

## EUROPEAN MIGRATION CRISIS: POLICY ANALYSIS OF THE FRONTIER COUNTRIES

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**Abstract:** The contemporary migration predicament in EU has utterly flabbergasted the member states and steered to unprecedented crisis in EU. The Influx of refugees through treacherous routes stemmed a stressful humanitarian calamity. To address, manage and control the current wave of migrants several policies and regulations has been established by the EU officials. However, these migration policies are deeply criticized both at internal and external levels and called upon for more humanitarian approaches. So far member states in Europe remain split and unclear in uniform migration policy response. Under the light of existing European migration crisis, this meticulous research critical evaluate and analyse the migration policy response of Greece, Germany, and Hungary as frontier countries. It is extracted that fragmented migration policy at national and EU level is key element behind the current migration mishandling. Furthermore, under the light of fundamental conclusion we advance policy suggestion to curtail the migration crisis in EU.

**Keywords:** Migration; Policy Analysis; European Union; Humanitarian Crisis; Influx

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## INTRODUCTION

The rapid inflow of migrants especially from the dangerous Mediterranean Sea routes into Europe has significantly rattled the European institutions and resources. Current unparalleled and extraordinary migration has untied a novel debate in the political and socio-economic horizons of the European States. Additively, the current migrant crisis also magnet the eyes of international organizations and humanitarian groups, as in 2015 eight hundred and seventy-two people (migrants) lost their lives in the Mediterranean Sea while entering from Libya to Europe through boat.<sup>1</sup> This event is immediately followed by two breath-taking incidents, wherein the first incident three people including a child die on the coast of Greece while eighty were rescued from the frigid Mediterranean Sea. In the second event Libyan Coast Guards intercepted a cargo and found fifty-one dead migrants inside a container who had suffocated. Over the last few years these tragedies have grown in numbers and alarmed a new beginning of a pertinent tend in dominating European affairs.

Furthermore, the distribution of irregular migration in southern Europe has created an unparalleled crisis and has shocked the Southern Europe to the utmost level. Although EU member states have experienced the phenomenon of mass migration in the past but the current inflow of migrants and asylum seekers has reached another level which is thought-provoking. Poverty, internal conflicts, and political volatility in most of the African and Middle East states are the main Push factors behind the incredible emigrants. On the other hand EU member states like Italy and Greece are already facing an internal financial crisis and the current migration phenomenon has worsened the situation and put great limitations on resources and finances in managing the migration issue. Furthermore due to the conflict on national interest and internal security issues whole EU has struggled in creating a uniform, comprehensive, and adequate policy to deal with the growing humanitarian crisis of migration. Twenty-seven EU countries have experienced political, social, and financial problems created by current irregular migration, and led EU member countries to narrow their national migration policies.

Thus, for the better analysis and understanding of the different migration approaches of the European Union, it is critical and imperative to address the migration approaches at the EU member state level. Hence, we look at the case study of some frontier member countries of the European Union because depending upon the geographical location and resources it offers a direct analytical approach about the effect of migration legislation on different member states. This approach will help in providing clarity on how the European Union's legislative measures helped or hinder the current migration crisis. As some EU member states have been open in implementing the regulations while others remain negligent in the execution of the rules. Such wide diversification results in direct obstruction of EU and humanitarian rules and issues. Some states in the EU particularly Southern states of Europe have very little to offer in this EU's legislative matters. Moreover they only look for financial resources to deal with irregular migration. Thus under this scenario it is interesting to look at the perspective, ideologies, implementation of regulations, and current status of countries like Germany, Greece, and Hungary.

### I. GERMANY

Emerging as a key leader in the EU, Former Chancellor Angela Merkel is leading Germany for the last decade. Being an EU member state with sufficient economic and financial

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<sup>1</sup> Jethro Mullen& Ashley Fantz., Hundreds of migrant deaths at sea: What is Europe going to do?, CNN, April 20, 2015, [http://edition.cnn.com/2015/04/20/africa/italy\\_migrant-boatcapsizes/](http://edition.cnn.com/2015/04/20/africa/italy_migrant-boatcapsizes/).

resources and high influential power, Germany is one of the leading voice and stakeholder on recent migration regulations and policies which attempt to address the intensifying migration crisis. Under the migration crisis, Germany has shown hospitable responses and fully embraced its decisive role as being a prominent destination country for the majority of the migrants entering the EU. And providing migrants with significant aid, shelter, and other facilities moreover they also play an imperative role in bending the European Union's policies and legislation to facilitate migrant inflow. Under current circumstances Germany has developed as a de-facto frontrunner for both the European Union and Northern bloc of EU member states. Northern bloc lead by Germany remains critical and confronts the role of Southern member states in managing the migrant inflow and advocates the policy of burden-sharing of migrants across all EU member states.

Germany's ideological stance of open borders for migrants has been intensively criticized and raised the tensions between European Union states. Among the criticizing EU member states Hungary is notable on top that put the blame of the current migration crisis on Germany and affirms that current elevation of migrant management and crisis is the consequence of Germany's wrong support to welcome migrants. According to Abraham,<sup>2</sup> not only some EU member states but also German citizens and politicians disagree with the stance of the government and asked the government to step back from the migration integration policies due to which around one million migrants to cross the border and allowed secondary movement across other member states. Being an inclusive state to openly accept migrants and welcome them at all platforms, Germany has become the most important and crucial actor in the current migration crisis in the European Union, and a vital member state in shaping legislative policies of European Union to deal with the tide of inflow of migrants. In his study Abraham<sup>3</sup> gives the reference of Interior Minister of Germany who supported the incoming of migrants as humanitarian responsibility of Germany.

Germany's welcoming behavior towards migrants reflects long ethical history within Europe. Sonia Morano-Foadi,<sup>4</sup> state that Germany's history contains thorough ingrain for the immigrants, by giving the reference of Second World War author signifies the great inflow of people and Fall of Berlin Wall, which equipped them to handle large migrant inflow. Reflecting the high volume of migrant inflow Laub<sup>5</sup> demonstrates that in World War II around twelve million refugees entered Germany (both East and West Germany) and were fully accommodated this fact demonstrates the accepting capability of Germany. Not only this, but Germany also brought around four million people from Italy, Greece, Turkey, Spain, and Eastern Europe through labor market programs to boost its growing economy.<sup>6</sup> Currently twenty percent of the German population is not a citizen of Germany and Germany is the home of 3rd biggest migrant population.<sup>7</sup> These statistics reveal the long relationship of Germany with the immigrants. Along with ethical reasoning, economic benefits are also among the main

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<sup>2</sup> David Abraham., *The refugee crisis and Germany: From migration crisis to immigration and integration regime*, University of Miami Legal Studies Research Paper, No. 16-17, pages 8 (2016), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2746659](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2746659).

<sup>3</sup> Id. at page 3.

<sup>4</sup> Sonia Morano-Foadi., *Solidarity and Responsibility: Advancing Humanitarian Responses to EU Migratory Pressures*, 19 *European Journal of Migration Law*, pages 223–254 (2017).

<sup>5</sup> Zachary Laub., *Authoritarianism in Eritrea and the Migrant Crisis*, Council on Foreign Relations (2016), <https://www.cfr.org/backgrounder/authoritarianism-eritrea-and-migrant-crisis>.

<sup>6</sup> Id.

<sup>7</sup> David Abraham, *supra* note 2, at pages10.

reason for the positive attitude of Germany towards current migration. Following Dinan<sup>8</sup> Germany's aging population applies a shortage of around three million working labor by 2022, and this demographic shift compelled Germany to intake migrants and asylum seekers especially those with an educational degree. Under the light of ethical and economic reasoning and after the break of Germany from major EU legislation clauses in 2015 now Germany has become a humanitarian beacon and brightest hope for many immigrants.

Germany adheres to the EU migration policy as soon as the migration crisis spread-out across Europe and remained a devoted supporter of the European Union's legislative policy. Furthermore advocated and demanded all member states to follow policies under uniformity and cohesiveness. But the frustration increased as Italy and Greece remained fail in addressing the irregular migrant inflow. Thus under these circumstances Germany changed its ideological stance in the last quarter of 2015. Under massive and rapid inflow of migrants in Europe and growing secondary movement of migrants derived Germany to reverse its stance and ultimately Germany suspended its involvement in Dublin Convention.<sup>9</sup> Under the suspension Federal Migration Officers of Germany stopped inspecting the refugees coming from Syria which lead unimpeded flow of refugees in Germany. As a result Germany joined France in a binding agreement, emphasizing on the quota scheme for the resettlement of asylum seekers. This agreement enraged other EU member states (most of them are Eastern European member states) and now they blame Germany as being responsible for the current migration crisis due to suspending its involvement in Dublin Convention.

Another critical precedent was the denial of the agreement of free movement under the "Schengen Agreement" when in September 2015 Germany implemented provisional border check with Austria as they were overwhelmed by the growing migrant trafficking.<sup>10</sup> Following Germany, many EU member states e.g. Hungary, Poland, Austria, Slovakia, Czech Republic, and Croatia instigated a similar measure later placing serious doubts on the legitimacy of the Schengen Agreement.<sup>11</sup> Furthermore another controversial response of Germany was when they also adjourned safe country policies as they were unable to block and control the flow of migrants and blamed other EU member states for the unchecked secondary movement of migrants.<sup>12</sup> Overall, these controversial actions of Germany regarding migration policy and border control lead to reverberating consequences throughout the European Union.

Before the current migration situation, Germany's policy towards migrants has always shown openness and even echoed by Former Chancellor Merkel. Germany was the first country in the World that entrenched the humanitarian program for Syrian refugees in 2013.<sup>13</sup> In the coming years they continued to establish inclusive policies to facilitate migrants e.g. shortening asylum process by three months, add more countries in the third country list, and relaxing the

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<sup>8</sup> Desmond Dinan., Neill Nugent. & William E. Paterson., *The European Union in Crisis*, Bloomsbury Publishing (1st ed. 2017).

<sup>9</sup> Stefania Panebianco., & Iole Fontana., When responsibility to protect "hits home": the refugee crisis and the EU response, 39 *Third World Quarterly* 1–17, pages 1 (2017).

<sup>10</sup> Fulvio Attina., *Migration Drivers, the EU External Migration Policy and Crisis Management*, Social Science Research Network, pages 20 (2017), <https://papers.ssrn.com/abstract=2894804>.

<sup>11</sup> Leonard Seabrooke & Eleni Tsingou., Europe's fast- and slow-burning crises, vol26, *Journal of European Public Policy* pages 475 (2018).

<sup>12</sup> Fulvio Attina., *Migration Drivers: the EU External Migration Policy and Crisis Management*, Social Science Research Network, pages 27 (2017), <https://papers.ssrn.com/abstract=2894804>.

<sup>13</sup> Lucrecia Rubio Grundell., EU anti-trafficking policies: From migration and crime control to prevention and protection, *Policy Migration Centre Policy Brief*, pages 7 (2015), [http://cadmus.eui.eu/bitstream/handle/1814/35745/MPC\\_PB\\_2015\\_09.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/35745/MPC_PB_2015_09.pdf?sequence=1).

restrictions of the migrant's labor force.<sup>14</sup> In 2015 when the migration crisis was building up and migrants were entering Germany through secondary movement from Hungary, even at that time Germany clogged the deportation of migrants, the same approach was utilized in 2011 against Greece. In the last five years Germany also lax its deportation laws adding more to its humane approach, around 200 thousand refugees whose asylum applications have been repudiated are still living in Germany. According to Abraham<sup>15</sup> denied asylum applicants still receive healthcare services, they have the permit to work and children still receive free education in Germany. By suspending the interview requirement, Germany established a new and more facilitating asylum process for Syrian and other religious refugees.<sup>16</sup> Although under EU migration policy, member states were unable to build consensus on the redistribution of migrants after the suspension of the Dublin Convention Germany can implement the same redistribution process within Germany. This distribution system is called "Konigsteiner Key" according to which 21 percent of asylum seekers are located in Rhine-Westphalia, 15 percent in Bavaria, and 5 percent in Berlin.<sup>17</sup> To equip and facilitate reception centers for the incoming migrants Germany spent around \$1 billion in 2016.<sup>18</sup> Through adequate economic resources, management, and strong integration policies Germany can meet all humanitarian standards for refugees.

Instead of such inclusive migration policies, Germany still experiences difficult challenges. Germany is induced to follow perpetuating principles of EU's cohesiveness and at the same time continue open acceptance of refugees and migrants. Furthermore shrinking local and state resources apply further constraint, due to which Germany government is experiencing an anti-immigration attitude at the local level.<sup>19</sup> At the same time many politicians in Germany pushing the government for restrictive migration policies to manage economic and security risks. Furthermore xenophobia is also on the rise within Germany, and anti-Islamic groups are aggressively criticizing current migration policies of the German government. In his research Dinan<sup>20</sup> elucidate that instead of internal criticism by the politicians and the anti-immigrant group German government is continuing with the open migration policy. With the growing inflow of migrants and depleting economic resources, the criticism continues to accelerate putting more pressure on the German government to shift its migration policy.

Since 2012 Germany and Sweden received 50 percent of the overall asylum requests.<sup>21</sup> According to Eurostat in 2018 Germany received around 450 thousand asylum requests, the majority of these requests were from Syrian migrants which comprise 60 percent of the applications. In addition to this 20 percent of the asylum applicants were Afghans.<sup>22</sup> Out of the total asylum applications 168,114 asylum decisions are made by the German Office for Migration, with a 34 percent acceptance rate.<sup>23</sup>

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<sup>14</sup> Id. at page 4.

<sup>15</sup> Abraham, *supra* note 2, at pages 3.

<sup>16</sup> Laub, *supra* note 5.

<sup>17</sup> Id.

<sup>18</sup> Desmond Dinan., Neill Nugent. & William E. Paterson., *The European Union in Crisis*, Bloomsbury Publishing (1st ed. 2017).

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Trine Svanholm Misje., *Transnational Governance of the European External Borders: The case of Joint Operation Triton*, (University of Bergen Master thesis), date June 15, 2019, <https://bora.uib.no/handle/1956/20049>.

<sup>22</sup> Eurostat, *Asylum quarterly report*, (2018),

[http://ec.europa.eu/eurostat/statisticsexplained/index.php/Asylum\\_quarterly\\_report](http://ec.europa.eu/eurostat/statisticsexplained/index.php/Asylum_quarterly_report).

<sup>23</sup> Trine , *supra* note 21, at pages 8.

Also through numerous EU legislations, Germany remains committed to receive more migrants. Under the EU reallocation agreement, Germany accepted more migrants from the borders of Italy and Greece in 2016. According to the EU European Commission, 2016 Germany accepted 21.91 percent more migrants proposed from Italy and Germany. Moreover in 2017 European Union announce to reallocate addition 120 thousand people due to rapid increase in migrants entering Greece, Italy, and Hungary, under this distribution Germany accepted 4 thousand migrants from Italy, 14 thousand migrants from Greece and 13 thousand migrants from Hungary as it was mandatory to share (21.91 percent) according to the committed agenda, which was 18.42 percent in the original Migration reallocation Agenda of 2015.<sup>24</sup>

By looking at the historical approach, current trends, and policy response of Germany towards current migrant inflow, we see an open and inclusive approach of Germany toward current migrant inflow. Germany's inclusive migration approach is prominently reflected in key elements of EU Migration Agenda and legislative doctrines. Through positive asylum acceptance programs, humanitarian efforts, and resettlement schemes, Germany established its leadership role in the European Union regarding the migration crisis. Germany's response to the current migration crisis suggests its holistic approach within the EU which also sees migration issues with humane lens. Germany has always advocated solidarity and burden sharing policies all across the EU to take off the pressure from Southern and Northern states of Europe. EU's unified resettlement plan and rapid processing of asylum applications reflect the active and humane approach of Germany towards migrants and burdened EU member states. Since the implementation of restrictive migration policies by some member states, Germany worked determinedly to sustain cohesiveness among EU member states by taking more burdens of migrants. But still, restrictive migration policies among European member states are a big threat to the EU and divided the Union. Moreover growing anti-immigration concerns within Germany raises further challenges for Germany's current approach towards migrants. Thus by looking at the case study of Germany it can be constructed that Germany's inclusive migration perspective has resulted in varying concerns within Europe. Along with the strained association with EU member states, Germany is also facing opposition within itself.

## II. HUNGARY

In the previous part we discussed the case study of Germany and see an inclusive, cohesive, and burden-sharing approach towards migrants, on other hand as far as Hungary it concern it is opposite to Germany in dealing with the current migration crisis. After entering in European Union in 2004, in a very short time Hungary has become a very prominent influencing leader in the Eastern part of the European Union and openly resisted the liberal approach of Germany towards migrants. Along with other Eastern European countries, Hungary has strongly opposed the EU's resettlement scheme and advocated that every country is prerogative in adapting its migration policy and approach towards migrants and asylum seekers.<sup>25</sup> Supporting the country's migration approach, Hungary argues that each country should guard its interest, keeping its resources and abilities intact. On the resettlement legislation Hungary openly threaten European Union to court over and remained very vocal

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<sup>24</sup> Eurostat, *supra* note 22.

<sup>25</sup> John M. Sapoch., *Europe's Outsourced Refugees: Contextualizing NGO work in the Calais of the Balkan* (Date May 2018) (B.A. thesis, Bates College).

and firm on its stance. According to Estevens, J<sup>26</sup> to avoid the entry of migrants, Hungary followed the philosophy of protectionism and border control.

In 2015 Hungary called EU migration policy as “Germany’s issue”, the same year the relationship between Hungary and Germany further deteriorate when Hungary overlook the movement of around 350 thousand people who used Hungary as a transit country and moved into Germany.<sup>27</sup> Syrian and Afghan migrants used Balkan states such as Hungary, Macedonia, and Serbia as transit states to reach Germany as destination country under such circumstances when migrants are using Hungary only as a transit state, Hungarian government restricted its activities on managing migrants and limited them to only registration of asylum seekers in 2016. In the coming days Hungary implemented more restrictive measures on border control and asylum applications reduced significantly.<sup>28</sup> According to Murray and Longo<sup>29</sup> by adopting a restrictive migration approach, Hungary constructed a 110 mile stretched barrier of the Hungarian-Serbian boundary to control the illegal entry of migrants into their territory. The act of building a fence has been intensively criticized by many human rights groups and Germany as it was a clear violation of the Schengen Accord. Going one step ahead in the implementation of restrictive migration policy, Hungary instituted military force under the “Decisive Action” declaration to deter people from crossing the Hungarian border illegally.<sup>30</sup>

In 2016 the Hungarian government instituted criminal code that people traveling Hungarian territory without proper documents will be prisoned for three years, and those nationals who support illegal migrants will be criminalized.<sup>31</sup> Demonstration of Hungary’s criminalization ideology became well apparent when around one thousand Syrian and Afghan migrants were jailed by the border control security in 2017.

Under the current migration crisis, the EU and Hungary look divided, Hungary believes that acceptance of migrants is their country issue and the EU does not have the right to force Hungary to accept asylum seekers.<sup>32</sup> Hungary believes in autonomy over its domestic and foreign affairs, claiming the multicultural approach of Western Europe and Germany will not work within Hungarian soil,<sup>33</sup> reflecting a clear break with European Union’s policies and structure. Hungary believes in looking at the external solution of the current migration crisis and emphasis that the EU should close its borders. By external solutions Hungary considers that the EU should provide financial support to Turkey, Jordon and other countries of conflict to improve the conditions of refugees. Furthermore international stakeholders such as the USA and Arab nations should also take migrants and refugees that exceed the managing capacity of the EU.<sup>34</sup> At the same time Hungary calls an increase of budget for Frontex for more effective security measures and criticizes Greece for its weak managing ability to control migrants within its borders. On the other hand, Hungary’s neighbor Croatia blamed Hungary of massive migrant inflow inside Croatia which is happening due to the close borders of Hungary, even

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<sup>26</sup> João Estevens., *Migration crisis in the EU: developing a framework for analysis of national security and defence strategies*, 6 *Comparative Migration Studies* pages 18 (2018).

<sup>27</sup> Philomena Murray., & Michael Longo., *Europe’s wicked legitimacy crisis: the case of refugees*, 40 *Journal of European Integration* 411–425, pages 4 (2018).

<sup>28</sup> Lucrecia, *supra* note 13, at pages 4.

<sup>29</sup> Philomena., & Michael, *supra* note 27, at pages 11.

<sup>30</sup> Georgia Mavrodi., *Common EU policies on authorized immigration: Past, present and future*, pages 3 (2015), <https://cadmus.eui.eu/bitstream/handle/1814/36115/Common-EU-Policies-on-Authorised-Immigration%20%281%29.pdf?sequence=2&isAllowed=y>.

<sup>31</sup> *Id.* at pages 7.

<sup>32</sup> *Id.* at pages 11.

<sup>33</sup> *Id.* at pages 5.

<sup>34</sup> Sonia, *supra* note 4, at pages 232.



after this criticism Hungary continues with its current stance and anticipate building a fence on the border of Croatia.<sup>35</sup>

In response to Hungary's restrictive stance on local legislation in constraining the right of appeal on asylum decisions, the EU declares to take Hungary to court as it is against the European Union's law and rights of asylum seekers. European Union also criticized Hungary over its rapid deportation system. But Hungary continues with the concept that the EU needs to develop and implement tougher migration policies, and if the EU continues with the same approach sooner all member states will be destabilized.<sup>36</sup>

As far as the restrictive ideology of Hungary is concern it fully supported by the local people and anti-immigrant political parties. In a recent poll 82 percent of the people stand with the Hungarian government on firm immigration control.<sup>37</sup> In his research Tazzioli<sup>38</sup> describe Hungary as a mono-culture and homogenous society as being the main reason for internal support for tight border security measures and high polls in the favor of a more strict migration approach. According to Eurostat database in 2016 Hungary received around 180 thousand asylum applications, out of which 110 thousand applications were processed and only one thousand asylum seekers were accepted and in the coming years these figures further depleted.

After reviewing some of the facts and ideologies in the case study of Hungary it is clear that Hungary adopted quite the opposite reaction to the unified and cohesive EU approach. So far Hungary is very vocal on EU's migration policy and openly criticized Germany's position, citing its ideological and cultural difference with other EU member states. Talking about strict border control, Hungary supported EU's attempts on out of border solution by coordination with Turkey and other countries, but at the same time emphasizing that the EU needs to rethink its multiculturalist approach. Through restrictive border control Hungary can divert the flow of migrants to other Western European states. As the migration crisis is growing, more EU member states start to support Hungary's ideology and implementing alike restrictive measures. Hungary's restrictive policy is opposite to Germany's cohesive approach in resolving the migration crisis, although in the beginning it was vastly denounced by the member states but with the passage of time attainment more adhesion inside EU.

### III. GREECE

Under the current migration crisis, Greece has quite discrete experience in comparison with both Germany and Hungary, who already had their differences in managing the influx of migrants. As being the largest gateway to Europe, Greece has experienced a massive flow of irregular migrants over the last eight years. Like Italy, Greece is completely overwhelmed by the rapid migrant inflow. These countries (Greece and Italy) have been intensively criticized by other EU member states; firstly for the inability to control immigrants on their borders and secondly due to heavy EU assistance. Like other Southern member states, Greece has called for European Union's resettlement quota scheme to support swamped asylum systems. And EU pleaded to support the struggling state. Due to its geographical location and long coastline, Greece is the easy entrance spot for irregular migrants. According to the statistics of IOM, in 2016 almost 90 percent of the irregular migrants entered the EU through Greece. Over the time Greece has been compelled to manage irregular migrants on the Aegean Sea and Turkish

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<sup>35</sup> Id. at pages 229.

<sup>36</sup> Mavrodi, *supra* note 30, at pages 13.

<sup>37</sup> Martina Tazzioli., Containment through mobility: migrants' spatial disobediences and the reshaping of control through the hotspot system, vol.44, *Journal of Ethnic and Migration Studies* 1–16, pages 2770 (2017).

<sup>38</sup> Id. at pages 2769.

border. Only in 2016 around 850 thousand migrants entered Greece and out of those 98 percent entered via the Aegean Sea route.<sup>39</sup>

The historical challenge of 2008's economic recession remained devastating for Greece. The economic recession led Greece into huge public debt and bankruptcy which ultimately created a suppressed social and economic climate which not only affected local people but also immigrants. The shrinking economy rose tension between the native and migrant populations of the country. Following Morano-Foadi, S<sup>40</sup> economic crisis in Greece fueled anti-immigrant trends all over Greece and provoked nationalistic tendencies. The decimated economy and growing migration left Greece to a devastating situation in dealing with the migration crisis. At the beginning of the current migration crisis, Greece tried operational interventions to control irregular migration by deploying coast guards on the Aegean Sea and surveillance procedures on the borders with Turkey. To control the borders Greece constructed 7.8 miles long fence alongside the Evros River and with the help of the EU deployed Frontex to check the irregular migration. Although this strategy worked but it pushed refugees back to the Aegean Sea route.<sup>41</sup> Along with the above-stated operations, Greece also carried several other controversial measures in concessive sessions to push-back the migrants which raised severe allegations by the UNHCR and other human rights groups on the inhumane approach.<sup>42</sup>

Apart from poor and inhumane management of refugees and asylum seekers, Greece's legislation on the detention of irregular migrants raised further concerns. According to Greek laws those irregular migrants who are unable to provide proper documents should be kept inside detention centers for 18 months or deported, and have become the cause of controversy in the European Union and international community.<sup>43</sup> International organizations such as the Council of European Committee on Human Rights, UNHCR, and Amnesty International denounced Greece's detention center policy and management.<sup>44</sup> Furthermore the growing flow of migrants in 2015 from Turkey made management more difficult for Greece. As far as financial assistance is concern the EU allocated around 76 million euros for Greece in the last four years to construct new reception centers for incoming refugees and to provide food.<sup>45</sup> But according to Greek government allocated funds are not enough to fully address the dramatic inflow. Apart from this, poor border management and control persist in Greece where only in 2017, 547 refugees died while crossing Sea route.

Under these circumstances, the new government (2019) brought some alteration in the existing policies by abolishing the 18-month detention policy and established integration programs and voluntary return of the refugees.<sup>46</sup> In the last few years Greece made some improvement by constructing 20 thousand new receptions centers, committing to increase capacity over 30 thousand, more humane approach under UNHCR's rental scheme, and voluntary return of around 20 thousand illegal migrants.<sup>47</sup> Despite of constructive initiatives, Greece still requires a lot to move out of the chaotic situation. Greece still requires an inclusive

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<sup>39</sup> See the Web: <https://migrationdataportal.org/data>.

<sup>40</sup> Sonia, *supra* note 4, at pages 235.

<sup>41</sup> *Id.* at pages 242.

<sup>42</sup> Fulvio Attina., *Migration Drivers, the EU External Migration Policy and Crisis Management*, Social Science Research Network, pages 25 (2017), <https://papers.ssrn.com/abstract=2894804>.

<sup>43</sup> *Id.* at pages 26.

<sup>44</sup> *Id.* at pages 20.

<sup>45</sup> Leonard & Eleni, *supra* note 11, at pages 472.

<sup>46</sup> Alexandra Porumbescu., *Migration Policies in the European Union: Espoused perspectives and practices-in-use*, 46 *Revista de Stinte Politice* 165-176, pages 169 (2015).

<sup>47</sup> Leonard & Eleni, *supra* note 11, at pages 476.

return policy for illegal migrants and more detention centers to place incoming migrants to avoid their further movement deep into Europe. As far as the EU's assistance is a concern, through EU resettlement scheme many member states are obligated to take 66 thousand refugees from Greece by the end of 2018 but under this scheme, only 5.7 thousand refugees are allocated in other EU member states, majority of them are accepted by Germany.<sup>48</sup>

Although the government of Greece and the EU, the European Commission placed some strategies to address and manage the problems, but Greece still need a lot to retrieve from the unbearable burden of irregular migration. By concluding the case study of Greece, it is elucidated that over the years Greece has become the pivot point of the current migration crisis across the EU. The massive inflow of refugees and irregular migrants crowded their borders and overwhelming their economic resources. Despite the huge criticism of Greece's inability and inefficiency in managing the refugees and asylum seeks, EU member states still continue to support Greece in terms of resources and legislation. Somehow many member states can relieve migration flow through border controls but Greece lacks this luxury due to its location as a port of entry into Europe. Adherence to the European Union and International laws in accepting a huge influx of migrants, Greece faces the problem of humanitarian crisis. Going through the economic crisis, Greece has been financially supported by the EU but not enough, as far as the EU's legislation on resettlement and burden sharing is concern it largely looks flat in its implication. If the European Union's low financial support and inability to implement the resettlement scheme continues it looks that Greece will continue to suffer in the coming years.

#### IV. DISCUSSION AND ANALYSIS

In the previous section, the case studies of Germany, Hungary, and Greece provide an informative insight into the different ideologies, perspectives, and strategies of EU member states to deal with the migration crisis. These diverse methodologies reveal responses of member states towards the European Union's legislation on migration. All three case study countries exercise migration policies to varying extend. Hence it is inevitable to consider the varying trends and build informative insight both at the national and EU level. Keeping the extracted knowledge, now in the following section we discuss and glean holistic analysis. By building insight into national and EU level issues we offer a variant perspective to the European Union's migration policy under the current migration crisis.

##### A. National Level Trends

Management of migrants and negative responses of natives are the utmost pertinent trends at the national level in response to the current migration crisis in the EU. Within the illustrated case studies the legislative development raises the humanitarian concerns afflicting the reception settings for migrants. Such concerns are predominantly evident for Hungary and Greece and well explicated in the case studies. From case studies of Hungary and Greece it is clear that local stakeholders such as government and NGOs lack financial and personnel resources to manage the continuous inflow of migrants within their states. Particular reference to Greek, it is observed that migrant reception centers are already overwhelmed by the migrants and incoming migrants are maneuver to central EU states through secondary movement. Hence these secondary movements of migrants increase the tension among EU member states, and yield legal and ideological fractures between member states. Due to restrictive border controls on the Hungarian border, a huge number of migrants have been waiting with inadequate food and water resources, causing the peril of humanitarian crisis. Hungary's restrict border control

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<sup>48</sup> Id. at pages 475.

policy, the building of border fence and criminalization policy towards refugees; have rigorously hindered the rights of international migrants and escalated the pressure on member states.

The case studies of Germany, Hungary, and Greece reflect the inundate of migrants into the cities of Europe through primary and secondary movement and asylum applications. At the same time migrants have faced the problem of inadequate food, water, and shelter resources. Migrant pressure and insufficient resources for migrants (humanitarian concern) have placed EU member states in a very awkward position which is well reflected in reverberating and unclear EU migration policy. On one hand, EU member states such as Germany, Italy, and Greece have to sidestep from some of the migration policies and protocols of the European Union. On the other hand few member states like Hungary, Sweden, Serbia, Denmark, and Austria have shut their borders for migrants, which further intensifying the humanitarian crisis.

Under these mounting concerns EU legislation tries to address the migration issues through more aid and support for those EU states who are going through the severity of migration. In addition to this EU legislation also created a roadmap for member states to mitigate the pressure of irregular migration. However, even after spending billions of euros on the migration agenda, the EU has failed to accomplish its main objective on the migration agenda. Moreover, other key regulations such as Legal and Operational measures under EU's Agenda on Migration, Seventeen point Action Plan for the Balkan States, and Emergency Measure Proposal of International Protection also unable to achieve desire goals. And as a result of failed policies, many people still entering Europe through Greece and the Balkan States. Using the reference of Greece, where many regulations stipulated through the EU's Migration Agenda, have yet to be fully operational, exacerbate more complications for countries of entry. At the same time promises made with member states through EU legislation have done very little in managing the migrant inflow. The case studies of Greece, Hungary and Germany articulate varying effects of EU's migration policy in managing migration crises and the same tend can be extracted for other EU member states. As a result of the lackadaisical and ineffective response, many member states abandon the European Union's migration policies and implemented national border control measures.

In addition to insufficient resources, the negative sentiment of natives toward migrants is evident in the case studies. The emergence of anti-immigrant parties and their increasing support both at the local and national levels highlight the mistrust in the current migration policies. The rise of anti-immigrant parties in EU member states also reveals that migration policies are unable to manage the migration wave. As the negative perception of natives is increasing towards migrants, it does influence the migration policies of the states and is well evident in the case studies of Germany and Hungary. In Germany the national migration policy is closely associated with the overall EU's migration legislation, and a more welcoming approach towards migrants is engaged. But at the same time many local groups in Germany are raising their voice against the current national migration policy. Regional states in Germany like Bavaria have started to implement restrictive measures towards incoming migrants, and it seems that shortly it will be difficult for the government to continue with the same supportive approach towards migrants. In Hungary restrictive migration policies helped the government to regain the local support and persistency in policy implementation that contradict EU's migration legislative approach. The same anti-immigration and restrictive trend exists in many other EU member states, where locals/natives are becoming supportive of anti-immigrant and border control policies and approaches in dealing with the current migration crisis.

## B. EU Level Trends

Lack of cohesive migration policy and solidarity on the current migration crisis among member states are the critical issues derived in this research study. The case study of Germany and Greece is a clear example of opposite and divergent ideology and approach on the issue of migration. This divergent policy approach has polarized the whole European Union. With the continuously growing crisis more EU member states are deviating from the EU legislative policies and moving towards national migration policy approaches that follow restrictive and closed border measures. This lack of uniform policy measures are not only creating mistrust among member states but also directly influence the effectiveness of the European Union's legislation on the migration issue. In the resettlement scheme, the EU proposed to reallocate 160 thousand migrants among member states by 2016 but only 250 people have been resettled,<sup>49</sup> reflecting mistrust of member states on the EU's migration strategies.

Furthermore, Dublin regulation which is a key protocol document of the EU for asylum-seekers has been dropped by Germany and many other member states. In response to this European Union has threatened the member states, signifying the weakness of EU legislation. This conflict among member states has shaped an evident problem within the European Union, marking a visible dissimilarity among member states on the implementation of the EU regulations. This philosophical disintegration has led to clear consequences for migrants, who are already suffering due to the lack of international protection.

Lack of harmony among EU member states is the most problematic issue in the enforcement of EU regulations. The whole EU project to manage migrant crisis has been jeopardized due to the inefficiency in implementing migration policies and immense opposition by member states. The action of restrictive migration policy is a clear violation of the Schengen Accord, assuring the free movement within Europe. Due to the border control measures taken by member states, this hallmark (Schengen Accord) is under attack and might lead to dire consequences even after the end of the migration crisis. In his study Cendrowicz<sup>50</sup> also raises the same concern that if immediate progress is not made on the current migration crisis, the Schengen could fail. Thus the current migration crisis has raised serious concerns on the integration of the EU.

## C. External Trends

There exists a clear gap in the European Union's migration policy regarding the EU's collaboration with external partners. EU's deal with Turkey has opened a new arena in mitigating the migration crisis in 2016, but since then no radical collaboration is observed between EU and with external partners. Many EU member countries particularly Hungary advocates the increasing collaboration and works with countries of origin and countries of transit such as Lebanon, Jordan, and Turkey. This collaboration insists the EU to improve the asylum system and refugee camps in countries of conflict. To date, the majority of the external policies of the EU consist of financial incentives for third countries, and very little importance is given to the persecution and internal conflict issues inside the countries of origin which is the root cause of the increasing intensity of migrants into EU. Although according to EU European Commission 2015 (Pillar I), the EU migration agenda talks about the internal

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<sup>49</sup> Attina, *supra* note 42, at pages 27.

<sup>50</sup> Leo Cendrowicz., Could the refugee crisis really break up the European Union? Independent, date January 23,2016 , <http://www.independent.co.uk/news/world/europe/couldthe-refugee-crisis-really-break-up-the-european-union-a6828581.html>.

conflicts in countries of origin as the root cause of migration through institutions of European Union delegation, termination of traffic networks, increases in cooperation assistance, and establishment of immigration associate officers. However, not all of the intents have been implemented or remained effective in restricting the migration in the European Union.

Lack of cooperation between EU with external countries who are not EU's neighbors such as Canada, the USA, and Australia is the most curious feature of the EU's migration policy. EU legislative migration policy does not address the policy collaboration with these countries. Canada, the USA, and Australia already have migration policies and thus enhancing policy cooperation could help mitigate asylum pressure from Europe. The EU's migration policy focuses more on internal legislation and less on external cooperation, which has yielded critical consequences. Such a policy-driven approach of the EU shows overwhelming tendency aiming at achieving short term legislative goals rather than focusing on permanent or long-term strategies. Thus due to this reason many cracks have developed.

Along with the external policy gap, there also exists a cavity in the EU's migration policy regarding support for country of entry and transit country, and hence appeared as a serious problem between member states. The fragmented stance and philosophical differences among EU member states have steered to enforcement problems of migration laws and further divided member states, propagating the human rights crisis. The case studies of Germany, Greece, and Hungary well explicate the outlined problem. In the end, it is worth noticing that without improving the key elements discussed in this study, it is difficult for the EU to eliminate the current migration crisis and to maintain solidarity and unity among EU member states. Under the light of current issues discussed in the research study, the next part of the work outlines some of the significant policy recommendations to curb the current migration crisis.

## V. POLICY RECOMMENDATION

Based on the detailed critical analysis discussed in previous sections of the study, the following part of the research constructs some important policy recommendations by applying the Neo-functionalism and Inter-governmentalism theories which describe the behavior of European Integration relevant to migration crisis. The policy recommendations aim to capture the key problem concerns addressed within the current migration crisis in the EU. Here we suggest short- and long-term policies targeting both general and specific approaches towards the EU's migration crisis.

### A. Short-Term Policies

- Under a common migration problem EU member states practice divergent and segmented migration policy, rising huge concerns on the solidarity and economic interdependence of member states within EU. Hence, uniformity in migration legislation and practice is inevitable for the sustenance of EU.
- For full identification of the people entering Europe, European Union Commission needs to strengthen border controlling protocols, through both physical and financial enhancements. By doing this, the EU can address and manage both security and humanitarian aspects under international laws.
- For the safety of migrants entering Europe through sea routes, the EU needs to monitor and improve search and rescue operations on humanitarian grounds.
- EU Commission and member states need to enhance information sharing systems both within Europe and with external countries. Information sharing involves the transfer of knowledge, skills, and training for proper policy channelization.

- Effective and transparent enforcement/implementation of EU migration legislation across all Europe for irregular migrants and asylum seekers, which aptly ensure international protection laws.
- Improvement and expansion of reception centers for both existing and income migrants. And also to counter possible perilous situation with the local communities.
- For the practicality and effectiveness of the policy approach, the EU needs to develop a more efficient information transfer system between border control agencies and policy formulation bodies.
- For better border management of sea routes, the EU needs to expand and clarify the role of Frontex (EU border control security on sea routes) on humanitarian grounds.
- EU needs to revise and re-analyze the Dublin Convention particularly the integration and redistribution mechanism. In integration and redistribution mechanisms human rights standards and migrant needs should be prioritized.
- EU needs to develop strong residence and employment incentives to promote legal migration inside the EU. European Union also needs to revisit and soften the legal immigration laws to facilitate humanitarian and economic migration.
- To curb migrant smuggling and trafficking, the EU should prioritize and implement stick legislation.
- Lastly, to share the financial burden of Balkan and Southern member states, EU Commission needs to increase the financing and budget of the Internal Security Program and Asylum and Migration Integration Program.

## **B. Long-Term Policies**

- European Union needs to increase the financial and economic development support for those third countries which are associated with the current migration crisis. Financial and economic support to assist refugees within a third country, to build economic resources and local structure which are the potential destabilizing factors and push factors for migration towards Europe.
- For the effectiveness of the asylum system, EU Commission needs to increase the budget for the Common European Asylum System (CEAS).
- To empower and incentivize the third countries, the EU needs to increase and broaden its relationship with third countries, which are not Eurocentric. Besides, the EU needs to initiate co-development and other incentives for third countries to keep migrants inside their home countries, by addressing their social, political, and economic problems.
- EU needs to re-think about the resettlement scheme of migrants and should involve private communities, church organizations, and NGOs. United States and Canada has been fairly successful in getting fruitful results of such resettlement schemes.
- To upturn the effectiveness of migration policy mechanisms, there is a need to increase trust, equal responsibility, and cooperation among member states. Coordination among member states include harmony on resettlement and reallocation scheme and cohesiveness on all conventions and accords which are established to tackle the current migration crisis.
- As it is a universal realization that internal conflicts, poverty, political turmoil, lack of education, and persecution are the root causes of global displacement and the main drivers of the current migration crisis in Europe. As part of this, the European Union needs to find both financial and political possibilities and solutions inside countries of origin to curb global displacement and migration issues.

- With the collaboration of UNHCR, the EU needs to develop a global protection scheme, aimed at the relocation of vulnerable groups, which should involve other developed countries along with European states.
- Lastly, the EU should establish long term migration policy goals involving a multi-sector approach such as; foreign affairs, socioeconomic cooperation, trade cooperation, and political concerns.

The current migration crisis in the EU has created numerous problems within Europe. A huge influx of migrants into the EU and insufficient management response has put the European Union into an unjustified position. EU's legislative agenda on migration has peddled both security and humanitarian approaches but the EU's response towards these objectives has been substantially criticized and rejected by member states, international authorities, and corresponding researchers. As this meticulous research study has shown that EU needs to change its approach towards current migration crisis and need to do more to address the surfeit of negative trends, hazards, and loopholes inherent within its current status and migration policies. Moving forward, for the adequate response the European Union needs to utilize persistent policies recommended inside in this study for both internal and external migration support systems. As part of this work, researchers and policymakers need pressing look at changing trends within the migration crisis for up-to-date and effective policy implications in different migration programs, interventions, agreements, and legislation. Lastly, the current migration crisis in the EU will endure to be an excruciating liability and burden on the member states providing conflict and segregation continues to dawdle in the migration management procedures and actions.

## CONCLUSION

Since 2015, a huge influx of migrants into Europe has led to unprecedented damage to almost all EU member states and particularly damaged the solidarity of Europe as one unit. In response to the migration crisis, numerous novel legislation and regulations have been developed to mitigate the problem. Since 2015, five regulations have been executed which give insight into the migration crisis and main trends. They also provide sight on migration policies, few amendments, and legislative objectives. The main philosophy of these regulations includes the concern of many EU member states to; control borders through protection system, accurate tracking, monitoring and assessment of incoming irregular migrants, coordination, technical assistance and new protocols for agencies, collaboration with third countries to curb migration pressure and humanitarian concerns of displaced people.

Along with above stated main objectives of the regulations they also aimed at; to ensure the solidarity and unity of EU member states, technical and financial support for struggling member states like Greece, comprehensive and effective asylum system, controlling the secondary movement of migrants within Europe and to manage resettlement and reallocation of migrants with harmony. Although EU's legislative approaches tried to encompass all the core issues related to current migration crisis but never yielded desirable results; lack of harmony and political will of EU member states to participate in the reallocation of migrants particularly UK, Austria, Hungary and Sweden, preference of national migration policy over EU legislation, insufficient financial support of EU Commission for Greece and Italy, fragmented border control policy and polarization and grouping among member states on the issue of asylum registration and resettlement and the inability of EU to find the external resolution of migration crisis has led to overwhelming damage to EU member states and even conflicted the future of EU. At the same time insufficient human approach of the EU towards



migrants also remains a burning issue as the implication of migration legislation remains inadequate to fulfill the international migrant laws and human rights of displaced people. All these factors elaborate on the desperate nature of the EU dilemma.

Under these circumstances this research study suggests some key policy recommendations which include internal and external possible solutions. Internal resolutions include integrated and cohesive migration policies to address; protection of human rights of migrants, fair and collaborative resettlement schemes, end-to-end management of security mechanisms, humane asylum-seeking system, and more financial support for struggling member states. At the same time, the EU needs to reevaluate migration postulates and approaches established in Schengen Accord and Dublin Convention. Along with these internal possibilities the EU also needs to address the root causes of the current migration crisis and needs to involve external countries and countries of origin/conflict in migration legislation. External countries can share the load of migrant flow and by building cooperation with countries of origin through economic support and political influence, future migrants, and be avoided to enter Europe. Without addressing external possibilities and root causes, EU's migration policies and legislations will probably continue to fall flat.