The uniqueness of the region of Europe can be proven when looking more into detail with the legal rights and actions done considering asylum policies. European Union is an union where all member states become responsible to implement the obligations from the Status of the Refugees, convention 1915. The European decision-makers made policies from the convention 1915 that became part of the asylum policies. The immigration and asylum policies have also become an important requirement for possible new member states; they have to have the common ground which are in the level of the European Union and also they have to be willing to make changes to their legislation and take European Union's asylum laws as part of their national laws.⁶³

The relationships between different European countries also play a big role in understanding the

61 European Commission (2015) Who qualifies for international protection. [online] European Commission. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/refugee-status/index_en.htm

62 European Commission (2015) Common European Asylum System [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

63 Mayda, Anna Maria. "Who Is Against Immigration? A Cross-Country Investigation Of Individual Attitudes Toward Immigrants." *Review of Economics and Statistics*. 88.3 (2006): 510-530. Web. pg. 355-356

asylum laws. Many states are affected a lot by their neighbouring countries when it comes to asylum goals. Different countries want different things and are also affected by other states close-by. Countries do not necessarily take asylum policies to their legislation immediately but states around have an effect how the asylum questions are dealt with. Although bilateral and multilateral relations are both important part of European Union, has the bilateral effects considering asylum policies became a more important part of asylum policies. Many countries have made their asylum policies strict from the simple reason that they are afraid that otherwise asylum seekers move from the neighbouring countries to countries that are more convenient and easier for them. As already mentioned earlier, this has caused that domestic policy makers take from neighbouring countries asylum policies if they are more strict. For example to Austria this has meant that from their Eastern border asylum seekers have often moved to Austria which has less strict policies and this has obviously caused for Austria sort of problematic consequences ⁶⁴.

The Amsterdam Treaty is one important factor in creating a common asylum system in European Union. From 1985 the treaty has been doing actions to improve the asylum policies in the same way as it is still done: to better national law and harmonize asylum policies between member states. Three stages were included to succeed in these goals: formative, transformative and reform stages. Firstly, during formative stage the asylum policies were planned in domestic level. This was followed the transformative stage, in which obviously these policies were integrated to the European level. Now, the reform stage is happening in which the asylum policies are compared and integrated and harmonized to European Union level. In the beginning, during formative stage, asylum policies became a legal part of West Europe's states' legislation. Strict refugee laws were done in domestic level to take part on something seen as “domestic problem”. Asylum policies were comprised at domestic level as an overload. Asylum seekers suffered from procedures that were shortened and so maybe not as convenient as needed as well as groundless explanations why the

64 Ibid. pg. 357-360

asylum seekers did not need the asylum they were seeking. At the beginning of 90's many countries tried to regionalize these asylum policies ⁶⁵. However, while asylum policies are tried to harmonized on EU level, at the moment it seems that a lot of countries are actually trying to make their policies more sovereign. Fear can cause this, but also views on seeing EU as insufficient and unreliable power when it comes to immigration policies.

The Danish Clause was part of formative stage of asylum policies. Danish Clause means that an asylum seeker can be removed from one country to a third country if there was a possibility that protection could be available at the third country. The third country rule became very popular immediately since all countries wanted to have the option of transferring asylum seekers instead of taking all them. The European Court of Human Rights as well as national courts knowledge that the international law can easily be against the third country rule, but yet the rule has succeeded very well. States have done very little changes since, main actions have been implementing neighbouring states' legislation ⁶⁶.

From 1990 until 1999, which is in practice the time period between Dublin and Schengen Conventions until the Amsterdam Treaty, asylum policies were done behind public's eyes and they were part of domestic legislation. Mainly it was considered to be the concept of soft law. These policies had different layers on them, part taken from European practices; for example practices considering the arrivals of asylum seekers or what kind of aid will be given to them. While the harmonized asylum policies had a lot of challenges, it still started to develop. Chapter VII in Schengen convention had different “binding legal obligations” ⁶⁷ considering asylum policies which then became part of the asylum policies, helped with the harmonization and shared the responsibilities equally. The treaties has a very simple goal; to establish a common ground for

65 Ibid. pg. 358-359

66 Ibid. pg. 360-363

67 Ibid. pg. 362

member states to follow so that asylum seekers would get fair treatments in respect of their human rights ⁶⁸.

During the transformative stage first the member states still had some options and freedoms to use their domestic policy decisions. However, it has now changed and the asylum policies should happen on European Union level instead of domestic level. This means in practice that EU gives for its member states the obligations that they need to follow. The European Commission has had the leading role in creating these regulations to Amsterdam Treaty. Commission's proposals have also been made into better or less strict, and the interesting part is that many member states actually have affected on the proposals more than the proposals have affected on the member states. This was only the benefit for Western European states – the states that were only EU applicants had no saying on the asylum policies. So the applicant countries had no other choice than to take the asylum policies part of theirs when they were also doing the democratization processes to support them in joining the European Union ⁶⁹. This obviously has lead asylum policies to be for some countries undesirable and for other countries the best possible deal. This makes the rules in EU unequal and may cause a turn into sovereign policy solutions.

5.5. Green Paper

In 2007 Green Paper included for example following topics; European Union became one area for all refugees to receive protection needed. Geneva Convention and EU member states' values are all part of the Green Paper. For bettering Common European Asylum System Green Paper is trying to recognize possible legal ways to develop it. During Tampere Programme, confirmed by the Hague Programme, the shared EU asylum politics were done. The basic idea is, as mentioned before, to

68 Ibid. pg. 362-363

69 Ibid. pg. 365-366, 368-369

have a common rules all over EU member states so that the asylum seekers will get the protection needed and if not, are still treated in fair manners. “The goal pursued in the first stage was to harmonise Member States' legal frameworks on the basis of common minimum standards ensuring fairness, efficiency, and transparency”⁷⁰. It is Commission's job to follow that these laws are followed in all member states⁷¹.

The Green Paper has named as its second phase that all EU member states have to have same way to deal with the process in which asylum seeker is searching an asylum until it has been decided if that person needs protection. The asylum seekers must be able to have their explanations heard and get a respond from the EU and all parties involved have to take care of their responsibilities. All states must have their own officials who take care of the success of asylum seekers.⁷²

As we have seen during history and also now we are witnessing again, the amount of asylum seekers is changing all the time. Also, the asylum seekers are not applying asylum evenly across the European Union states. Still because of shared values should all European Union states be ready to treat asylum seekers in same respectful ways⁷³. Hungary case, or the situation in Greece has proven it differently. The on-going refugee crisis has exposed many cases where asylum seekers have not treated in the ways that EU has regulated and expected. What this shows is that although good intentions have been made, every country independently does their actions how to deal with asylum seekers and it may not always be as fair and good as expected. The member states seem not to be bothered to follow the rules in some cases and this can have inhumane treatment of the asylum seekers. There are multiple reasons for this, one being that securitization of immigrants has created a fear towards immigrants.

70 Byrne, R. , Noll, G., and Vedsted-Hansen, J. Understanding Refugee Law In An Enlarged European Union. *SSRN Electronic Journal*. Web. pg. 2

71 Ibid. pg. 2

72 Ibid. pg. 2

73 European Commission (2015) Common European Asylum System [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

The burden of the amount of refugees is for some countries much more challenging than for others. Since into some territories there comes more refugees than to others and also since EU member states are not identical, the challenges the countries face vary greatly. Because of this the EU countries should together via cooperation deal with these issues. The European Refugee Fund is one important part of the solidarity shared between EU member states. The European Refugee Fund helps countries to give a fair treatment in asylum seeking processes and also takes part in resettlement and integration. In addition to these, the European Refugee Fund gives support when unexpected refugee flows arrive. However, during the on-going crisis it is not so simple any more since challenges that EU is facing are much more than how it has been earlier. The only EU member state which is not part of The European Refugee Fund is Denmark ⁷⁴. Although only one country is missing, it shows the freedom of choice and in the future many countries which want to leave their responsibilities, for example because of the fear what asylum seekers can bring to their countries, can do it.

The important actions of the European Refugee Fund includes the help in building accommodations and other infrastructures for immigrants, take part in offering guidance for asylum procedures, also help for refugees and asylum seekers in issues like legal help and take part in giving integration related help like language courses and also “resettlement or relocation (i.e. intra-EU transfer) operations, etc.” ⁷⁵

The changing flows of refugees to European Union were the reason that EU in 2001 created the Directive on Temporary Protection. It was claimed during the 90's after crisis in Kosovo and Yugoslavia that there may appear huge floods of refugees to EU and to this scenario temporary

74 European Commission (2014) Refugee Fund [online]. Available at: http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/refugee-fund/index_en.htm

75 Ibid.

protection was needed. Temporary protection gives, as its name claims, temporary protection immediately for people coming from countries where they are not capable to return during that time because of various reasons. Especially when there is a huge group of people arriving to European Union can temporary protection be needed to give fast results. ⁷⁶

European Union has two reasons for the creation of the Directive on Temporary Protection. First of all, the differences between EU countries when there is a mass of refugees arriving can be excluded when everyone follows the directive. Also, the second reason is that under this directive all EU countries share same responsibilities in the event of mass influx. Basically the directive is the guideline when temporary protection must continue and when not. It also gives certain rights that temporary protected refugees need, such as housing, medical help, social care and schooling, etc. For EU countries it gives the shared values and guides when a person will not receive and asylum also. The directive gives for EU countries the right to transfer these refugees but the transfer countries must do it voluntarily ⁷⁷.

EU Regional Protection Programmes and Resettlements schemes has been created to guide EU countries with the cooperation with non-EU countries considering flows of asylum seekers. The Regional Protection Programmes try to make non-EU countries to have better conditions for refugees, this includes countries where the asylum seekers are leaving as well as countries where they are trying to get an asylum. This includes knowledge exchange considering things like integration, also economical help and for example protection. These actions should ease the procedures and make them more convenient for everyone ⁷⁸.

76 European Commission (2015) Temporary protection. [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/temporary-protection/index_en.htm

77 Ibid.

78 European Commission (2015) External aspects [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/external-aspects/index_en.htm

The Regional Protection Programmes have been done in cooperation with Commission, EU member states, the United Nations High Commissioner for Refugees and countries that get more refugees than EU, countries where refugees leave and countries where refugees come. “The first two Regional Protection Programmes targeted Eastern Europe (in particular Belarus, the Republic of Moldova and Ukraine) as a region of transit and the African Great Lakes Region (particularly Tanzania) as a region of origin. In 2010, the Commission decided to prolong the Regional Protection Programmes in Eastern Europe and in Tanzania and to apply the Regional Protection Programme concept to two new regions: the Horn of Africa (including Kenya, Yemen and Djibouti) and eastern North Africa (Egypt, Libya and Tunisia)”⁷⁹. The important parts of these programmes include shared values considering resettlement and financially give right kind of aid. Also cooperation as well as sharing and developing refugee policies occurs thanks to the programmes and yearly the commission can review and change the policies.⁸⁰

5.6. Differences between EU States

Although there are common EU rules considering the asylum policies, member states are also mainly thinking themselves. This has created its own challenges. EU member states have different views on the security threats and immigrants are securitized in very different ways in different countries. The labour market is one example: member states have own rules and regulations when can asylum seekers enter into the labour market. Also there are differences of what kind of economical help, as well as for example health care, asylum seekers can get. It can be linked to labour market differences since without a job the immigrants are dependent on the social help of the country they are staying. The harmonization of member states' refugee policies need to be deeper so that the rights for asylum seekers would be same across European Union.. In practice this would

79 Ibid.

80 Ibid.

mean that the member states should not have such many options in interpreting the legal frameworks considering what kinds of rights asylum seekers can get as well as what kind of rights can be taken away from them. Other possible option to make the harmonization better could be that the statuses given to refugees and protection seekers would all be the same. This would put the asylum seekers all in one same category and also it would be more clear when a person would be protected – not because of law – but because of the status would give for member states an obligation. Also there should be common rules how to deal with people who under legislation would not get protection but who should not be removed because of human rights. To these cases a guidance could be found from the European Court of Human Rights. The harmonized regulations considering asylum seekers would make it easier for the beneficiary of protection to have rights when changing a country inside of European Union. These legal decisions should be discussed between all member states⁸¹. But since member states have very different ways to follow EU rules and also very different views to take asylum seekers to their countries it is quite obvious how they may want to drive their own benefits.

The asylum seekers with special needs are not yet clearly identified in all member states and that is why the member states also are lacking in giving response to needed disabilities. One big issue that should be more taken into consideration is to give proper counselling since a lot of asylum seekers are traumatized and psychologically as well as physically often hurt. Also “appropriate interview techniques”⁸² should be used for example with children to succeed in asylum procedures. Everyone involved with these procedures, from doctors to interpreters, should be trained with a program working in the EU level to achieve wanted results with the asylum seekers. This would also make it easier for EU member states to practice things such as the information exchange when all states would have the similar ways in dealing these challenges and also all EU states would treat the

81 Byrne, R. , Noll, G., and Vedsted-Hansen, J. Understanding Refugee Law In An Enlarged European Union. *SSRN Electronic Journal*. Web. pg. 4-6

82 Ibid. pg. 7

people who need specific kind of help in fair and same ways⁸³. In practise it is not so simple since the member states vary a lot from each other and so while one country may be willing to do everything proposed, there is another that is not.

The Council Directive 2003/109/EC, The Long-Term Residents Directive, is suggesting EU member states in similar ways to integrate the persons who are in an a need of international protection. What this means in practice is that there should be improvement in “the standards prescribed by the Qualification Directive regarding the integration of beneficiaries of subsidiary protection and on developing integration programmes designed to take into account the specific needs (in terms for example of housing and access to healthcare and social services)”⁸⁴ and also include persons needing international protection. All representatives of professions who are dealing with asylum seekers should have the same inter-cultural knowledge. At the same time integration should be enhanced for the asylum seekers with different integration facilitation programs. Yet, while some member states have a long history of dealing with asylum seekers, some countries have not. The Hague Programme has been calling for different kind of actions that ease different asylum seeking processes. Eurasil, Commission's expert group, is following different actions which could help on developing member states cooperation. The next thing that EU member states should think of is how to improve the cooperation between member states to make the asylum seeking process much better. As mentioned before, general guidelines and harmonized legislation are needed⁸⁵.

83 Ibid. pg. 7

84 Ibid. pg. 9

85 Ibid. pg. 9

5.7. The Dublin System

The Dublin Regulation gave for Member States the responsibilities considering asylum. It first meant that the country where asylum seekers enter is responsible from that person. In practice this state has to conclude the whole asylum process. The regulation entered into force in July 2013 and it gives the people under Dublin system the same rights as well as responsibilities. These rights are for example an interview that all EU member states need to offer for their asylum seekers. Under Dublin system Eurodac files has been formed, which means that fingerprints are taken from the asylum seekers in the country where he or she first arrives. This has been harmonized EU regulation⁸⁶.

The Dublin II regulation rule responsibilities for countries and it involves Switzerland, Norway and Iceland to the Dublin system. All countries under this regulation give the same claims for asylum status. Countries' national laws have to include the minimum standards from the regulation.⁸⁷

The Dublin system is not a some sort of burden sharing system but it was created to make asylum policies convenient. The main goal of this system is that it gives rules for the member state which deals a person's asylum application in a right way as well as does not “allow secondary movement”⁸⁸. According to Evaluation Report done in 2007 by many parts the Dublin system has achieved the wanted goal, however secondary movement has been problematic⁸⁹. Many asylum seekers do not stay in the country that they enter, but often illegally continue their trip, this is what secondary movement is all about. It creates many security threats, not only for the asylum seekers who may be

86 European Council on Refuges and Exiles (2015) The Dublin Regulation [online] Available at <http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

87 UNHCR(2011) Refugee Protection and Mixed Migration: The 10-Point Plan in action. [online] Available at; <http://www.unhcr.org/50a4c1c39.pdf> pg. 217-218

88 Byrne, R. , Noll, G., and Vedsted-Hansen, J. Understanding Refugee Law In An Enlarged European Union. *SSRN Electronic Journal*. Web. pg. 4

89 Ibid. pg. 4-6, 10

smuggled in suspicious and dangerous ways, but also to countries where the movement is happening since common fear of terrorists and criminals spreading through secondary movement is a current worry. Also, refugees moving from one country to another may have issues getting the protection needed since it can be unclear for all parties where that person arrived and which country should then offer help. Countries may be driven into conflicts with each other in unclear situations who should take the responsibility⁹⁰. Since the Dublin Regulation is quite new, it is still hard to measure its success yet considering these issues. A study 'Dublin II Regulation: Lives on Hold' is in many ways criticizing the Dublin II Regulation. The report sees the whole system as injuring the refugees. One major issue is how Dublin slows down the whole process of asylum seeking and may in some cases even make the hearing process non-existent. Other issues include for example the families to be separated or forcing a refugee to live in a country where he or she has no connection and then hamper the integration. Court cases have become visible because of the problems caused by Dublin regulation. European Council on Refugees and Exiles mentions a court case M.S.S. V Belgium & Greece as an example on how Belgium's decision to send asylum seeker to Greece because of Dublin Regulation was not only unfair, but also a violation of Human Rights. These kind of exception cases can cause serious end results. There are other similar cases which prove that every case should be examined separately to see if Dublin Regulation can be used⁹¹.

A positive thing is that with the help of Dublin system there has been a balanced moving of asylum seekers between member states, so all asylum seekers do not just go to apply asylum from a country with best 'offers'. However, problem is that countries situated in certain geographical locations suffer from Dublin system since they are not capable on taking care of massive flows of asylum seekers that the countries get⁹². Other interesting 'trend' has been how countries may let asylum

90 UNHCR(2011) Refugee Protection and Mixed Migration: The 10-Point Plan in action. [online] Available at; <http://www.unhcr.org/50a4c1c39.pdf> pg. 210

91 European Council on Refugees and Exiles (2015) The Dublin Regulation [online] Available at <http://www.ecre.org/topics/areas-of-work/protection-in-europe/10-dublin-regulation.html>

92 Byrne, R. , Noll, G., and Vedsted-Hansen, J. Understanding Refugee Law In An Enlarged European Union. *SSRN Electronic Journal*. Web. pg. 4-6 pg. 10

seekers to continue their travels without taking fingerprints so that they will not be responsible from the asylum seekers. This, again, gives for the member states a possibility not to follow the rules EU is giving and also can be argued to bring security threats.

5.7.1. Resettlement

Resettlement policy is an important part of EU asylum policy to have a workable share of responsibility. It also gives directions for all member states on how to deal with asylum policies. The resettlement shows how EU member states are willing to take responsibility all in same ways. However the resettlement policy needs commitments and actions taken by everyone. The Commission is for example trying to solve financial issues for resettlement policy and make it easier for the member states to participate in asylum policies. The other important assistance from the Commission is to help member states when they are facing a unexpected flows of refugees and the member states have problem in solving these issue ⁹³. This is something that is now very current. On September 2015 the European Union had to deal with 120 000 people's resettlement. While NGOs saw the negotiations as European Union's try to solve the massive issue with refugee crisis, some countries saw that their sovereignty was hurt during the negotiations. As it has been mentioned already, the differences between European Union member states once again rose into everyone's attention while countries had very contradictory views considering the resettlement as well as the refugee crisis as a whole. While even United Nations had warned that the European unity may be destroyed, European Union decision-makers still had a vote to share the refugees fairly among member states."Czech Republic, Hungary, Romania and Slovakia" ⁹⁴ were against the resettlement and analyzed the voting process as Western European countries' "bullying" ⁹⁵. The two

93 Ibid. pg. 13-14

94 Traynor, Ian and Patrick Kingsley. EU Governments Push Through Divisive Deal To Share 120,000 Refugees. *The Guardian* [online] Available at: https://www.theguardian.com/world/2015/sep/22/eu-governments-divisive-quotas-deal-share-120000-refugees_

95 Ibid.

camps made Eastern European countries doubt on the power of European Union and question how much can EU decide on behalf of national governments. It is interesting to see how Eastern European countries demonstrated against the voting result although Germany and France were willing to take most of the refugees into their territories. EU stepped into the toes of certain countries and may have lost credibility in these countries. While Eastern European countries' politicians complained about the end result, at the same time Western European's politicians praised the unity in European Union and the voting as a proof of a common goals of the Europe. Hungarian government spokesman Kovács claimed that people (asylum seekers) cannot be kept in a country where they do not wish to be. This is a valid point, yet it can also be excuse in letting people move away from Eastern Europe. While EU was admired from finding a common solution, at least by most of the member states, at the same time UN highlighted that this amount of people is not all the refugees and there will be more challenges as long as refugee flow keep coming to EU soil. It is quite questionable if EU can find solution when already the first resettlement negotiations divided EU member states into two clear camps. UNHCR spokeswoman questioned the EU's resettlement policy immediately by stating that the numbers are way too small. Also, once again the European Union's problematic decision-making became visible; although draft was made a lot was not agreed on. And, at the same time Britain has simply declined from the resettlement deal ⁹⁶. The differences between member states while facing a crisis as large as the refugee crisis 2015 can not only cause disobedience by member states against European Union but also a destruction of the whole European Union. The uniqueness of the union makes it vulnerable when member states have very different views and at the same time the union tries to save human lives. The resettlement program is one proof more how European Union is not capable on making a common system to battle major crisis like this one. There are several reasons for disobedience of the member states, but a securitization of immigrants is definitely one of them; they are not only seen as a security threat, but also a threat to economy of culture.

96 Ibid.

6. 9/11 effects on European Union

We will now take a closer look to events which have changes European Union's immigration policies, fear caused by the securitization of immigrants is one major reason for this. The Research Institute for European and American Studies (RIEAS) has analysed Europe's and America's relations as well as terrorism and has done a research *The European Union Post 9/11 Counter-Terror Policy Response: an Overview*. 9/11 was a trigger for the European Union to create counter-terrorism policies, but Madrid and London made the policies its priority and European Union became the leading organization to create cooperation between European countries in counter-terrorism. The 9/11 started a discussion which does not only include cooperation against terrorism but possible radicalization inside EU's borders. After 9/11 the 2002 Framework decision on Joint Investigation Teams and the 2002 Council Recommendation to set up Multi-national Ad-hoc Teams for Gathering and Exchanging Information on Terrorism were both established. The 2002 Council Framework Decision on the European Arrest Warrant, also followed by 9/11, did create between European countries a judicial cooperation. Also in 2002 the 2002 Framework Decision on Terrorism was created and it gave a clear Europe-wide definition about terrorism ⁹⁷.

When immigration became an important topic in the 80's and 90's and also a political discussion for European Union, it did not mean that it was compounded with terrorism in any way. The important change in European Union's immigration policies became on May 2004 when Amsterdam Treaty legislation was introduced. It made the post-9/11 legislation binding. There was also securitization of immigrants during that time, and although most of the treaty was about rights of the immigrants, there were also security threats noted. Before 9/11 there were different treaties considering immigration and illegal immigration ⁹⁸ as mentioned in the previous chapters.

⁹⁷ Argomaniz, J. *The European Union Post 9/11 Counter-Terror Policy Response: an Overview*. *Research Institute for European and American Studies (RIEAS)*, research paper No. 140. (210): 1-22. Web. pg. 4-5, 7, 9

⁹⁸ Schlentz, D. Did 9/11 Matter? Securitization of asylum and immigration in the European Union in the period from

Although we are discussing how 9/11 affected on European Union, it is important to note that after Terrorisme, Radicalisme, Extremisme et Violence Internationale formed the Ad Hoc Working Group on Asylum and Immigration became immigration policies more security than humanitarian issues. According to Dace Schlenz the securitization of immigrants is visible before 9/11 in “(1) politics, policy-making and legislation, (2) technological solutions and (3) institutional, administrative and operational practices and set-ups”⁹⁹. In the first area the securitization can be recognized in five different ways; European Union did note the connection between security and immigration on the treaty of establishing EU, there were harmonization efforts made considering immigrants, securitization of immigrants became a part of foreign affairs, border security as well as visa requirements became part of EU politics and a fight against illegal immigration started. In technological sense there was a creation of data systems for immigrants. The institutional, administrative and operational practices and set-ups obviously mean that different bodies for immigration policies and coordinating them were created¹⁰⁰.

These three different areas mentioned in the previous paragraph are then analysed after the 9/11. In politics, policy-making and legislation changes were done immediately after the attacks. Nine days after the attack EU Council called in an extra meeting where the supervision of the external borders of EU was discussed and tightened. During this time immigrants were linked to terrorists. The events of 9/11 were described in emotional ways in EU meetings, and the language which was used was also very sensitive and personal. In December 2001 European Commission gave out Working Paper in which it stated that asylum seekers should not be seen as terrorists but that at the same time that terrorists should not be able to arrive to EU soil. It is important to note that the Council made articles considering how asylum seekers have to be well investigate before granting refugee status

1992 to 2008. *Refugee Studies Centre, working paper series no.56*. (2010): 1-42. Web. pg. 11-14

99 Ibid. pg. 17

100 Ibid. pg. 17, 19-20

in a case of being a possible terrorist; this made a clear connection between terrorism and immigration. After the 9/11 there was changes in securitization of immigrants, although it had been present before in some levels; after 9/11 immigration became directly linked to terrorism. The Pact on Immigration and Asylum as well as the Report on Implementation of the European Security Strategy both noted how immigration was a serious threat to the security of European Union and how EU has to fight against possible terrorism. The most important topics discussed about illegal immigration as well as border security which proves the securitization. In 2002 a Comprehensive Action Plan was made, and it concentrated completely on fighting against illegal immigration, which was tied close to terrorism. Also returns, forced as well as voluntary became an important political debate. In 2007 also the Council of the European Union stated how illegal immigrants have been in a major role in terrorism. The Treaty of Prum also securitized immigration by stating that illegal immigration as well as terrorism are the most important topics and cooperation between seven member states was created to fight against these issues ¹⁰¹.

As for technological solutions after 9/11, a new Schengen Information System II was created. It included fingerprints as well as other data and gave a permission for Eurojust and Europol to enter the data because it became more a fight against terrorism. Also SISone4ALL was created to give a database for old and new Schengen area, securiticizing even more the immigration. Eurodac became in 2003 a working program, creating a new database. Also ICONet became a part of intelligence change online in 2005. The Visa Information System, VIS, was created purely because of 9/11. While VIS gives the knowledge about visas, at the same time it operates with SIS, giving an overall picture of the third country nationals ¹⁰².

As for the Institutional, administrative and operational set-ups and practices, they have not

101 Ibid. pg. 20-23

102 Ibid. pg. 25-27

experienced as major changes. Cooperation has become more vivid for example with border control. Frontex became one important actor on the border control. Also Immigration Liaison Officers was created as a body which seeks information about the immigrants ¹⁰³.

To conclude from this, we can argue that 9/11 added security questions on immigration in European Union and because of the event European Union made several changes on its policies. In quantitative changes can be noted that different new politics and legislation were added to European Union Member State's policies while qualitative changes included the politicization of immigrants and discussion about illegal immigrants. At the same time the securitization of immigrants has created a common threat for EU member states to have ¹⁰⁴.

103 Ibid. pg. 27-29

104 Ibid. pg. 31-32

7. The refugee crisis

I will concentrate now on the refugee crisis in Europe and how the European decision-makers have issues to deal with the crisis as well as what kind of policy changes have been done, some of them due to the securitization. The flow of refugees has been massive, especially from Syria, since thousands of people are every day arriving to Europe. European Union has been struggling in finding solutions to the issue ¹⁰⁵. According to the United Nations Refugee Agency the number of refugees in 2015 rose to 911 000 refugees in the December 2015. The United nations have defined a refugee and most of the people arriving to Europe at the moment go under this definition ¹⁰⁶.

Germany has an outstanding number in taking refugees and it can be seen as taking most of the burden from other European Union countries since there are many other countries the same size as Germany, yet not willing to take as many asylum seekers. If Germany was not willing to do this, the European Union would suffer even worse loose of credibility; Germany is one of the abutments in EU. UK has taken very little amount of refugees but overall the UK's euroscepticism and the on-going events of Brexit has not made UK to seem as a country that has an interests in even keeping EU as a whole ¹⁰⁷.

Most of the refugees arriving at the moment are men. It has been counted that the refugees are mostly arriving by boats from the Mediterranean route and from there arrived mostly to Greece or Turkey. This route has taken lives of many when the smuggling boats have sank because of the

105 Mchugh, J. (2015) Refugee Crisis 2015 Explained: Who Is Coming To Europe; Where They're Headed And Why. *International Business Times*. [online] Available at: <http://www.ibtimes.com/refugee-crisis-2015-explained-who-coming-europe-where-theyre-headed-why-2112352>

106 Spindler, W. (2015) 2015: The Year of Europe's Refugee Crisis [online] Available at: <http://tracks.unhcr.org/2015/12/2015-the-year-of-europes-refugee-crisis/>

107 Mchugh, J. (2015) Refugee Crisis 2015 Explained: Who Is Coming To Europe; Where They're Headed And Why. *International Business Times*. [online] Available at: <http://www.ibtimes.com/refugee-crisis-2015-explained-who-coming-europe-where-theyre-headed-why-2112352>

heavy weight of many refugees or because of crash of boats. After European countries have started to close their borders because of the refugee flows, have refugees started to favor more of the extremely dangerous sea routes. For example the wall built to the Hungary's border is taking away lives since refugees trying to reach Western Europe desperately use more dangerous routes. Balkans route has lost its popularity while countries have made border crossing more challenging ¹⁰⁸.

Countries such as Sweden, Germany and United Kingdom are mostly the wanted destinations by the refugees from obvious reasons like the economy or social welfare of the countries. UK is high in the list also because of the opportunity to use English as preferred language, yet the politicians in UK are not excited in taking refugees. Germany has received the most asylum seekers and it is no wonder that it is one of the top destinations of refugees since the German politicians have been talking about liberal refugee policies in keeping their borders open. However, Germany has after these statements closed its borders with Austria ¹⁰⁹.

The International Business Times makes a distinction between Eastern and Western Europe in refugee policies. Eastern Europe in this sense includes countries which are for refugees mainly transit countries. While Eastern European countries can be said to have more negative view on refugee policies, at the same time Western European countries are in some sense trying to create a common burden sharing program that would be fair and equal inside of European Union. Also criticism has issued from public, especially since many European countries have had lately economic problems and use of money to third country nationals seems unfair. Economic issues has also been given as the reason for closed borders in Eastern Europe – in addition to fear for the national security for example because of possible terrorism ¹¹⁰.

108Ibid.

109Ibid.

110Ibid.

Next we will view certain events listed by United Nations Refugee Agency as important news from 2015 refugee crisis, which proves the dangers the asylum seekers are facing and how horrible events have to occur before certain seriousness will be taken and cooperation will be created. On April more than 600 people drowned on their way from Libya to Italy. People were shocked when witnessing the event and also the event woke up European authorities and cooperation in sea to secure peoples' lives and preventing this kind of shocking things to happen was established. Next Austrian authorities found refrigeration truck and inside of it 71 dead refugees. These people had been victims of smuggling and because of that deeper cooperation between European police forces as well as other agencies was promoted. On September media filled with pictures of dead Syrian child and it fast became a sort of a symbol of the struggles people are facing while crossing the sea. The picture was very powerful and impassioned and it made policy makers to make statements about how they will start to operate so that there will not be more of these sad events. Ironically, before this picture and those statements, already more than 2600 people had died in similar ways as the Syrian child. Also on September over 1000 refugees decided to go by foot from Budapest to Austria after Hungary had declined in providing trains for the refugees. Later Hungary however offered bus rides for the tired walkers and Austria as well as Germany were praised from letting refugees to enter their countries. At the same time Hungary finished its fence between Serbian border, closing the movement to European Union from their side. Criticism was extremely strong since the illegal ways to enter into European Union was believed to grow after this, and setting danger the victims of smugglers as well as EU security. On October the relocation from Italy and Greece started, an event analysed already in this thesis as an important part in examining the European Union's responses ¹¹¹. The media showing asylum seekers in dangerous situations may cause same kind of interests as showing them as criminals and so the public can easily start demanding EU to have better actions in saving lives of thousands of people.

111Spindler, W. (2015) 2015: The Year of Europe's Refugee Crisis [online] Available at: <http://tracks.unhcr.org/2015/12/2015-the-year-of-europes-refugee-crisis/>

7.1. The refugee crisis effects on EU

Since the European refugee crisis started, Commission responded with a ten point plan enjoying the support from the European Parliament and the European Council. However, the plan was inadequate and Commission is awaking questions can it deal with the crisis. First actions had nothing to do with the securitization of immigrants, but more about human security; tragedies in Mediterranean Sea caused the creation of Frontex joint-operations Triton and Poseidon to save migrants lives in the sea. Also migrant smuggling was intervened, this is definitely because of human security but also irregular immigration causes the issue of people coming into European soil and being possible security threat. Also EU external cooperation assistance has been created and budgeted so that EU can give information sharing with third countries with an aim to create peace and stability to slow down the migration flows ¹¹².

EU also wanted to export the Integrated Border Management to other countries in a hope to help managing immigration flows, but it has not been very successful with the exporting. In the Mediterranean region the flow of refugees became into attention in 2014 and 2015 and the question considering security became a topic in European Union because of this. The incipient refugee crisis made European Union create military cooperation. The main focus was to fight against migrant smuggling with the help of army. Dimitriadi criticized that instead of this, the EU should have put the main focus on how to get the illegal immigrants travelling dangerously across the Mediterranean Sea legally and safely ¹¹³.

112 European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration, Brussels, 13.5.2015, COM(2015) 240 final. [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

113Ibid.

For European member states it is important during the refugee crisis started in 2015 that the actions they are doing will also be seen so that EU cooperation is showed in a right way. The other important factor includes intervening to on-going or possible future crisis which could bring another refugee flow to EU, seen as a security threat to EU as well ¹¹⁴.

EU also made a deal with Turkey to overcome the refugee crisis. The deal meant that EU would take a Syrian refugee from Turkey every time Turkey would agree to take back one from Greece. EU was willing to give financial aid as well as visa liberalization for Turks. While EU is desperate to get refugees away from Greece, the refugees themselves are against the transfer to Turkey. At the same time question arises if Turkey is even capable of taking refugees. It was a question will European Union's security and securitization of immigrants go ahead human security of the immigrants. For some there was also a concern about Turkey's visa liberalization; how it could give a possible new path for terrorists to EU. Because of these reasons, it can be argued that EU-Turkey deal is not working. Yet, it is another tool for EU in trying to solve the refugee crisis while refugees are seen also as security threat ¹¹⁵.

EU's new policies considering refugee crisis have brought a lot of dissatisfaction between EU states. Relocation agreement, which was considering locating the refugees evenly across EU did not get a consensus and at the same time EU-Turkey deal was very highly criticized. Different EU states have very different views in how to deal with the crisis. Another issue is that Germany has taken has “a leadership role”, instead of the Union working as an union. Although several burden sharing measurements have been made, many member states have not followed them. Instead of this, many

114Dennison, S. & Janning, J. (2016) Bear Any Burden: How EU Governments Can Manage the Refugee Crisis. [online] Available at: http://www.ecfr.eu/page/-/Bear-Any-Burden_Dennison-Janning.pdf

115Ibid.

member states work mostly on national level to overcome the refugee crisis ¹¹⁶.

As mentioned several times, the question migration has been politicized already before the refugee crisis started in 2015. However, the refugee crisis has created the discussion about what one can say and it is a sensitive topic with lots of taboos. The refugee crisis has created a new form of nationalism and Tassinari argues that this means especially that refugee crisis has brought new security concerns which has then risen this nationalism. Securitization is definitely part in causing this ¹¹⁷.

116Ibid.

117Tassinari, F. The Disintegration of European Security: Lessons from the Refugee Crisis. *PRISM Volume 6, Number 2*. (2016): 71-83. pg. 71

8. Policy recommendations

European Union member states should not only try to work together, but also the member states should show the benefits of common immigration policies to their member states citizens. This would possibly decrease the securitization of immigrants when the immigration policies could be seen as managed better and so also security issues followed better. There should be common asylum policies as well as EU migration policies with member states. Also the immigrants should obviously be well integrated to the societies, but at the same time the member states should have common system on migrants who cannot stay since they are not fulfilling the requirements ¹¹⁸.

Also the burden sharing has to be mutual between the member states. Burden sharing does not only mean taking the same amount of refugees, but also compensating in other ways, for example with financial aid. This is called “burden-sharing by task” ¹¹⁹, and it includes different things EU states should participate voluntarily, “such as organising returns, including transport of rejected asylum applicants” ¹²⁰. Also the states should openly display what actions they have done, the transparency would not only show to other states but also to citizens about all countries' contributions ¹²¹.

Also “a common asylum fund” ¹²² should be created to which member states would donate money depending on their financial capabilities and also while some countries get more the refugees, can other countries compensate the situation by giving financial support. There is existing Asylum, Migration and Integration Fund, but the budget is not big enough. Also humanitarian aid should be

118 European Commission. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: a European Agenda on Migration, Brussels, 13.5.2015, COM(2015) 240 final. [online] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

119 Dennison, S. & Janning, J. ”Bear any Burden: How EU Governments Can Manage the Refugee Crisis”. *ECFR/I67*. (2016): 1-14. pg. 5

120 Ibid. pg. 5

121 Ibid. pg. 5-6

122 Ibid. pg. 6

provided in coordinated and shared ways by the member states ¹²³.

8.1. Human Rights Watch's Propositions for European Union

Most of the refugees are arriving from Syria from the obvious reason that there is extremely violent civil war. Other refugees, mainly arriving to Greece and Italy are also escaping wars and violence, but also looking for better lives overall. According to Human Rights Watch all these people should be however put into same category of refugees. Although the international community have to participate in solving the refugee crisis, it is clear the European Union “have specific legal obligations to individuals on its territory and at its land and sea borders” ¹²⁴. The unique European Union has to carry its responsibilities – yet it is not easy with the current atmosphere in which the member states have very different interests in solving the issue and the EU has failed to govern its member states because of sovereignty of the states that they want to keep ¹²⁵.

European Commission has given large amounts of propositions how to battle refugee crisis and the EU member states are doing all individually their parts. Many member states are not any more as interested on solving the problematic situation of refugees inside of European Union as they are in trying to stop the refugee flows. While the Human Rights Watch admits the importance on border control and for example attempts to stop dangerous smuggling it also highlights that people involved to these problems have to have some other ways to seek for help. EU's actions are important, not only because they are legally bound to help, but also because globally there are many on-going situations to which human rights violations are affiliated ¹²⁶.

123 Ibid. pg. 6-7

124 Human Right Watch (2015) Europe's Refugee Crisis An Agenda for Action [online] Available at: <https://www.hrw.org/report/2015/11/16/europes-refugee-crisis/agenda-action>

125 Ibid.

126 Ibid.

Human Rights Watch recommends European Union to find common ground on how to battle and solve the refugee crisis. It “recommends action by the European Union and its member states in four broad areas: (1) reducing the need for dangerous journeys; (2) addressing the crisis at Europe’s borders; (3) fixing the EU’s broken asylum system; and (4) ensuring that EU cooperation with other countries improves refugee protection and respect for human rights.”¹²⁷ . These actions include especially embracing the dangers coming from the Mediterranean Sea route. Also Human Right Watch proposes EU member states to make sure that the asylum seekers arrive to a place that is safe for them instead of letting them land into territories with possible dangers. In addition European Union should in respected ways deal with the smugglers and at the same time while battling against smuggling take care that people who have counted on the help of smugglers will get aid to travel in other safe ways instead of staying in a country where they may face human right violations. Human Rights Watch proposes other ways than smuggling for asylum seekers to arrive to European Union – yet this sounds quite naïve if we analyse the resistance of many EU member states and other European countries considering taking refugees and the fear caused by securitization. EU law should be followed in dealing with the asylum procedures and also resettlement should take place much more. Importantly the Human Rights Watch is enhancing how the EU asylum laws should be enforced. This is extremely important point which is proving the weakness of EU to deal with the refugee crisis; as long as there is not compulsion on following certain rules, the countries have so much freedom on dealing with the crisis that how could common solutions be found? Also, the European Asylum Support Office as well as European Refugee Fund both are encouraged to help countries which are not doing their best in the battle against this crisis. Yet, the under performance can be intentional by countries which do not want to have more asylum seekers into their territories and so they are not in that sense in a need for help. Also Dublin Regulation is criticized as something that needs to be changed. European Union is requested to also follow non-EU countries' actions if asylum seekers are sent there. The cooperation should be

127Ibid.

transparent and include intelligence change. This is very current topic now, when Turkey is taking its part of immigration policies; how it is not EU member state and so maybe it is not supervised and violations can occur. At the same time EU should try to better the current situations that people are running away from ¹²⁸.

128 Ibid.

Conclusion

We can conclude that although EU has created throughout time immigration policies, they are strongly driven by securitization. The Member states are very differently responding to the immigration policies and 9/11 as well as the refugee crisis have brought completely new aspects to this. The power of securitization cannot be underestimated - instead the securitization of immigrants can go beyond immigration policies when different security policies are created.

Securitization of immigrants and immigration are causing the member states of European Union to turn into having nation states role in international relations. While 9/11 turned the immigration policies more into security policies, the security questions are being highlighted even more now since EU is often seen as incapable in dealing with the immigration policies in a way that would be effective and controlling enough.

The securitization of the immigrants has happened in many cases because the fear of Islam. The immigrants at the moment mainly come from Islamic states and this is seen as a threat to Western culture and as it was concluded earlier there is a common fear that it is possible to lose identity. Also Islam is very much interpreted to be part of terrorism that is a very current topic of the news. The main challenge is the securitization of the immigrants. Refugee crisis has just brought immigrants much more to the European continent and the overall situation seems chaotic because of this. Fear of losing identity gets obviously bigger when there are more immigrants coming.

Different policies were introduced to show how there is space for interpretation by the member

states and how member states follow these policies depending on how heavily the topic has been securitized. What this means is that for example when immigration has been securitized during the refugee crisis, member states follow European Union regulations on topics which make their policies more strict. This shows that securitization has a strong political impact that goes beyond the immigration issues. When 9/11 turned the discussion about immigration into discussion about security, we can see that securitization also had an impact on, for example, border control. It has been proven on this thesis how countries, as well as European Union, create rules, regulations, policies, etc. when securitization occurs.

Some countries get more immigrants than others and European Union member states are different also in other ways, and because of this they do not follow the EU in same ways. What we can see in all member states as well as in EU as a whole is that securitization has a massive impact on the policies. It goes to the extent where one can argue that European Union's security and securitization of immigrants go ahead of human security of immigrants since refugees are sent to Turkey although there is no clear knowledge about the conditions in Turkey. It is clear that securitization of immigrants have major political impacts on European Union and the securitization goes beyond immigration policies.

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