

# the 2015 refugee crisis was not a turning point: explaining policy inertia in EU border control

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Immigration, asylum and border policies topped the EU agenda in the summer and fall of 2015. Media attention focused on the situation at the Southern borders of Europe: What could be done about the shipwrecks in the Mediterranean and Aegean Seas and violent episodes in the Western Balkans? The Cassandras of Europe predicted the end of the Schengen area and, on the wake of the 'crisis of the euro', the end of the EU project as a whole. In fact, key agreements such as Schengen and Dublin are still in force and applied. One cannot observe any reorientation of policy goals or means. For instance, FRONTEX, the agency that coordinates naval and other military operations, became, in October 2016, 'the European Border and Coast Guard Agency' with a tripled budget and a broader scope of intervention.<sup>1</sup>

Why did the status quo prevail? Our answer takes an historical perspective to

avoid the cacophony of contingent narratives as told through EU institutional channels or national elected leaders. Shedding light on the 'migrant crisis' or the 'refugee crisis' requires some unpacking. Many countries in and outside Europe, all levels of government, a range of public, private and third sector actors, are involved. Migrant trajectories are not predetermined and interact in complex ways with state and EU policies. In this article, I focus specifically on the EU policies that led to the crisis, and the EU decisions that were adopted thereafter. Based on its etymology ('Κρίσις'), the word crisis in medicine means a turning point in an acute disease such as a paroxysmal attack of pain that requires a decision between two alternatives. The political reactions of the summer and fall in 2015 had a truly European-wide 'politics' dimension that could have upset the EU policy status quo. Deciding on a new

'remedy' or approach to asylum was possible in a very tense moment.

To account for this dynamic between politics and policy, I first assess whether there could have been a change of policy following the paroxysm of media attention with the publication of the pictures of a boy lying lifeless on a Turkish beach in September 2015. Second, I outline a socio-historical perspective on the development of a transnational field of EU border security whose stakeholders resist change. Once a policy path has been chosen, reform will be difficult if a number of actors feel that they benefit from the status quo and these interest groups have a strong incentive to mobilize. Third, I take stock of EU decisions adopted in 2015–2016, measures that show policy inertia and drift. I conclude by emphasizing that the member states who devised EU borders policy many decades ago were responsible for the predictable crisis at its Southern borders and argue that only extremist parties and nationalist leaders are gaining from the situation, which perhaps counter-intuitively makes the status quo a puzzle for those who study politics rather than policy.

## **THE POLITICS OF ATTENTION: FRAMING THE 'REFUGEE CRISIS'**

On 3 September 2015, media around the world showed the picture of a child lying face down on the sand. It would soon be known – and contested – that the boy was a three-year-old Kurdish boy from Syria named Alan Kurdi whose family was on its way to Greece. Alan lay lifeless on a Turkish beach next to the paramilitary police officer Mehmet Ciplak. He became an icon as had other children before, such as Kim Phuc shown running with her back burnt by napalm in a 1972 Pulitzer prize-winning photograph during the Vietnam

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War. According to Baumgartner and Jones, (1993), such a 'focus event' can perturb the status quo in a policy domain. In brief, an event can change the balance of forces by allowing new actors to be heard and reframe the very terms of the debate in this policy area.

In the fall of 2015, the 'refugee crisis' threatened those who run policy day-to-day and fear scrutiny: those who defined and conducted EU immigration, asylum and borders policy. There was greater coverage of persons fleeing conflict including children risking their lives. NGOs, experts and municipalities in the South of Europe could finally gain media access to shame and blame Dublin, Schengen and FRONTEX – the EU regulations and agencies that in their eyes were responsible for the tens of thousands of deaths in the Mediterranean and the Aegean Seas. Experts such as academics that were largely ignored during the past decades were consulted. Anti-EU, anti-migrant populist leaders and parties denounced the failure of the EU to manage its borders and 'crisologists' predicted the end of Europe.

These reactions contributed to expanding the scope of debate beyond expert publics, principally mid-level bureaucrats, police, border guards, the gendarmerie, naval forces, intelligence agencies and security liaison officers in consulates abroad. Baumgartner and Jones offer the 1986 explosion of the space shuttle Challenger as an example of a focus

event. Here was a policy sometimes associated with the famous 'industrial-military complex' that was not accustomed to public scrutiny all of a sudden in the spotlight. The comparison is not far-fetched. The EU 'area of Freedom, Security and Justice' as it is called in the treaties developed through intensive transgovernmental meetings while its negotiators and implementers cultivated secrecy.

Before 2015, media attention regarding EU immigration and borders' policy had been sporadic. One may recall the deaths of 58 Chinese migrants in the back of a truck in Dover in 2000 that took place while EU chiefs of state and government were meeting in Feira. Grand declarations followed, and then the news, just as the show must go on. When on 3 October 2013, 366 persons died in a shipwreck near Lampedusa, there was an official outcry by EU leaders, but the response in the end was national with the Italian head of government launching a large-scale rescue operation called Mare Nostrum. Pro-migrant activists were discouraged. There seemed to be no truth in numbers since in fact there were more deaths in later similar events: 500 died near Malta in September 2014 and 800 in April 2015 off the Libyan coast. This time with the picture of one child the coverage amplified the debate about EU borders.

The 2015 events led to a polarization between those seeing welcoming refugees as inevitable and others claiming that it was neither feasible nor desirable. There was a torrent of commentary on the Obamaesque declaration of Angela Merkel on 31 August 2015: '*Wir schaffen das!*'. German governments have been proactive for decades in elaborating EU immigration, asylum and borders policy with an impressive bureaucratic *force de frappe* and a possibly hegemonic role in brokering intra-EU deals in this domain. The welcoming attitude of the German authorities signalled a possible change in

EU policy. The European Commission had proposed to encourage a better distribution of asylum seekers in the name of European solidarity, a 'distribution key' to 'relocate' 160,000 refugees stuck in camps in Greece and Italy. Part of the coverage of the 'crisis' showed the many initiatives by citizens or civil society organizations helping persons fleeing conflicts, offering lodging, language classes or advice with administrative procedures. There were also cross-national schemes such as the French-German SOS Méditerranée and its rescue ship, the *Aquarius*. There was a prompt counter-mobilization of governments, parties and organizations across Europe in 2015. From Viktor Orban in Hungary to the 'Leave' campaigners before the UK referendum, political leaders blamed immigrants for threatening national identity. An EU solution was called into question in Northern Europe when Denmark rein-stated border checks with its Southern neighbour Germany on 10 September 2015 and Sweden closed its border with Denmark on 4 January 2016 for the first time since the 1950s, notably the symbolic Øresund Bridge between Copenhagen and Malmö. In brief, there was publicization and polarization on the refugee issue calling into question thirty years of policy cooperation that I turn to now.

## **DIAGNOSING THE CRISIS: THE CREATION OF A TRANSNATIONAL POLICY MONOPOLY**

By 2015, it is fair to say that the system of dykes before, at, and after the EU external border – to prevent certain migrants from ever reaching European soil – seemed out of order or in any case overwhelmed. The number of people trying to get to Europe rose that year, and, as in previous years, many died on their way. Still many arrived in spite of national

coast guard and/or FRONTEX operations. Several countries in the South of Europe (Italy, Greece, Malta) reiterated that they could not handle these arrivals in their detention and 'processing' facilities, often situated on 'prison islands'. Migrants then crossed internal Schengen borders on their way North. Re-sending them back to the first EU country party to the Dublin agreement, which is also at the South-eastern border of Europe, no longer seemed a viable option. In 2011, both the European Court of Human Rights in Strasbourg and the European Court of Justice in Luxembourg considered deporting asylum seekers to Greece based on Dublin rules in breach of fundamental human rights (Lavenex, 2015).

Was the system inherently flawed? Answering this question requires us to go back in time when the 1990 Schengen and Dublin agreements were signed and when the fundamental goals and instruments of EU border, immigration and asylum were devised. To curb asylum, transgovernmental venues were set up and dominated by personnel from Interior and Security forces that enlisted like-minded officials from other countries. Over time, cooperation took place within the EU framework, yet Interior ministries continued to control the decision-making process whose aim was to filter out persons considered to be 'migratory risks'. Other public actors that joined the fray did not call into question policy goals, in particular defence forces, such as the naval authorities patrolling the seas or diplomatic actors negotiating with source countries of migration. Like a coral reef, EU immigration, asylum and borders policy attracted a range of new actors. These include: international organizations, notably the pre-existing Geneva-based IOM (International Organisation for Migration) that focused on irregular entries and human trafficking and the Vienna-based ICMPD (International Centre for Migration Policy) (Geiger and

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Pecoud, 2015); companies including the security firm G4S that operates in detention centres and 'hot spots' for refugees, as well as former national industrial champions such as Thales, Indra, Siemens, Erikson, Finnmeccanica that sell border surveillance technology and have received R&D funding for at least forty large projects from the EU since 2003 (Rodier, 2012), and corporations that are subcontracted to process Schengen visa applications such as VFS Global or develop biometric databases; and finally a range of NGOs or para-public actors that run centres for asylum seekers or deliver services. Concretely, this means groups compete to influence how a problem is defined, and their preferred policy frames an issue and prevails for long periods of time.

So how did we get there? In 1995, MIT professor Myron Weiner published a book called *The Global Migration Crisis. Challenge to States and to Human Rights* (Weiner, 1995). In his view, the crisis was blatant after the fall of the Berlin Wall and as conflicts throughout the world increased the number of potential asylum seekers. Already by the 1980s, there was a tension in liberal democratic European states between a will to curtail or reverse immigration after decades of foreign labour recruitment and the constitutional provisions or European human rights charters. As of the late 1970s, administrative and constitutional courts in major

immigration countries overturned executive and legislative attempts to deport foreign residents or prevent family reunification. Some parts of the executive, in particular Interior and Justice ministries, were asked by elected governments to find ways to prevent arrivals while other ministries (e.g. Social Affairs) argued in favour of securing the legal status of settled migrants and their families.

One way out of the irreconcilable differences within and across state institutions consisted in one of the parties changing the policy venue. This refers to a locus of debate where the rules of the game and the composition of its participants favour one's point of view. The groups that negotiated the 1990 Schengen agreement found a venue that they controlled (Guiraudon, 2000). Law and order civil servants were able to devise the policy instruments that still today are meant to prevent unwanted foreigners to arrive on European soil outside of parliamentary and judicial scrutiny. National parliaments only had a few weeks to ratify a text that they could not amend. Intense intergovernmental negotiations among a small group of like-minded functionaries took place in a closed setting without dissenting voices and, cherry on the cake, their decisions could not be debated and challenged.

The countries of Southern Europe that asked to join or the accession countries that had to comply with the 'Schengen acquis' could join the club if the original members agreed but without concessions.<sup>2</sup> To become a Schengen club member, you had to show that you were trustworthy. All the declarations during the 2015 'refugee crisis' evoked solidarity. This notion is absent from the vocabulary of the Justice and Home Affairs community. The key word that keeps coming up in archives, observation situations and interviews is 'trust', not solidarity (Anderson, 2002). Can you trust the border guards of other Schengen

states to police their external borders? Do they share the same culture of security, can you 'wine and dine' with them? Given the current focus on migrants crossing the Mediterranean, one case in Southern Europe is noteworthy. Spain signed the Schengen agreement in 1991, one year after the original five signatories (France, Germany and Benelux), and began implementing the agreement in 1995 at the same time as they did. Spain engaged in highly visible bordering: patrolling the Strait of Gibraltar to prevent 'pateras' or dinghies trying to cross the 14-km turbulent sea between Morocco and Spain, and erecting an impressive 8.4-km fence in the Ceuta and Melilla enclaves in 1993 and another one in 1995. Now that we have briefly explained when and how transgovernmental cooperation developed, we need to focus on the policy instruments that were developed and their logic.

To understand indeed how we got to the 2015 situation, we need to focus on the two cornerstone instruments of the policy that Schengen negotiators elaborated, inspired by US measures adopted in the early twentieth century: visas and carrier sanctions. With these measures, a person could no longer board a plane and seek asylum upon arrival. Airlines or ferries had to verify the validity and authenticity of travel documents, visas and passports, to avoid fines. They were soon aided in their task by European airport liaison officers and internal security agents in consulates and embassies. International organizations such as the UN High Commissioner for Refugees (UNHCR) and the Council of Europe immediately criticized Schengen visa and carrier sanctions provisions in the 1990 Schengen agreement as targeted at asylum seekers. How would a Kurd fleeing persecution obtain a passport and visa – and if he did not, could he get past Turkish security airline staff?

The fact that European states sought to keep certain migrants from arriving did

not deter them from trying. The journey became more uncertain and dangerous over de facto 'irregular' routes. Migrants paid 'migration merchants', supposedly familiar with the sea and land routes to their final European destination. In 1999, the Amsterdam Treaty came into force and included a protocol that integrated Schengen into EU law. That same year, Kosovars had to pay smugglers to get out of the war-torn Balkans, even though they would get temporary protection in Germany and elsewhere. Schengen visa and carriers' sanctions policy forced those fleeing conflict just as other migrants to resort to smugglers if they wanted to reach Europe. The EU Commission and Council of Ministers reversed this causal chain when they called for 'a war against people smugglers' as they did again recently in 2015.

Schengen borders policy did not stop the departure of migrants. In 1999, migrants were getting on dinghies in Morocco or Mauritania to reach the Canary Islands: Spanish and thus EU territory. 'Remote control' policy supposed that countries where potential asylum seekers were leaving guarded their own borders. A key objective of the 1999 special Justice and Home Affairs summit in Tampere was to encourage cooperation with third countries. In 1998, a 'High Level Group on asylum and migration' was created to issue 'action plans' for a list of countries of origin and transit of asylum seekers and migrants: Afghanistan and its neighbour Pakistan, Iraq, Morocco, Somalia and Sri Lanka – source and transit countries, authoritarian states that controlled the movement of their populations. Based on a strangely optimistic idea of the stability of the regimes targeted for cooperation and an outdated idea of postcolonial relations, EU envoys thought that the latter could serve as buffer zones.

When diplomacy does not work, military options are always available. The last development to curb asylum thus

consisted in further militarizing the border. The regulation creating FRONTEX, the EU external borders agency, was adopted in 2005. Like lemmings rushing to the sea, EU policy-makers did not reflect on their past actions or properly assess the geopolitical situation south of Europe. Many saw the picture of Alan Kurdi, yet there had been many less publicized precedents. Non-governmental organizations and the IOM have published figures on the estimated number of missing and dead persons after shipwrecks involved migrants: in 2014, they had already recorded 22,000 persons missing between 2000 and 2013 (IOM, 2016). Academic efforts using state-based evidence estimate that between 1990 and 2013 3,188 people were actually found and buried after losing their lives crossing the Mediterranean, Adriatic and Aegean Seas, or being shot at or blown up by landmines (Last *et al*, 2016). Between the 1990s and now, the most travelled sea routes to Europe have changed, mainly eastwards from Gibraltar and the Canaries to Italy, Malta and Greece. Routes shifted depending on the cooperation of countries South of Europe such as Morocco or Libya, and the presence of national and EU-led security forces.

The key policy instruments that explain the current situation have been in place since the 1990s in spite of important adverse effects. This is a case of policy drift defined as policy inertia. Why? I have argued that Interior ministries and related bureaucracies gained margins of manoeuvre in intergovernmental and European venues, to the detriment of others that historically had a role in migration policy such as Ministries associated with Social Affairs and Employment. It seems difficult to break the monopoly of Justice and Home Affairs over the regulation of asylum and migration at the EU level. New bureaucratic actors added a diplomatic and military component, and a motley crew of private interests increasingly selling their expertise, products and services. When the

media shed light on the consequences of EU policy, as we will see in the next section, the solution was more of the same.

## **THE POST-2015 STATUS QUO: POLICY FEEDBACKS AND POLICY FAILURE AS A SELF-REINFORCING MECHANISM**

The picture of Alan Kurdi provoked a moral outcry yet precluded certain readings of the situation. If an issue is defined as a humanitarian emergency, it does not follow that there should be a comprehensive evaluation and overhaul of EU policy. In fact, the decisions adopted by the EU Council in 2015 and 2016 were 'emergency measures' without parliamentary and judicial oversight. None of them actually changed the fundamental goals and instruments of EU policy. The stakeholders of the EU borders policy monopoly went unscathed. For those who ponder about the viability of the EU project, the decisions sidestepped the 'Community method' and signal a reversal to pre-Lisbon intergovernmental deals. Consider four recent developments:

(1) *Military patrolling of the Mediterranean, Aegean and Adriatic Seas*. FRONTEX-led operations named Triton and Poseidon, which began in late 2014, continued with a tripled budget in 2016. A new component was added. At a summit in Luxembourg, on 22 June 2015, as part of the EU Common Security and Defence Policy, Ministers of Foreign Affairs launched EUNAVFOR Med, a military operation under the leadership of an Italian admiral in Rome aimed at fighting migrant smuggling and trafficking. In the summer of 2016, one year after media coverage of the refugee crisis, the International Organisation for Migration reported that 2977 persons had been found dead in the Mediterranean during the first six months of 2016, much more than the 1917 deaths recorded over

the equivalent period in 2015. On 21 July 2016, the Italian Ministry of Interior announced that the number of migrants having arrived by sea is similar to the previous year, 84,052 as opposed to 84,026 in the first semester of 2015. These numbers are not surprising given that there has been continuity in border policy instruments. Operation Triton started in November 2014. Although the death toll rose nine times the year after it replaced the aforementioned Italian Mare Nostrum rescuing initiative, there has been no re-evaluation of its *modus operandi*. Triton involves contributions from 15 EU member states, nine vessels, three aircrafts and two helicopters, and a budget of € 36 million. The goals of Triton have never been to rescue migrants but 'to disrupt the business model of traffickers and human smugglers.' In fact, in February 2017, FRONTEX director Fabrice Leggeri even accused NGOs of encouraging traffickers, for rescuing 40% of people at risk in the sea off Libya.<sup>3</sup>

The data published in 2016 mentioned 89 suspected smugglers were transferred to the Italian authorities (EC, 2016). Does this figure warrant such extensive military means? Most smugglers are not at sea, and migrants report that trafficking takes place beforehand in Egypt or Libya.

(2) *An emergency relocation plan for 160,000 refugees*. After much wrangling, in September 2015, the EU Council adopted a two-year plan to relocate 160,000 asylum claimants arriving in Italy and Greece in other member states based on a distribution key that included population, GDP and previous numbers of asylum requests.<sup>4</sup> Asylum seekers outside this quota must still be registered in the EURODAC database and apply in the first EU country that they enter. The scheme is legally justified as a temporary exception to the Dublin regulation' due to exceptional circumstances' and it is not working. Only 5% had been relocated by the end of 2016, according to the



European Commission that publishes monthly reports.<sup>5</sup> For instance, France had committed to welcoming 30,000 persons, but only 300 (1%) had been admitted in mid-2016.

(3) *The creation of EU 'hot spots' in Greece and Italy.* Some camps in Greece and Italy were designated in 2015 as 'hot spots' so as to register, fingerprint and pick out the migrants meant to be relocated in other countries, and thus sort likely to be refugees from 'economic migrants' that would be deported. Detached personnel from other member states and staff from a number of EU agencies such as FRONTEX, Europol, Eurojust and the European Asylum Support Office have been dispatched to these camps and work alongside national authorities, local and international NGOs, private security agencies such as G4S and the UNHCR (the UN agency in charge of refugees). The legal basis for the 'hot spot approach' proposed by the Commission is the same as for the relocation plan: Article 78(3) TFEU, which enables the Council to adopt additional measures if 'one or more Member States [are] being confronted by an emergency situation characterized by a sudden inflow of third country nationals of third countries'.

The European Commission had to admit in a June 2015 report that 8450 migrants were still stuck on Greek islands (GISTI, 2016). While the Commission had estimated that 200 asylum requests needed to be processed every day so that the camp in Moria (Greece) did not become overpopulated, only 18 cases were processed. Migrants wait in conditions well below any basic living, health and safety standards. The humanitarian crisis is a direct consequence of the dysfunction of a hasty EU decision.

(4) *An agreement with Turkey on Syrian refugees.* To use current EU lingo, 'partnerships' with third countries remain an objective.<sup>6</sup> In the tradition of informal cooperation, a 'statement' was agreed

*'... 'Emergency measures' adopted without parliamentary and judicial oversight... have failed to meet their goals or solve the humanitarian aspect of the asylum crisis. Yet policy failures justify going forward...'*

upon between the members of the European Council and Turkey on 18 March 2016 whereby for every Syrian being returned to Turkey, another Syrian will be resettled from Turkey to the EU. There was money on the table: six billion euros from the EU budget for Turkey. The agreement is not an international treaty. Legal scholars have also pointed out that the collective deportation of a group from a particular nationality to a country where they cannot claim asylum and may not thus be a 'safe third country' is in violation of the Geneva Convention and the European Human Rights Convention (Article 3, Article 4 of Protocol 4) and EU laws (Peers, 2016). The negotiation with Turkey did not follow EU procedures (Article 216 TFEU). The EU Parliament was not consulted (den Heijer and Spijkerboer, 2016).

To sum up, these four examples include a new operational military initiative, two Council decisions justified by 'an emergency situation' and a 'statement' between the EU and Turkey that defies international legal standards. The crisis tautologically justified 'crisis measures'. Accordingly, they reaffirm the overall approach to handling migration and asylum. Emergency measures have failed to meet their goals or to solve the humanitarian aspect of the asylum crisis. Yet policy failures justify going forward not backward.



## CONCLUSION

The policy solutions of the last thirty years have aimed to stem migration flows and failed. There is a need for an overhaul of EU policy based on a more realistic understanding of international mobility. Is this politically feasible?

EU circles blame South and Eastern Europe as unwilling or unable to deal with the crisis and propose a two-speed Europe with only a few Schengen states moving forward on immigration, asylum and borders issues. The German government did not succeed in getting several Central and Eastern European member states to comply with a reallocation plan for refugees, even when threatening to cut down EU regional aid policies. This has allowed Germany to deflect attention from the roots of the crisis and lay the blame on other member states. Some commentators attribute the refugee crisis to the challenge of enlargement, which has made the EU 'ungovernable'. The rise of illiberal regimes in Hungary makes it more difficult to steer EU immigration and asylum policies in a less securitarian direction. But it does not explain 'the crisis', the high numbers of persons at the Southern borders, and the responses by EU institutions. The 1990 Schengen and Dublin agreements were negotiated by bureaucracies of a small number of North-western liberal democracies at a time when the

extreme Right was not as electorally strong as it is now. Moreover, the countries that joined the EU in 2004 could not renegotiate these agreements or 'opt-out'.

Although EU borders policy aims at deterring or pushing back asylum seekers, it is little known outside of expert circles. Anti-migrant parties are often also euro-phobe. The crisis of 2015 reinforced the idea that there was a gap between media reports and official EU statements on their willingness to make the borders impenetrable, thus feeding the populists' argument that national governments and EU elites cannot be trusted. There has not been an obvious electoral gain for the mainstream government parties that have enacted EU borders policy as they have not been able to claim credit for a restrictive policy. It is perhaps time not to speak truth to power; rather, it is a time that power speaks the truth. Reconciling discourse and reality is an option that has never been tried, except Chancellor Angela Merkel's public statements in August 2015. Merkel did so from a credible position representing a conservative party (the CDU) rarely accused of being 'lax' on border control and having been raised in the defunct DDR. This makes the analysis of the series of elections in EU member states in 2017, including in Germany, essential, to complement the sociology of public policy that I tried to propose in this article.

## Notes

1 Regulation (EU) 2016/1624 of the European Parliament and the Council of 14 September 2016 on the European Border and Coast Guard.

2 For twenty years, mid-level bureaucrats belonging to ministries of the Interior and Justice worked in an insulated way. The Schengen secretariat remained legally outside of the EU, until the entry into force of the Amsterdam Treaty in 1999, when Schengen was integrated into EU law. Until 2005, there was a transition period applied to immigration, asylum and borders policy and the Commission had no power of initiative, the Parliament had only consultative power, and there were very limited means of referring cases to the Court of Justice.

3 See 'NGO rescues off Libya encourage traffickers, says EU borders chief', URL (accessed 23 April 2017): <https://www.theguardian.com/world/2017/feb/27/ngo-rescues-off-libya-encourage-traffickers-eu-borders-chief>.

- 4 The scheme was proposed by the Commission based on Article 78 (3) TFEU and adopted by the Council on 14 September and 22 September 2015 after consulting the European Parliament.
- 5 The latest report accessed in April 2017: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412\\_eleventh\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_eleventh_report_on_relocation_and_resettlement_en.pdf).
- 6 Communication from the Commission to the European Parliament, the European Council, the Council and the European Investment Bank on establishing a new Partnership Framework with third countries under the European Agenda on Migration. Strasbourg, 7.6.2016 COM(2016) 385 final.

## References

- Anderson, M. (2002) 'Trust and Police Cooperation', in M. Anderson and J. Apap (eds) *Police and Justice Cooperation and the New European Borders*, The Hague: Kluwer Law International, pp. 35–46.
- Baumgartner, F. and Jones, B. (1993) *Agendas and Instability in American Politics*, Chicago, University of Chicago Press.
- EC (2016) 'EU operations in the Mediterranean Sea', *European Commission Factsheet*. October. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/factsheets/docs/20161006/eu\\_operations\\_in\\_the\\_mediterranean\\_sea\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/factsheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf), accessed 15 February 2017.
- Geiger, M. and Pecoud, A. (2015) *International Organisations and the Politics of Migration*, London, Routledge.
- GISTI (2016) *Accord UE-Turquie, la grande imposture. Rapport de mission dans les hotspots grecs de Chios et Lesbos*, July, Paris: GISTI.
- Guiraudon, V. (2000) 'European integration and migration policy: Vertical policy-making as venue shopping', *Journal of Common Market Studies* 38(2): 249–69.
- den Heijer, M. and Spijkerboer, T. (2016) 'Is the EU-Turkey refugee and migration deal a treaty?' *EU Law Analysis blog*. URL (accessed 18 April 2017): <http://eulawanalysis.blogspot.jp/2016/04/is-eu-turkey-refugee-and-migration-deal.html>.
- IOM (2016) *Fatal Journeys. Volume 2. Identification and Tracing of Dead and Missing Migrants*, Geneva: International Organization for Migration.
- Last, T., Mirto, G., Ulusoy, O., Urquijo, I., Harte, J., Bami, N., Pérez, M.P., Delgado, F.M., Tapella, F.A., Michalaki, A., Michalitsi, E., Latsoudi, E., Tselepi, N., Chatziprokopiou, M. and Spijkerboer, T. (2016) 'Deaths at the borders database: evidence of deceased migrants' bodies found along the southern external borders of the European Union', *Journal of Ethnic and Migration Studies* 43(5): 693–712.
- Lavenex, Sandra (2015) 'Justice and Home Affairs: Institutional Change and Policy Continuity' in H. Wallace, M. Pollack and A. Young (eds) *Policy-Making in the European Union*, seventh edition, Oxford, Oxford University Press, pp. 367–387.
- Peers, S. (2016) 'The final EU/Turkey refugee deal: a legal assessment', *EU Law Analysis blog*. URL (accessed 18 April 2017): <http://eulawanalysis.blogspot.jp/2016/03/the-final-euturkey-refugee-deal-legal.html>.
- Rodier, C. (2012) *Xénophobie business. A quoi servent les contrôles migratoires?* Paris, La Découverte.
- Weiner, M. (1995) *The Global Migration Crisis. Challenge to States and to Human Rights*, New York: Harper Collins.

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