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The Changing Dynamics of Mixed Migration Flows in the Euro-Mediterranean Region and the EU's Policy Response

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Introduction

"Mixed migration flows" is a new term, which seeks to capture the complex population movements including refugees, asylum-seekers, irregular labour migrants and other groups of voluntary migrants. Given the multiplicity of factors, including poverty, environmental degradation, persecution, conflict and/or generalized violence, giving rise or direction to different types of irregular migration flows, it is becoming extremely difficult to distinguish forced migration from other forms of migration. Growing volume, scale and complexity of migration flows towards the European Union (EU) have wide-ranging impact on the countries of origin, transit, and destination, particularly on the transit countries in the Euro-Mediterranean region, and seriously strain the EU's asylum regime, especially after the escalation of the so-called "EU migration crisis".

This study seeks to put forward a concise analysis of the nature, causes and changing dynamics of mixed flows in the Euro-Mediterranean region. Within this context, the role of the EU migration management regime, particularly its border policies and practices over the last two decades, in shaping and shifting mixed migration flows on the one hand, and constructing the "migration crisis" on the other, will be subjected to close scrutiny. The EU policy response towards growing volume of mixed flows, particularly after 2015, and its implications for human security and lives at the margins of Europe will also be critically evaluated. This study will finally briefly discuss alternative measures beyond border control to address mixed migration flows.

What is Mixed Migration?

Mixed migration is a flow through which refugees and other migrants move alongside each other, using the same routes, means of transport and smuggling networks (Van Hear et al. 2009: 10). There are mainly two aspects of mixed migration; mixed motivations which are a combination of economic problems, socio-economic crisis and political upheavals that could be summarized as poverty, inequality and conflict, and mixed flows constituted by refugees, irregular migrants, and other categories of migrants. Mixed flows are "complex population movements" consisting of refugees, asylum seekers, economic

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migrants (IOM, 2008: 4) as well as unaccompanied minors, environmental migrants, smuggled and trafficked persons, and stranded migrants (IOM, 2008: 2).

The concept of mixed migration entails multiplicity of factors giving rise to voluntary and forced human mobility and distinct and different needs of the people that constitute these flows. Therefore, it requires attention to different motivations of persons taking the decision to migrate in the countries of origin, the departure from home country to transit country or countries and to destination, arrival in the destination and the post-arrival stage and options available to migrants including settlement and integration to a new society, onward or circular movement, voluntary or forced return. In mixed flows return does not constitute an end but might entail a new beginning (IOM, 2008: 1).

Even though mixed migration is presented as a new phenomenon, it could be argued that migration has always involved different categories of migrants leaving their homelands for a variety of reasons (IOM, 2008: 1). In fact as Van Hear et al. argue, voluntary and forced migrant categories can be quite "misleading" if they are seen as "mutually exclusive" (2009: 3). Constraints and choices can be found in all forms of human mobility. Some migrants have more choices and some face more constraints (2009: 3). Richmond based on the structuration approach, argues that migration decisions should be evaluated based on the choices available and constraints that individuals face. As structuration theory points out social structures both constrain and enable social actors (Richmond, 1988: 17). Forced migrants are facing extreme constraints that limit their choices (Richmond, 1988: 14). Richmond argues that "[a]ll human behaviour is constrained" and "degrees of freedom" and autonomy may change from case to case. Rather than maintaining categories of forced and voluntary migration, migration decisions should be seen on a continuum on one edge of which there are proactive individuals and on the other reactive (1988: 12).

Choices and constraints are not found only at the decision-making stage. One of the main factors that constrain the options of irregular labour migrants as well as forced migrants in terms of safe and humane travel is the restrictive migration policies and asylum regulations that close legal channels to reach the countries in the North. As migrants and refugees cross borders, they review their options and based on the constraints they face they revise their plans.

Although the distinction between forced and voluntary migration does

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not hold, these categories are maintained by the bureaucracies and policy-makers in formulating policy responses (Van Hear et al., 2009: 1). It is not only bureaucracies that cling to these categorizations and labels but also many migration scholars. Crawly and Skleparis (2018) criticize and challenge what they call as the "categorical fetishism". This has a lot to do with the division within the migration studies of the study of forced migrants and the study of labour and other forms of voluntary migration. Therefore, migration studies is characterized by a division between forced migration/refugee studies and migration studies. While migration theorizing mainly focused on voluntary or labour migration, forced displacement was considered to be "spontaneous and unpredictable", despite considerable empirical evidence proving otherwise (Richmond, 1988: 9).

The refugee flows are not random events but are related to political transformations (Zolberg et al., 1986: 153). The political economy of migration and refugee flows are well-connected with the questions of sovereignty, interests of international actors and international politics (Weiner, 1985 cited in Richmond, 1988: 12). The economic determinants of migration emerge and evolve within the global socio-political context (Richmond, 1988: 22). Therefore, the analysis of refugee flows have to situate these flows within the global economic and political system and should not disregard the impact of global socio-economic inequalities on refugee flows. This is where the analysis of mixed flows should also be embedded.

Policy Challenges Posed by the Mixed Migration Flows

Blurring of the boundaries between forced and voluntary migration, became more visible from the 1990s onwards. This found its expression in newly coined concepts; the "migration-asylum nexus" and recently "mixed migration" (Van Hear et al., 2009: 6). The term is gaining salience as new routes, trends and patterns emerge and evolve, attracting the scholarly interest and attention of the policy world. Mixed migration requires both the migration studies and policy circles to recognize both the structural factors and the individual aspirations influencing the migration experience. Therefore, mixed migration poses a challenge to policy regimes that tend to see migrants with sole motivation to migrate.

Mixed flows requires the countries of origin, transit and destination to develeop coordinated responses, and rather than *ad hoc* solutions, a longitudinal approach covering pre-migration stage in the sending country, mobility and transit, arrival in the destination country, long-term settlement or

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return (IOM, 2008: 3). Therefore, the IOM focuses mainly on the formulation of comprehensive policies, which respect international law, human rights and refugee protection obligations as well as priorities of national, regional and international actor that seek to reduce irregular migration. It is a priority for the IOM to ensure the dignity of all categories of migrants, which could be achieved by providing channels for humane migration (IOM, 2008: 7).

As in mixed flows migrants and refugees travel together using the same irregular routes, means of transport and smuggling networks (Angenendt and Koch, 2017: 7), the most important challenge for policy-makers is identifying and providing international protection for vulnerable persons and not violating the principle of non-refoulement (IOM, 2008: 2). At this point closer cooperation among states, international organizations such as the UN, the the UN High Commissioner for Refugees (UNHCR) and IOM, humanitarian NGOs and or other local, national and regional networks and actors becomes very important. Main people of concern in the mixed migration flows for the UNHCR are the refugees and asylum-seekers (IOM, 2008, 2). Its Protection Dialogue of 2007 and 10-Point Plan are mainly on refugees in mixed migration flows and focus on refugee-related measures such as protection-sensitive entry systems, reception arrangements, mechanisms for profiling and referral, differentiated processes and procedures and solutions for refugees (UNCHR, January 2007). Mixed migration flows are connected with transnational flows and movements and the networks that faciliate mixed flows are transnational in nature. Therefore, policies that can embrace and accommodate transnational mobility can address migration flows.

The EU Migration Management and Fortress Europe

Before evaluating the EU's policy response to the "migration/refugee crisis" in 2015, there is the need for a brief discussion on the EU policy-making on migration and asylum in the last two decades. This is necessary, since the refugee influx and dramatic growth of mixed migratory flows from the EU's neighbouring regions to the EU, which were framed as a "migration crisis" (Jeandesboz and Polly Pallister, 2016: 316) was "not a sudden unforeseen event" but an implication of the EU border regime under construction since the end of the Cold War (Pallister-Wilkins, 2016: 312). Therefore, such an evaluation would allow us to see the continuity in the EU's policy response towards growing mixed flows before and after 2015.

Migration has emerged as a very important priority for the EU in the post-Cold War era. Growing irregular migration flows towards the EU with the

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end of the Cold War, led the EU organs and member states to seek to harmonize their policies and create a common EU migration and asylum policy. However, the EU policy-making on migration has been security-oriented at the outset, which defined migration among the security risks and threats in the post-Cold War era. "Fortress Europe" is the policies and practices of the EU and its member states' within the EU space as well as at and outside the EU's borders seeking to prevent irregular migration.

Fortress Europe is constructed through a securitizing discourse over the years, particularly following the end of the Cold War era and politization of migration. Securitization of migration allows for the adoption of "exceptional measures" to deal with an "imminent threat", which is irregular migration, and therefore makes it possible for the EU member states and agencies to bypass rules, norms, and democratic procedures. All these exceptional measures to curb "illegal migration" as EU policy-makers would prefer to call it, puts emphasis on border management and constructs the EU border regime.

The EU border regime is constituted by a network of detention sites and centers managed by Securitas, which are located in and out of the EU territory. Frontex (The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), which was established on 26 October 2004, is a key actor in coordinating the EU border management. Frontex's activities is not limited to the EU space but goes beyond the EU territory, mainly through the deployment of border patrols in the third countries.

In 2011, the EU developed its "Global Approach on Migration Management" (GAMM), which is based on "mobility partnerships" with the countries of transit (PACE, 11 September 2015: 3). Another important and recent mechanism created within the EU border regime is the Eurosur (The European Border Surveillance System), which became operational in December 2013. EUROSUR enables the member states, Frontex, non-EU countries bordering the EU to cooperate on border management through information exchange. These measures resulted in the externalization of the EU border regime to the transit or neighbouring countries such as Morocco, Libya, Algeria, Tunisia and Mauritania and putting them in charge of preventing and/or detaining irregular migrants seeking to reach the EU territories (Ferrer-Gallardo and van Houtum, 2014: 299).

The externalization of EU's migration management entails outsourcing of migrant processing and detention centers that detain or deport migrants to the EU's "neighborhood", containment of refugees in the areas neighbouring

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the country where refugee crisis erupt, and deterring mobility before people reach the Euro-Mediterranean borders (van Reekum, 2016: 337; Mountz and Loyd, 2013: 175). The EU member states, particularly transit countries adopt certain practices that deter migrants such as interception at sea, push-back operations, bilateral readmission agreements with sending countries or other transit countries and detention or deportation of unauthorized entries (Mountz and Loyd, 2013: 178).

The detention centers in the third countries beyond the EU territory lack the basic human rights standards, and are sites where migrants and asylum-seekers face human rights abuses and live in misery in overcrowded facilities. Libya is holding detention camps for irregular migrants since 2003 to prevent irregular migration to Italy. A MSF (*Médecins Sans Frontières*) report from 2011 about the detention facilities in Libya shows that such sites are places where migrants are systematically tortured and abhorrent human rights abuses take place (Mountz and Loyd, 2013: 184). This did not, however, stop Italy from signing a Memorandum of Understanding (MOI) in February 2017 with Libya, which sets the terms of cooperation on a number of issues including border control and curbing of irregular migration. The MOI aims at reducing crossings through the Central Mediterranean route and detaining irregular migrants in Libyan territory. Therefore, what mattered most was the reduction of incoming flows at the expense of human rights and lives (Palm, 2 October 2017).

Border management leads to the creation of a "cross border economy" and "a labour market with no rights" embedded in EU's and global formal economic system (Raeymeakers, 2014: 165). Moreover, the borderization practices turn certain locations or zones into strategic sites on the EU border. The Euro-Mediterranean region is a region created through migration management, which is in fact border management. It is a region the borders of which are constructed through borderization practices such as establishing detention centers, deploying border guards, employing patrol boats as well as humanitarian workers (Cuttitta, 2014: 200, 203), particularly along the borderlands between north Africa and southern Europe. The borders of the region therefore are not fixed but are continuously reconstructed and shifting. Border enforcement in one area makes the human smuggling and trafficking networks to shift routes to new entry points, which also become subject to borderization process (Mountz and Loyd, 2013: 178).

As Balibar argues "borders are no longer at the border" (1998: 217-218 cited in Gjergji, 2018: 156) and are diffused. As borders become blurred they

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do not disappear, but tend to appear everywhere. From the euphoria about the "borderless world" with the end of the Cold War, we ended up with the world, particularly the Euro-Mediterranean space, where boders are ubiquitous. Migrants and refugees travelling together in the Euro-Mediterranean region are now facing mobile borders (Guild, 2003: 103 cited in Gjergji, 2018: 155). Border management came to rest at the center stage of Mediterranean politics in the last decades. Border management at Italy-Libya, Italy-Tunisia, Italy-Egypt, Spain-Morocco, France-Algeria, France-Tunisia and Greece-Turkey borders are where borderization practices take place (Gjergji, 2018: 156) and reveal how global inequalities play out in transit zones located at the crossroads of the North–South divide.

The Mediterranean rather than a region has been transformed into a border that is "permanent, mobile and enveloping" separating the North from the Global South, poor from the rich, Europe from Africa and the Middle East. The real Mediterranean, very different from its image happy, sunny place with clear skies, is "like a military zone" where people fleeing war face armies or police using tear gas or fences and walls or death on the "left-to-die boats" (Gjergji, 2018: 155) and in the words of the Malta's Prime Minister "a cemetery" (*BBC*, 12 October 2013).

As the EU countries and agencies as well as the EU's partner countries seek to deter migrants they push migrants and asylum-seekers to other countries territory, violate the principle of non-refoulement and avoid their responsibility to provide international protection, human beings lose their lives. Through the EU transit countries and agencies are now pushing back mixed migration flows indiscriminately to places where migrants and refugees can face torture or even risk death. Disputes over "burden"-sharing and shirking of responsibilities lead to inaction. A nine-month investigation by the Council of Europe revealed that NATO warships, European coastguards and commercial vessels left a boat floating for two weeks despite emergency calls. The boat that departed from Tripoli in March 2011 was carrying 72 African migrants. The human tragedy took place when NATO military intervention in Libya was ongoing and when the attention of the world public opinion was on the region. 63 of the migrants, including two babies, died of starvation and thirst (Shenker, 12 May 2012).

It would not be wrong to argue that the EU prioritizes border control over international protection. The EU allocates more funding for border management than asylum procedures. Of the €4 billion for the period 2007-2013 allocated by the European Commission under the Solidarity and

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Management of Migration Flows Programme (SOLID), almost half was used for border control, while only 17% was used to support asylum procedures, reception centers and integration of refugees (Amnesty International, 2014: 9).

The EU external border in the Euro-Mediterranean region has now become the deadliest border on earth (Ferrer-Gallado and Van Houtum, 2014: 297). According to 2014 figures based on the data compiled by journalists for the "Migrants Files" project, at least 23,000 people are estimated (as we will never know the exact figures) to have lost their lives trying to reach EU countries since 2000 (Amnesty International, 2014: 5). The sea route between North Africa, particularly Libya, and Italy has become deadlier than previous years, even during and after the summer of 2015, the so-called Mediterranean or European "migration crisis". During the first seven months of 2018 figures show that for every 18 migrants that arrived by boat and set foot in Italy, 1 person was drowned (Kingsley, 2018).

The EU's Response to 2015 "Migration Crisis"

The refugee influx to Europe in the summer of 2015 was the largest inflow of refugees that Europe faced since the World War II. The EU leaders, organs and agencies were alarmed, as the Syrian refugees together with other groups of asylum-seekers and irregular migrants crossed the Agean Sea in dinghies to reach Greece and marched on foot through the Western Balkans, Hungary to Austria, Germany and Sweden. In both 2015 and 2016 the number of asylum applications lodged at the EU member states rose up to 1.2 million, majority of whom were from Syria, Afghanistan and Iraq (Niemann and Zaun, 2018: 3).

Migrants and refugees arrive in the Euro-Mediterranean area through three routes, which are the Central Mediterranean route from Libya, Tunisia and Egypt to Italy and Malta; the Eastern Mediterranean route from Turkey to Greece and the Western Balkan route from Serbia to Hungary (Banulescu-Bogdan and Fratzke, 2018: 83-84). The majority of those who arrive are Syrians (more than 50%) followed by Eritrea, Afghanistan, Kosovo, Nigeria, Iraq and several West African countries. In these mixed flows three groups could be identified. Refugees mainly from Syria and Eritrea, individuals fleeing violence but who may not qualify as refugees such as Somalis, some Syrians and Afghans and irregular migrants who leave their countries due to economic problems mainly from the West Balkans. Apart from these three groups there are many individuals that migrate with complex motivations (Banulescu-Bogdan and Fratzke, 2018: 84-85).

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The Afghan case seems to be emblematic of mixed flows in the Euro-Mediterranean region. The Afghans constitute one of the largest and longest-displaced refugee groups. As Dimitriadi (2018) aptly describes in her book on Afghan transit migration to Greece, migration or refugeeism, is a rite of passage, an investment and a household survival strategy for many young Afghan men, informed by a culture of migration and shaped through the family and kinship networks. To understand the motivations behind the decision to migrate one has to take into consideration a variety of factors. Many of the Afghans depart due to security concerns linked with political instability and conflict (Dimitriadi, 2018: 33), but also to find jobs and have access to education, which makes it difficult to identify whether they are refugees or economic migrants or both. The withdrawal of International Security Assistance Force (ISAF) in 2012, emergence of ISIL-K in January 2014 and expanding power and control of Taliban over the Afghan territory, attacks against civilians and deterioration of security situation led to new outflows from Afghanistan and growing asylum applications to European countries from 2012 onwards. The middle and professional class that emerged as a result of the ongoing conflict in Afghanistan such as interpreters, doctors, aid workers or security forces became the target of Taliban attacks after the foreign troops withdrawal (Dimitriadi, 2018: 35-36). Lack of financial security, growing unemployment and poverty also pushed many Afghans out.

Afghan mobility is irregular from the moment migration decision is taken (Dimitriadi, 2018: 77). As they cross borders or face new obstacles they redefine their next step and destination. The Afghans transit through Iran and Turkey to reach Greece. The Afghans consider Greece as a transit country as well. The Afghans stranded in Greece are forced to choose between long detention periods or voluntary return (Dimitriadi, 2018: 168). A growing number of the Afghans in Greece choose repatriation, which is not a viable solution. Many Afghans agree to return back, even though the conditions in Afghanistan are not conducive for their stay and many of those who return back, leave the country due to violence.

High number of asylum applications, influx of refugees and growing mixed flows revealed that the vigorous efforts to create and implement a common asylum policy in the last two decades did not lead to collective and concerted action in the face of "crisis" (Niemann and Zaun, 2018: 4). The shortcomings of the Common European Asylum System (CEAS) became visible and in fact if there was a crisis it was the crisis of the CEAS (Niemann and Zaun, 2018: 3). The Dublin System, putting much of the responsibility on

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the shoulders of the first country of asylum or on "frontline" states, broke down due to the refugee influx. Germany as a solution unilaterally suspended the Dublin Regulation in August 2015 and allowed the entry of Syrians into its territory regardless of their first country of entry into the Schengen space. However, the other EU member states did not follow suit and Germany, overwhelmed by growing number of arrivals decided to temporarily impose border controls at its borders with Austria. France, Denmark, Austria and Sweden reintroduced border controls to not to be inundated by refugees. Hungary not only closed its borders with Croatia and Serbia but also erected a fence, directing the refugee flow towards Slovenia. These moves by member states eventually led to the closing down of the Western Balkan route (Niemann and Zaun, 2018: 4).

Migration has moved up to the first place on the EU agenda. President Jean-Claude Juncker of the European Commission introduced the Political Guidelines "A New Start for Europe", which included migration as one of the key action areas. Moreover, the Commissioner for Home Affairs is also nominated as the Commissioner for Migration. Federica Mogherini, in her dual capacity as the High Representative and Vice-President of the European Commission responsible for the Commissioners' Group on External Action (CGEA) played a key role in keeping the refugee issue high on the agenda (Carrera et al., 2015: 2). Tusk also kept migration and asylum issues on the agenda of every European Council summits (Carrera et al., 2015: 3).

The EU's urge to find a solution to the refugee influx led to a series of inconclusive extraordinary summits and conferences. As a result of these meetings and Commission's initiatives certain steps have been accepted. These steps aimed to ensure equal sharing of responsibilities, which would strengthen solidarity among the member states, seek enforcement of EU laws and norms as well as common EU agenda on asylum. The EU also sought to go beyond the "unworkable EU Dublin system" (Carrera et al., 2015: 1-2).

To address the crisis in May 2015, the Commission adopted the "European Migration Agenda", setting the contours of the migration, asylum and border policies of the EU (Carrera et al., 2015: 3) and identified six short-term actions: 1) establishing hotspots[1] where the agencies would work with the national authorities in identifying, registering and fingerprinting migrants 2) relocating refugees from Italy and Greece to other EU member countries 3

[1]The hotspot areas in Italy are Augusta, Lampedusa, Porte Empedocle, Pozzallo, Taranto and Trapani, and in Greece Lesvos, Chios, Leros, Samos and Kos (Carrera et al., 2015: 7).

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)relocating 20,000 additional refugees from outside the EU within the EU with an extra €50 million budget to prevent the refugees from taking the dangerous journey to reach Europe 4) returning migrants that are not entitled to international protection 5) improving border management with a view to curb irregular migration and fight against human trafficking and smuggling 6) creating or improving reception capacity. In implementation of these solutions the EU agencies, namely Frontex, the European Asylum Support Office (EASO), Europol and Eurojust are to provide operational support to local authorities. EASO will be assisting member countries in dealing with asylum applications, Frontex in returning irregular migrants and Europol and Eurojust against human trafficking and smuggling. The EU also introduced trust funds to prevent the arrival of refugees and to contain them in their home or neighbouring countries (Carrera et al., 2015: 4-5; Niemann and Zaun, 2018: 5-6). The Agenda also identified four medium-term actions: reducing irregular migration, border management, a strong common asylum policy, and a new policy on legal migration (Carrera et al., 2015: 5).

Based on these measures the EU attempted to establish a Temporary EU Relocation System for the redistribution of asylum-seekers between EU member states. It was a move to fix the Dublin System, which requires asylum-seekers to lodge their asylum claims in the first country of arrival and hampers the solidarity among the EU member states. The EU agreed upon new criteria to allocate responsibility between member states. The new criteria include GDP, population, unemployment, etc. for the relocation of 160,000 asylum-seekers in Greece and Italy (Carrera et al, 2015: 5). However, relocation scheme of refugees from Italy and Greece to other member states faced strong resistance and talks in 2016 were interrupted. Commission launched a new proposal for relocation; Dublin plus regulation. It entailed redistribution of asylum-seekers in times of crisis to relieve the pressure off the "frontline" states. This proposal was also criticized, which this time led to the promotion of "flexible solidarity" by Visegrad states in 2016. Flexible solidarity allows some countries to contribute through provision of financial support and expertise, while others could opt for accepting refugees (Niemann and Zaun, 2018: 7).

Relocation so far proceeded at a very slow pace. Carrera et al. argue that at this pace it would take 750 years for the EU to relocate the 160,000 asylum-seekers in the EU member countries (2015: 6). On 2 October 2016 in the referendum Hungarians voted against the refugee quotas agreed by the EU and relocation of 1,294 refugees in Hungary. Even if the vote is not valid due

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to low voter turnout (42%), the Hungarian government, which was against the quotas, considered it a victory as 98% of those who participated in the referendum said no (Foster, 3 October 2016). As relocation scheme failed but mixed flows continued, the individual member states started to opt for different solutions to block the arrival of migrants and refugees. The Italian Interior Minister Salvini has declared that Italy has closed its ports to the NGO boats that carry migrants rescued at sea (*BBC*, 30 June 2018).

As the relocation move by the EU failed in the midst of the refugee crisis and growing number of arrivals, the EU sought to collaborate with neighbouring transit countries. With a view to address the root causes of irregular migration and manage refugee flows, the EU tried to increase cooperation with Turkey, the Western Balkan countries and the African countries (Carrera et al., 2015: 5). These new measures increased the pressure on the "frontline" states to implement EU policies, especially in terms of registration and fingerprinting as well as refugee reception (Niemann and Zaun, 2018: 6).

The Turkish-EU deal is indicative of the failure of the EU's internal measures to resolve the crisis (Niemann and Zaun, 2018: 8). On 18 March 2016, EU Heads of State and Turkey reached an agreement on ending the flow of irregular migrants from Turkey to Greece and the EU and develop mechanisms for the flow of migrants through legal and safe channels to Europe (European Commission, 2017). The Commission sought to use the 1:1 scheme as the basis of collaboration. For every Syrian to be returned to Turkey from Greece, another Syrian would be resettled from Turkey to the EU. With the Turkish-EU deal 72,000 people were planned to be returned to Turkey. Turkish-EU deal activated the EU-Turkey Readmission Agreement from June 2016 onwards, which is based on the principle of returning irregular migrants who do not need international protection to their country of origin. Turkey pledged to prevent Syrian refugees in Turkey from crossing into Greece and agreed to adopt measures to improve the situation of Syrian refuges and implement strategies to integrate Syrians into the Turkish society, labour market, education and health system. In return the EU promised to take steps towards visa liberalization, provide €3 billion of funding for Syrian refugees and €3 billion of additional funding to be used in specific projects for Syrian refugees, work on to upgrade the Customs Union and resume talks with Turkey for Turkey's accession to the EU opening of new chapters (Carrera et al., 2015: 7-8; Niemann and Zaun, 2018: 8).

The relocation of asylum-seekers from Greece to Turkey, which forms

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the basis of the Turkish-EU deal took place at a slow pace and could only relocate 25% of the refugees (Niemann and Zaun, 2018: 7). Between April 2016 and March 2017 3,656 Syrians were resettled in Turkey. At this pace resettlement could be completed in around 13 years (Niemann and Zaun, 2018: 9). Despite its limited success, the deal became the model to develop joint resettlement programmes to be followed in other deals agreed upon between the EU and Afghanistan and Mali. The Turkish-EU deal is a political deal, not legally binding andit is criticized for not being in accordance with international standards. The other deals that followed were also not subject to legal scrutiny of the EU organs (Niemann and Zaun, 2018: 8-9).

The EU adopted a regulation that defined the safe third countries of origin the nationals of which would not *a priori* be considered as refugees. These countries are potential or actual EU candidate countries located along the Western Balkan route: Albania, Bosnia-Herzegovina, Macedonia, Montenegro, Kosovo, Serbia and Turkey (Carrera et al., 2015: 7). The asylum applications lodged by the nationals of these countries constitute around 17% of the asylum applications lodged to the EU. While citizens of these countries may still apply for international protection, in practice the asylum-seekers right to appeal are compromised (Niemann and Zaun, 2018: 10).

The Commission's agenda on migration set the fight against human smuggling and trafficking as a priority and launched a military naval operation called EUNAVFOR MED, which was later renamed as SOPHIA to curb trafficking and prevent loss of life in the Mediterranean (Niemann and Zaun, 2018: 11). The funding and personnel allocated to Frontex has been increased to conduct Joint Operations in the Mediterranean. The EU increased the budget on Triton close to the Italian coast and Poseidon close to the Greek coast that focus on border control and surveillance. With this move, Frontex is going to play a more active role in returning irregular migrants (Carrera et al., 2015: 7; Niemann and Zaun, 2018: 11).

The EU also agreed on furthering cooperation against migrant smuggling networks and deployment of immigration officers in third countries to increase cooperation and coordination to this end (Carrera et al., 2015: 10). The EU is seeking to establish the European Border and Coast Guard, the personnel of which would be constituted by the Frontex, the EU member states' border control authorities and national guard authorities with the task of EU border management and supporting the "frontline" member states in meeting the EU standards and coping with the challenges (Carrera et al., 2015: 11). The Agency would have the capacity to develop hotspot approach,

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cooperate in operations with the third neighbouring countries and initiate return operations (Carrera et al. 2015: 12).

An Evaluation of the EU Policy Response from 2015 Onwards

One million people who arrived in EU in 2015 constitute 0.2% of the total EU population and public expenditure for the refugees did not create a big burden on the national budgets, despite the fact that refugees were unevenly distributed across the EU (Carrera et al. 2015: 19). However, the crisis discourse constructed an image of Europe inundated by mixed migration flows. Therefore, the EU's response to the "migration crisis" does not introduce anything new, but shows that the EU will pursue security-oriented policies and rather than a rights-based approach will implement "more of the same" measures against irregular migrants, refugees and asylum-seekers. The success of EU's short-term actions has been limited, particularly in redistribution of refugees. Moreover, the border management failed to stem the tide and stop the arrival of mixed flows at the gates of the EU. Most of the measures adopted by the EU so far do not really seek to nor allow the EU to address the root causes of refugee influx (Carrera et al., 2015: 13). The EU does not acknowledge the fact that no matter how high the fence is, mixed flows could not be stopped (Ferrer-Gallardo and van Houtum, 2014: 300). Despite all these, the EU and its member states still opt for border enforcement. It will not be wrong to argue that the EU is "obsessed" with border control and cannot find or is not willing to opt for alternative solutions (Jorry, 2007 cited in Gjergji, 2018: 155).

The EU has to acknowledge that the EU's migration and border management policies are not part of the solution, but the problem. The crisis and emergency discourse is part and parcel of the EU border regime. This securitizing crisis discourse constructs "the state of exception" in Agamben's words, which reduces migrants to "bare life", rather than individuals entitled to rights and does not only push migrants and refugees out of the legal system but also "abandons" them and lets them to die (1998: 28 cited in Gjergji, 2018: 156).

The EU initiatives did not guarantee formulation and implementation of common standards, it even failed to implement minimum standards for international protection (Niemann and Zaun, 2018: 12). In these agencies, which are in charge of dealing with the refugee influx the participation and contribution of the member states is not even or equal (Niemann and Zaun, 2018: 14). Some member states see no incentive to accept refugees and refrain from responsibility sharing. Moreover, particularly the radical right in various

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EU member countries is seeking to capitalize on the people's fears and concerns about the refugee influx (Niemann and Zaun, 2018: 13), which leads to protests against the acceptance or relocation of refugees.

The most important criticism on the EU's short-term solutions is the implementation of these solutions without a legal framework. Hotspot approach in Greece and Italy was criticized for undermining the rights of refugees (Niemann and Zaun, 2018: 6). Asylum-seekers preferences or their personal or family conditions were/are not taken into consideration in the relocation scheme (Niemann and Zaun, 2018: 7). Repressive measures towards refugees such as prolonged detention or return of refugees with no or limited access to information is a case in point, which led many NGOs to leave the camps in protest of the EU practice (Niemann and Zaun, 2018: 6). The EU's reliance on informal mechanisms and agreements allows it to evade institutional and legal constraints and "bypass its humanitarian responsibilities" (Niemann and Zaun, 2018: 15).

Humanitarian conditions in the reception and detention centers of many of the EU member states are inadequate and deficient. The backlog of asylum applications extend the period of waiting for many asylum-seekers and forces them to live in inhuman conditions within or out of detention centers (Carrera et al., 2015: 13). This reflects the lack of will and personnel in providing international protection as well infrastructural deficiencies and problems. We increasingly hear the news of asylum-seekers and refugees committing or attempting to commit suicide in detention centers in the EU. There are reports that children at the age of 10 are attempting to commit suicide at Moria camp on the Greek island of Lesbos as appalling conditions become unbearable (Nye, 28 August 2018).

Some of the EU member states fail to uphold some of the founding principles of the EU such as respect for democratic rule of law and fundamental rights. Hungary's building of walls on its borders with Croatia and Slovenia is against the Schengen rules as it prevents the asylum-seekers to access international protection (Carrera et al., 2015: 16). Human rights violations beyond the EU's borders should also be a concern of the EU, owing to the outsourcing of border management to neighbouring third countries (Carrera et al., 2015: 17; Niemann and Zaun, 2018: 14).

Policy Proposals for a New EU Agenda on Migration and Asylum

Mixed flows pose significant challenges to the EU policy-makers in the field of migration and asylum, which the EU so far has failed to address. The

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statement by the Parliamentary Assembly of the Council of Europe summarizes the main problems with the EU policy response and expresses what should be done. The Parliamentary Assembly drawing attention to the very negative implications of externalization of EU border control for migrants and refugees (PACE, 11 September 2015: 3) argues that the EU member countries should refrain from "a narrow emphasis on border control and security" in dealing with migration and asylum issues (PACE, 11 September 2015: 4) and rather seek to develop cooperation with the transit countries based on "a more holistic, rights-based and effective approach to migration policy" (PACE, 11 September 2015: 3).

The Syrian refugee crisis and mixed flows exposed the limits of EU solidarity in responsibility sharing. The EU needs to create a working system of responsibility-sharing within the EU, which would require it to revise or totally abandon the Dublin System. The EU also needs to develop a "multi-sector policy approach" integrating policy areas such as development cooperation, foreign or external relations, trade (Carrera et al., 2015: 20-21) and develop mechanisms to swiftly integrate newcomers. This would allow the EU take the sensitivities and expectations of transit (partner) countries into consideration and do more in terms of responsibility sharing together with the neighbouring third countries.

More importantly, the focus of the EU's policy response to migration and asylum should shift from security to human rights. There is the urgent need for establishing more legal channels for economic immigration into the EU, which is missing in the EU's policy response to the "crisis". Another solution would be to make it easier for those who need international protection to access it through humanitarian visas that could be issued instantly. The EU countries could also develop mechanisms that would allow the asylum-seekers to apply for work, student or family reunification visas (Carrera et al., 2015: 20). The Commission expressed the need for the asylum-seekers to access EU labour markets, however no concrete initiative has been presented to this end yet. In redistribution of refugees' individual preferences, priorities as well as family circumstances should be taken into consideration. The EU and its main organs such as the Commission and the European Parliament should seek to live up to its own ideals and founding principles and make sure that implementation of policy responses to migration and asylum would not violate human rights, international law and local guarantees (Carrera et al., 2015: 21) and treat all migrants and refugees with dignity and respect that they deserve.

The EU migration or border regime leaves those fleeing violence or

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poverty with few options and safe travel is not among them. The EU policy-makers, organs and agencies involved in migration and asylum policy-making and implementation has to understand that "No one puts their children in a boat unless the boat is safer than the land." This is a line from Warshan Shire's poem, *Home*, which sums up all we can say about the people fleeing conflict and generalized violence. The human cost of Fortress Europe or human tragedies and loss of lives at the Europe's borders are not inevitable. Therefore, the EU should immediately take measures to stop human suffering at the EU borders and seek to reduce the human cost of its migration and asylum polices.

References

Amnesty International. (2014) "The Human Cost of Fortress Europe: Human Rights Violations Against Migrants and Refugees at Europe's Borders," https://www.amnesty.ch/de/themen/asyl-und-migration/festung-europa/dok/2015/die-kampagne-sos-europa/bericht-the-human-cost-of-fortress-Europe, accessed on 3 October 2018.

Angenendt, Steffen and Koch, Anne. (June 2017) "Global Migration Governance and Mixed Flows: Implications for Development-Centred Policies," SWP Research Paper, Berlin https://www.swp-berlin.org/fileadmin/contents/products/research_papers/2017RP08_adt_koh.pdf, accessed on 27 September 2018.

Banulescu-Bogdan, Natalia and Fratzke, Susan. (2018) "No Easy Answers," in Chris Eboch (ed.) *Migrants and Refugees: Global Viewpoints*, New York: Greenhaven Publishing, 80-95.

BBC, (30 June 2018) "Migrant Crisis: Italy Minister Salvini Closes Ports to NGO Boats," https://www.bbc.com/news/world-europe-44668062, accessed on 26 September 2018.

BBC, (12 October 2013) "Mediterranean 'a Cemetery' - Maltese PM Muscat," https://www.bbc.com/news/world-europe-24502279, accessed 27 September 2018.

Carrera, Sergio, Blockmans, Steven, Gros, Daniel and Guild, Elspeth. (December 2015) "The

MARMARA ÜNİVERSİTESİ YAYINEVİ

EU's Response to the Refugee Crisis: Taking Stock and Setting Policy Priorities,"

CEPS Essay, No. 20/16, https://www.ceps.eu/publications/eu's-response-refugee-crisis-taking-stock-and-setting-policy-priorities, accessed on 12 September 2018.

Crawley, Heaven and Skleparis, Dimitris. (2018) *Journal of Ethnic and Migration Studies*,

Vol. 44, No. 1, 48-64, DOI: 10.1080/1369183X.2017.1348224.

Cuttitta, Paolo. (2014) "'Borderizing' the Island Setting and Narratives of the Lampedusa

'Border Play'," *ACME: An International E-Journal for Critical Geographies*, 2014, Vol. 13, No. 2, 196-219.

Dimitriadi, Angeliki. (2018*) Irregular Afghan Migration to Europe At the Margins, Looking*

In, Cham: Palgrave Macmillan.

European Commission. (2017) "EU-Turkey Statement: One Year On,"

https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/eu_turkey_statement_17032017_en.pdf, accessed on 26 September 2018.

Ferrer-Gallardo, Xavier and van Houtum, Henk. (2014) "The Not so Collateral Damage:

Politics of Deadly EU Border Control", *ACME: An International E-Journal for Critical Geographies*, 2014, Vol.13, No. 2, 295-304.

Foster, Alice. (3 October 2016) "What Was the Hungarian Referendum About? Voters Reject

EU Migrant Quotas but Low Turnout", *Express*, https://www.express.co.uk/news/politics/714536/Hungary-referendum-2016-when-Hungarian-vote-EU-migrant-quotas-key-dates-immigration, accessed 26 September 2018.

Gjergji, Iside (2015) "Lost in the Mediterranean: Theories, Discourses, Borders and

Migration Policies in the 'Mare Nostrum'," *RCCS Annual Review*, Issue: 7, 151-162, DOI: 1 0.4000/rccsar.628.

IOM, Ninety-Sixth Session "International Dialogue On Migration 2008. Challenges of

Irregular Migration: Addressing Mixed Migration Flows Discussion Note," MC/INF/294, Dakar, Senegal, 7 November 2008,

MARMARA ÜNİVERSİTESİ YAYINEVİ

http://www.unhcr.org/protection/migration/49e479c911/37-discussion-note-mixed-migration-flows-regional-conference-refugee-protection.html, accessed on 21 September 2018.

Jeandesboz, Julien and Polly Pallister-Wilkins. (2016) "Crisis, Routine, Consolidation: The Politics of the Mediterranean Migration Crisis", *Mediterranean Politics,* Vol. 21, No. 2, 316-320.

Kingsley, Patrick. (3 September 2018) "Mediterranean Death Rate Is Highest Since 2015 Migration Crisis," *New York Times*, https://www.nytimes.com/2018/09/03/world/europe/mediterranean-migrants-deaths.html, accessed 21 September 2018.

Mountz, Alison and Jenna M. Loyd. (2013) "Constructing the Mediterranean Region: Obscuring Violence in the Bordering of Europe's Migration 'Crises'", *ACME: An International E-Journal for Critical Geographies,* Vol. 13, No. 2, 173-195.

Niemann, Arne and Zaun, Natacha. (2018). "EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives," *JCMS*, Vol.56, No.1, 2018, 3-22.

Nye, Catrin. (28 August 2018) "Children 'Attempting Suicide' at Greek Refugee Camp," BBC,https://www.bbc.com/news/world-europe45271194https://www.bbc.com/news/world-europe-45271194, accessed on 10 September 2018.

Pallister-Wilkins, Polly (2016) "Interrogating the Mediterranean 'Migration Crisis'," *Mediterranean Politics,* Vol. 21, No. 2, 311-315.

Palm, Anja. (2 October 2017) "The Italy-Libya Memorandum of Understanding: The Baseline of a Policy Approach Aimed at Closing all Doors to Europe?", Istituto Affari Internazionali, http://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/, accessed on 26 September 2018.

MARMARA ÜNİVERSİTESİ YAYINEVİ

Parliamentary Assembly of the Council of Europe (PACE) (11 September 2015) Committee on Migration, Refugees and Displaced Persons' Report on "Countries of Transit: Meeting New Migration and Asylum Challenges," Doc. 13867, http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=22017&lang=2, accessed on 26 September 2018.

Raeymaekers, Timothy. (2014) "Introduction: Europe's Bleeding Border and the Mediterranean as Relational Space", *ACME: An International E-Journal for Critical Geographies*, 2014, Vol. 13, No. 2, 163-172.

Richmond, Anthony H. (1988) "Sociological Theories of International Migration: The Case of Refugees," *Current Sociology*, Vol. 36, No. 2, 7-25.

Shenker, Jack. (28 May 2012) "Migrants Left to Die After Catalogue of Failures, Says Report into Boat Tragedy," *The Guardian*, https://www.theguardian.com/world/2012/mar/28/left-to-die-migrants-boat-inquiry, accessed on 27 September 2018.

Shire, Warsan. *Home*, http://www.care.org/sites/default/files/lesson_1_-_home-poem-by-warsan-shire.pdf, accessed on 3 October 2018.

UNHCR. (January 2007) "Refugee Protection and Mixed Migration: A 10-Point Plan of Action", http://www.unhcr.org/protection/migration/4742a30b4/refugee-protection-mixed-migration-, 10-point-plan-action.html, access date: 21 September 2018.

van Hear, Nicholas, Brubaker, Rebecca and Bessa, Thais. (June 2009) "Managing Mobility for Human Development: The Growing Salience of Mixed Migration," United Nations Development Programme Human Development Reports, Research Paper 2009/20, https://mpra.ub.uni-muenchen.de/19202/1/MPRA_paper_19202.pdf, accessed on 3 September 2018.

van Reekum, Rogier. (2016) "The Mediterranean: Migration Corridor, Border Spectacle, Ethical Landscape," *Mediterranean Politics*, Vol.21, No. 2, 336-341.

MARMARA ÜNİVERSİTESİ YAYINEVİ

Zolberg, Aristide R., Suhrke, Astri and Aguayo, Sergio. (1986) "International Factors in the Formation of Refugee Movements," *The International Migration Review*, Vol. 20, No.2, 151-169.

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