BORDERING PREFERENCES IN THE EU AND THE EXTERNALIZATION OF THE REFUGEE CRISIS

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ABSTRACT

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In the last ten years, the European Union (EU) has faced two major migration crises. The EU, which was criticized for its closed borders and externalization approaches toward Syrian refugees in 2015, adopted a different approach to refugees from Ukraine by implementing an open door policy. This thesis compares the policy responses of EU member states to the Syrian and Ukrainian refugees and focuses on how refugees are treated in both cases. The geographical location of member states and the 'identity' of refugees have a significant impact on shaping the response to the refugee crisis at the EU level. To prove this, using the theory of Liberal Intergovernmentalism, it is explained how member state preferences and intergovernmental bargains work, and how this process turns into policy implementations in both cases. The thesis provides empirical evidence from EU Commission reports, UNCHR data, EU data, surveys, and statements. The findings show that the preferences and bargaining of the member states at the EU level are subject-specific and that the responses may vary according to different crises. Geographical location and identity, as important determinants of domestic policy, influence member states' international bargaining positions at the EU level and lead to differences in the EU's policy responses to the Syrian and Ukrainian refugee crises.

ÖZET

AB'DE SINIR TERCİHLERİ VE MÜLTECİ KRİZİNİN DIŞSALLAŞTIRILMASI

DENİZ ÇİÇEK

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Anahtar Kelimeler: Avrupa Birliği, Mülteci Krizi, Sınır Dışsallaştırma, Liberal Hükümetlerarasıcılık, Ukrayna

Avrupa Birliği (AB) son on yılda iki büyük göç kriziyle karşı karşıya kalmıştır. 2015 yılında Suriyeli mültecilere yönelik kapalı kapı politikası ve dışsallaştırma yaklaşımı nedeniyle eleştirilen AB, Ukrayna'dan gelen mültecilere açık kapı politikası uygulayarak farklı bir yaklaşım benimsemiştir. Bu tez, AB üye devletlerinin Suriyeli ve Ukraynalı mültecilere yönelik politika tercihlerini karşılaştırmakta ve iki krizde mültecilere gösterilen muameleye odaklanmaktadır. Üye devletlerin coğrafi konumu ve mültecilerin 'kimliği', AB düzeyinde mülteci krizine verilen yanıtın şekillenmesinde önemli bir etkiye sahiptir. Bunu kanıtlamak için Liberal Hükümetlerarasıcılık teorisi kullanılarak üye devlet tercihleri ve hükümetler arası pazarlık süreci incelenmiş ve bu sürecin her iki krizde de nasıl politika uygulamalarına dönüştüğü açıklanmıştır. Tez AB Komisyon raporlari, Birleşmiş Milletler Mülteciler Yüksek Komiserliği verileri, AB verileri ve anketlerinden yararlanarak ampirik kanıtlar sunmaktadır. Bulgular, AB düzeyinde üye devletlerin tercihlerinin ve pazarlıklarının konuya özel olduğunu ve farklı krizlere göre tepkilerin değişebileceğini göstermektedir. İç politikanın önemli belirleyicileri olan coğrafi konum ve kimlik, üye devletlerin AB düzeyindeki uluslararası pazarlık pozisyonlarını etkilemiş ve AB'nin Suriye ve Ukrayna mülteci krizlerine yönelik politika tercihlerinde farklılıklara yol açmıştır.

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We faced extraordinary circumstances with the COVID-19 pandemic, which added layers of ambiguity and complexity to the decisions we made. It was definitely a huge challenge to complete my master's degree in the face of uncertainties. While working full-time, managing everything wasn't easy. Countless people supported my effort in this process while I was trying to protect my physical and mental health.

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Dedicated to my beloved parents and sister
for their endless love, support and encouragement...

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1. INTRODUCTION

The increase in international migration mobility around the world has led to the designation of our era as the 'age of migration' (Castles, Miller, and Ammendola 2005, 5). All kinds of global migration movements, including those stemming from economic, military, political, religious, and environmental factors, have become a transnational phenomenon that affects international relations in a variety of ways. Despite states' tough and restrictive immigration policies, today's human migration occurs on a global scale, at unprecedented speed and diversity.

The International Organization for Migration (IOM) defines migration as "the movement of people away from their place of usual residence, either across an international border or within a state" (IOM 2019). This includes the migration of refugees, displaced persons, economic migrants, and people moving for different purposes such as family reunification. In this context, international migration and the problems it causes have come to the fore with globalization. According to the IOM 2022 World Migration Report, approximately 281 million people in the world settled into migrant status in 2020. This figure, which corresponds to 3.6% of the global population, is increasing every year for different reasons (IOM 2022*b*).

Migration routes are in the direction of mobility from unstable geographies to welfare countries. People leave their own nation, either temporarily or permanently, in search of better living circumstances, independence, and new work prospects. When people think of good living conditions, they think of developed and richer nations. As a result, most migration occurs from the east to the west.

International migration, the situation of immigrants and the problems experienced continue to be on the agenda, especially in Europe, which is faced with intense human mobility. When the problem of international migration and refugees occurs intensely, it can turn into security threats such as fear of foreigners and ethnic violence in the destination countries, and may adversely affect political, economic, and socio-cultural structures. A very turbulent period, both politically and socially, has

passed in Europe in the last 10 years. Europe, being one of the world's geographies most affected by migration waves, has experienced two major migration crises. The Arab Spring, which began in Tunisia in the early 2010s and extended across the Arab world, had a significant impact on migrant mobility in these areas. It worsened regional instability by causing civil war in some parts of the region. Due to the civil war that started in Syria in 2011, more than 5 million refugees sought asylum in other countries (UNCHR 2022*a*). These developments caused many refugees, including refugees from Afghanistan, Pakistan, Iraq, and Africa, to seek asylum in Europe through other countries, primarily Turkey and Libya. With the influx of thousands of Syrian refugees to Europe via Turkey and North Africa, the 'so-called refugee crisis'[1] emerged in 2015 (Niemann and Zaun 2018, 3). Between 2015 and 2016, when the war in Syria intensified, this influx of migration reached its peak. 1,046,599 refugees succeeded in illegally crossing the European Union's (EU) external borders (IOM 2016).This wave of Syrian refugees towards Europe also led to divisions in EU politics. The increasing flood of refugees has sparked discussions about EU border policies, as well as Europe's disintegration and its future. Disputes between the member states, border closures, and efforts to minimize the number of refugees to be taken to their countries led to the process of "externalization", defined as geographical and administrative extensions of a state's migration and border policies toward third states(Anderson 2000; Casas-Cortes, Cobarrubias, and Pickles 2016; Uçarer and Lavenex 2002; Walters 2002). By externalization of migration governance, EU member states resorted to burden-sharing with non-member states and aimed at the creation of 'buffer zones' around EU borders. In the Syrian refugee crisis, the main form of externalization took the form of the 'EU-Turkey Statement' to stop irregular migrant crossings via Turkey to the EU (European Council 2016). The statement was aimed at reducing the massive flow of people into the EU and keeping refugees in Turkey, which was seen as a buffer zone.

The second intense refugee crisis, which has had a significant impact on Europe in the recent period, began in February 2022 with Russia's invasion of Ukraine. More than 10 million people have been displaced in Ukraine since the Russian invasion on February 24, 2022 (IOM 2022*a*). This went down in history as the largest crisis-level mass migration in Europe since the Second World War (Euronews 2022*b*). It was reported that Ukrainians moved mostly to Poland (4,787,154), Hungary (995,637), Romania (870,241), and Moldova (541,323), and from neighbouring countries, they dispersed to other EU states (UNCHR 2022*c*). If the conflict worsens in Ukraine, UNHCR estimates that the number of refugees could reach 10 million in the upcom-

[1]The 'so-called refugee crisis' is a political crisis, as it is a protection crisis which resulted from a lack of will to share responsibility for protecting refugees arriving in the EU.

ing weeks (UNCHR 2022*c*).

Political leaders in the EU have generally stated publicly that 'Ukrainian refugees are welcome' in the EU countries and that they have been preparing to host millions of Ukrainians (Euronews 2022*a*). They are already starting to provide them with temporary residence and work permits and social assistance, and are opening their doors to refugees more rapidly, in contradiction to their response to the Syrian refugees and elsewhere. Since the 2015 Syrian refugee crisis, the EU has learned its lessons in migration management. They have tried to implement a more human rights-based refugee policy against Ukrainian refugees. For instance, to provide international protection to Ukrainian asylum seekers, the European Commission's resolution on activating the 'Temporary Protection Directive' was unanimously accepted (European Commission 2022*b*). In the case of the Syrian refugee crisis, temporary protection mechanism was not activated. This situation raises the question of why EU member states have adopted different approaches in the two refugee crises and that their treatment of refugees differs from each other in both cases.

In this thesis, I argue that geographical location and identity are the primary reasons behind the differences in EU policy practices adopted against Syrian refugees and Ukrainian refugees. Geographical location and identity as a key component of domestic politics, have a significant impact on shaping the international bargaining positions of member states. While national policy preferences vary according to how strongly the migration flow affects member states, this effect depends on their geographical location on the main migration routes. In the case of the Syrian refugee crisis, the frontline countries, such as Italy and Greece, were the most affected by the Syrian refugee crisis, whereas destination states, such as Germany and Sweden, were less affected by the primary migrant movement but more heavily affected by the secondary migrant movement (Niemann and Zaun 2018; Noll 2015). Hungary and Slovenia, for example, are transit member states with a substantial presence on migration routes leading from the frontline to the destination states. The bargaining power of the frontline states in the Syrian crisis has remained unequal compared to the bargaining power of destination and transit countries, which did not hesitate to violate Schengen rules, close their borders and send refugees back to frontline states. While the bargaining power of the frontline states is relatively less, there is little choice but to negotiate with destination and transit countries. However, in cases where cooperation could not be achieved, frontline states did not hesitate to violate the principle of non-refoulment of international law and inflame a humanitarian crisis by rejecting refugees. The reason for this is that people who share the same collective past, live in the same group or community, trust and share more with each other (Scharpf 1999; Ferrera et al. 2005). In nations, this situation produces

the perception of "us" and "others" (Genschel and Jachtenfuchs 2021). As a result, nations establish boundaries against groups that they label as "others" (Ferrera et al. 2005). The perception of Syrian refugees as a "threat to European civilization and Christian Europe" (Karnitschig 2015) because of their Muslim identity created obstacles for a common solution among the member states. The inability to find a common solution among the member states has been resolved by externalization. Within the scope of this externalization strategy, the EU-Turkey deal was signed in 2016.

In the case of the Russia-Ukraine War, since Ukraine is geographically located on the borders of the EU, the consequences of the Ukrainian crisis arouse a greater repercussion in the EU than the Syrian Civil War. Frontline states such as Poland and Hungary were the most affected by the Ukrainian refugee crisis due to their geographical location on the Ukrainian border. Frontline states adopted an open border policy and political leaders stated their willingness to take Ukrainian refugees who are considered part of the 'European family'. Destination states, such as Germany and Italy, were less affected by the primary migrant movement but more heavily affected by the secondary migrant movement. Destination states acted cooperatively to produce a common policy and alleviate the migration burden on frontline states. Despite this, the support of destination states was not considered enough for the frontline states such as Poland, and more support for burden-sharing among EU countries was demanded (Piroschka 2022). In the international bargaining process within the EU, member state preferences made burden-sharing possible, and joint actions were taken such as granting 'temporary protection' for Ukrainian refugees. The interdependence asymmetries that can be detected in the EU's immigration policy have shown that state preferences and bargainings are issue-specific (Keohane, Nye, and Zakaria 2012; Schimmelfennig 2021) and responses may change according to the different crises.

To explain the disparities in the member states' responses to the two migration crises it would be necessary to first focus on the evolution of immigration policies and the existing state of migration policy within the EU. Therefore, in the first chapter, I will first review the EU documents on migration to present the evolution of EU migration policies. Following this, I will review the EU border policies and the externalization literature to present border preference changes in the EU based on EU migration policies, and explain the reason why the open-door policy is applied to the Ukrainian refugees while the closed-door policy is applied to the Syrian refugees.

To put my thesis and arguments in a theoretical perspective, I will use Liberal Intergovernmentalism (LI). I'll go through the LI theory in-depth in the third chapter.

LI theory concentrates on describing important milestones of European integration (Moravcsik 1998, 4). It explains how state preferences, and intergovernmental bargaining works, and how this process turns into policy practices (Moravcsik 1998; Schimmelfennig 2021). There is already existing literature which approaches the Syrian refugee crisis from an LI perspective (Biermann et al. 2019; Niemann and Zaun 2018; Schimmelfennig 2018, 2021; Zaun 2018). However, these studies mostly focus on the EU's response at the time of the crisis (Niemann and Zaun 2018; Zaun 2018) or compare the refugee crisis with other crises such as the 'Eurozone' crisis in the EU (Biermann et al. 2019; Schimmelfennig 2018). These studies do not involve a comparison of the EU response to the Syrian refugee crisis with another crisis related to migration. Based on LI theory, I argue that the preferences of governments in EU member states, and their bargainings with each other at the EU level differ in the Ukrainian and the Syrian refugee crises. For example, the receptiveness of immigrants in the Ukraine crisis by countries such as Hungary and Poland, which did not want to accept immigrants in the Syrian war, can be explained in this theoretical framework. In the Syrian refugee crisis, Poland was not heavily affected by the refugee flows due to its geographical location and rejected the burden-sharing at the EU level. In the Ukrainian refugee crisis, Poland has become a frontline state due to its geographical location and has begun to put pressure on other member states to share the burden. In the Syrian refugee crisis, countries such as Poland that were not affected much by the refugee flows due to their geographical location, branded Syrian refugees with a Muslim identity as a security problem. The pressure of the public on national governments in EU countries such as Hungary and Poland had an impact on the implementation of the closed-door policy as the state's choice. In international bargaining, countries have acted according to the preferences of their governments, and burden-sharing has become difficult. In addition, the presence of buffer-zone states such as Turkey made it possible to resolve the crisis through externalization. However, during the Ukraine crisis support of the people for the Ukrainian refugees and relatively less public pressure on national governments made the open door policy possible, and even the anti-refugee governments such as in Hungary welcomed the Ukrainian refugees. Also, unlike the Syrian crisis, the absence of a buffer-zone state between the migrant origin state and the EU has been effective in shaping state preferences and the bargaining process. By placing the arguments in my thesis within the theoretical framework of LI, I will make a comparative study on the EU's responses to the Syrian and Ukrainian refugee crises, revealing and explaining the differences between the EU's responses in the two cases.

In the fourth and the fifth chapters, I will be presenting my case studies, namely the Syrian and Ukrainian refugee crises, intending to explain the dynamics behind the varied responses of the member states and the EU from the perspective of LI. In the conclusion, I will summarise my findings and the main lessons drawn.

2. EVOLUTION OF MIGRATION POLICIES IN THE EU AND BORDER EXTERNALIZATION

During EU integration process, the meaning attributed by the EU to the concept of the free movement of people has changed over the years. The 1951 Treaty of Paris, which established the European Coal and Steel Community, provided the citizens of six member states (Belgium, France, Italy, the Federal Republic of Germany, and Luxembourg) with the opportunity to work in all member states. In 1986, the Single European Act (SEA) has been a turning point for the economic integration of the members of the European Economic Community (EEC). Although initially free movement was limited to workers only, this freedom was gradually expanded over time. Internal boundaries were removed with the assistance of the SEA and Schengen Agreement (1990), and free movement of capital, products, services and people was established. Freedom of movement became a general right with the 1993 Maastricht Treaty (Castles, Miller, and Ammendola 2005, 155). Today, every European citizen, including tourists, workers, students, self-employed or retirees can use this right.

However, the unrestricted mobility of individuals caused certain issues with respect to internal security. The absence of borders between member states deprived governments of a key national control tool for controlling individual admission and identification of third-country nationals. One key concern was to prevent criminals, drug dealers, human smugglers or irregular migration networks from exploiting the freedom of movement in the EU, in particular to ensure that third-country nationals do not pose a threat to the functioning of the common market. Therefore, it was decided that measures such as the strengthening of external border controls and the adoption of the same standards by the member states regarding immigration, asylum and visa policies should accompany the free movement of people within the EU. In the EU, where controls at internal borders had been removed, the need for cooperation in matters of justice, police and customs had emerged. Strengthening border controls and combating illegal migration became among the most important

issues among these measures. As a result, the necessity for a union-wide migration policy became apparent in the EU (Clark and Jones 2008, 51-57).

In the remainder of this chapter, I will first discuss the evolution of migration policies at the EU level. A comprehensive overview of the EU framework for migration and externalization will provide a better understanding of the EU's attempts to manage migratory flows under official EU policies. After a general outlook of the evolution of migration policies at the EU level, I'll review how EU border management and externalization work through migration policies in the EU.

2.1 Review of EU Documents on Migration Regulation

As a result of the end of the Cold War, the increasing effect of globalization, and the unification of Germany, migration movements from Eastern Europe to Western Europe increased significantly in the 1990s. As the EU abolished its internal borders and continued to expand, it has become a necessity to extend integration into migration policies as the expansion of borders made preventing irregular migration more difficult. In other words, while freedom of movement within the EU was ensured and new countries were admitted to the EU with the enlargement process, concerns about the increase in irregular migration increased and these concerns pushed the EU to create a common migration policy.

The first European initiative on migration was the creation of an ad hoc working group on migration by the Trevi Group[2] in 1986 (Joly 2016). This ad hoc group was tasked with creating a unified asylum system. The suggested draft was adopted in 1990, and it was later named the Dublin Convention (Noll 2000). While the Trevi group brought together the ministers of the member states, it excluded supranational institutions such as the European Commission and the Parliament from the meetings. In this respect, the Trevi Group was a cooperation initiative in which the intergovernmental structure was preserved. The meeting was significant since it established the basis for the migration framework to be conducted in the coming years.

In 1993, with the Maastricht Treaty, an agreement covering the issues of justice and home affairs in the intergovernmental structure, including migration issues, was signed. This agreement, which reinforced the member states' ability to create a

[2]Trevi is the name of a district in Rome and is where the ministers of justice and interior of the 12 member states met informally for the first time. For this reason, this group was named the Trevi Group.

common migration policy under the umbrella of the EU, differed from the SEA which paved the way for joint policy formation, in that it not only provided for intergovernmental cooperation on these issues but also authorized the EU bodies in this field. Some scholars have interpreted the attempts of the EU institutions to deal with these problems as a certain loss of member state sovereignty in the migration field (Anderson, den Boer, and Miller 2002; Fabbrini 2013). The main purpose of the Maastricht Treaty was to protect and promote the union in the areas of freedom, security, and justice in which the free movement of people was guaranteed, through certain measures, concerning external border controls, immigration, asylum and prevention of crime.

With the Treaty of Amsterdam, signed in 1997, the EU's authority and responsibility in the field of migration were clearly expressed for the first time regarding the immigration policy of the EU (EUROPA 1997). Immigration policies were transferred from the intergovernmental pillar to the supranational pillar. In this context, transferring the authority on migration, asylum, and borders to the European Community meant giving a stronger role to EU institutions by expanding the community method (Guild, Carrera, and Balzacq 2008, 5). In addition, member states had reserved the right to propose regulations on immigration. Although EU institutions were involved as decision-makers in the field of migration with the Amsterdam Treaty, every state in the EU could legitimize its policy by putting forward its own national legislation against EU legislation. Since the member states had the right to propose their own regulations and policies, migration policies remained under the control of the member states and at the intergovernmental level (Genschel and Jachtenfuchs 2018; Scipioni 2018).

The Dublin Convention, which was put into force in its first form in 1997, determined how the member states of the European Union would apply for asylum applications (EUR-Lex 2013). The Dublin Regulations were revised by 'Dublin II' in 2003 and 'Dublin III' in 2014 to face the challenges of asylum policies in the member states. The Dublin II gave the responsibility for examining the asylum application of a migrant in the member state in which the immigrant has entered or resides (EUR-Lex 2011). While the Dublin III regulated which member state is responsible for asylum applications, as in the previous Dublin II Regulation, it also expanded regulations on issues such as family reunification , visas , and rules for minors to have common asylum policies in the member states and tackle the problem of varying applications (EUR-Lex 2013). With these revisions, the EU aimed to prevent an application for asylum in more than one member state in the EU territory. However, considering that the vast majority of refugees arriving in the EU enter from border states, the economic, political, and social responsibilities of refugees were imposed on the states

constituting the external borders of the European Union such as Italy and Greece.

In the continuation of the Dublin Convention, five-year programs were prepared, which included the political agenda, general orientations, targets, and timelines that structured the EU's activities on immigration. The 1999 Tampere Summit of the European Council and the 2004 Hague Program were two important milestones in the development of this field. The Tampere Programme covered the years 1999-2004 that aimed to establish a common policy on migration among the member states of the EU (EUROPA 1999). By implementing the European Convention on Human Rights, the Charter of Fundamental Rights of the Union, and the Geneva Convention of 1951, these programs aimed to ensure that member states and the EU respect the EU citizens' and also the rights of the people who are in need (EUROPA 2005). However, although common migration policies had been discussed at the EU level, it can be argued that the summit did not meet expectations in terms of establishing cooperation for the common migration policy.

At the Tampere Summit, the basic elements of EU migration policies were itemized as partnership with origin countries, a common asylum system, fair treatment of third-country nationals, and management of migration flows (EUROPA 1999). The Tampere Summit provided a legal basis for immigration, set a political direction, and framed immigration as a security concern. EU policies since then have focused on illegal migration and strengthening border controls in the EU and the neighbouring countries (Geddes 2007, 58). Within the scope of the Tampere Program, the European Commission carried out work to establish a Common European Asylum System (CEAS). This system was based on the principle of asylum and protection of refugees, which was accepted in the 1951 Geneva Convention (European Commission 1999). The establishment of the CEAS also led to some legal arrangements in the field of migration such as the 'Temporary Protection Directive' which was accepted to regulate the conditions for providing temporary protection to displaced persons and balancing the efforts of member states for burden-sharing (European Commission 2001).

With the five-year Hague Programme, signed in 2004, the aim of developing the area of freedom, security, and justice in Tampere and making these elements accessible to everyone was emphasized once again. The Hague Program replaced the Tampere Programme, offering a new timeline and roadmap for achieving the targets for 2005-2009. The earlier conclusions were enlarged due to the changing political context after numerous terrorist attacks such as 9/11 in US and Madrid in 2004. The issue of migration was placed at the top of the agenda in the EU with the 2004 enlargement process, and the expansion of the EU's borders with the partic-

ipation of new members increased concerns in the EU about border security and irregular migration. At a time when the terrorist attacks in 2001 and 2004 continued to have an impact on the EU as well as on the global level, and security was among the priority issues, the connection between migration-terrorism and therefore migration-security became stronger. The establishment of the European Agency for the Management of Operational Cooperation at External Borders (FRONTEX) in 2004 demonstrated that member states would be supported by FRONTEX for border management (European Commission 2004*a*). In addition, the external linkage of the 2001 and 2004 attacks prompted the EU to give more importance to the issue of migration in foreign policy. The Hague Program was a continuation of the Tampere Programme, and it envisaged monitoring the practices and evaluating the effects of the measures taken. It focused on surveillance practices to strengthen security, migration management, and control (Guild, Carrera, and Balzacq 2008, 8).

After the Hague Programme, the European Commission published a document called "Towards a Common Immigration Policy" in December 2007. In the document, it was emphasized that the commitment to create a common policy should be renewed and it was stated that the union and member countries should cooperate more effectively in the implementation of these policies (EUROPA 2007). To develop CEAS and strengthen the protection mechanism among member states, the 'Policy Plan on Asylum' was prepared in 2008, laying the foundation for establishing a common and uniform system of standards for protection (EUROPA 2008*b*). Following this, the 'European Pact on Migration and Asylum' was adopted on 24 September 2008. The pact formed the framework for EU migration policies for the following years and thus constituted the basis for the Stockholm Program adopted in 2009. The pact regulated legal immigration, illegal immigration, border controls, asylum policy, and the EU's relations with third countries. It aimed at a common migration policy based on solidarity among member states and cooperation with third countries. It argued that this common policy should be built on the management of migration flows and that it should be in the interest of not only the destination countries but also the origin countries and the immigrants themselves (EUROPA 2008*a*). Therefore, the EU focused on closer cooperation with third countries in the return process of irregular migrants and intensifying controls at the borders with these countries. Although the pact was not legally binding, the European Commission could oversee the operation of this mechanism.

The Stockholm Program established a framework for the EU's activities on citizenship, justice, security, asylum, and migration in the five-year period of 2010-2014 (EUROPA 2010). The creation process of the Stockholm Program coincided with the ratification process of the Lisbon Treaty. The Stockholm Programme, as a

reflection of the deepening of the European project, was also desired to create a European identity. As an indication of the EU's desire to become a global actor, a new European External Action Service (EEAS) was established in the Lisbon Treaty. In parallel, the focus was put on the place of Europe in migration movements in the global world and on increasing cooperation with third countries in the field of migration control. The Lisbon Treaty aimed to introduce a gradually integrated management system for external borders and to ensure effective monitoring of illegal migrant crossings (EUROPA 2009).

The Arab Spring, which started in North Africa and spread in the Middle East prompted the EU to announce that immigration from non-member states would be tightened shortly after mass migrant mobility headed to Europe. It established partnership policies with North African countries on the issues of "dialogue for migration, mobility and security" based on mutual interests (Carrera and i Sagrera 2011; Geddes and Scholten 2016). Following this, the Global Approach to Migration and Mobility (GAMM) was established. Member states agreed that earlier measures had failed to provide adequate remedies for preventing illegal migrant crossings at external borders of the EU. With GAMM, the EU was intended to play a more active role in migration management with 'key partnerships' (Scheibelhofer 2018).

As a result, to achieve its own goals, the EU strived to create strong connections with third parties, due to a lack of solidarity among member states for collective action in the field of migration. Competing national interests and the problem of competencies between member states and EU institutions resulted in the externalization of migration policy (Papagianni 2013), to which I will now turn.

2.2 Boundary Preferences in the EU and Externalization

'Bordering' refers to any actions involving the creation and management of boundaries (Schimmelfennig 2021). Border controls and visa restrictions are the primary means of determining who is allowed to enter a certain region and who is not. 'De-bordering' approach reduces boundaries and restrictions, but the 're-bordering' approach might create borders; as a result, the two policies and practices diverge.

Since the 1980s, the concept of a continent without borders has been at the heart of European integration. Its essence is the elimination of barriers between EU member states and the creation of a single market in which goods, services, and people may move freely (Lutz and Karstens 2021; Schimmelfennig 2021). Integration has

been achieved by removing internal border restrictions and allowing EU residents to travel, work, and reside in other member nations. The realization of these domestic freedoms is inextricably related to the accomplishment of the EU's fundamental economic aims (Favell and Hansen 2002) and the construction of European citizenship (Convey and Kupiszewski 1995; Schimmelfennig 2021).

Border-removal measures have been enacted not just in EU member nations, but also in non-EU countries. While 'de-bordering' refers to the openness and permeability of borders, it also refers to the expansion criteria and social ideals that all non-member nations might accept as principles such as democracy, rule of law, economic development, and EU policies (Bélanger and Schimmelfennig 2021). Enlargement is the most prominent and substantial exterior de-bordering policy of the European Union and the EU adjusts its exterior limits and increases its outer perimeter across a wide range of policy areas by admitting new member states (Bélanger and Schimmelfennig 2021). According to some scholars, the EU's conditionality process has included the "Europeanization" of immigration and border policy with the Amsterdam Treaty in 1999, as well as the shaping of migration mobility and border control measures by candidate countries following the Schengen acquis (Boswell 2003; Uçarer and Lavenex 2002; 2004). After the EU enlargement in 2004, which created new external borders, a new policy under the doctrine of "Wider Europe" aimed to improve migration management and protection of refugees (European Commission 2004*b*), expand the EU's influence on neighboring countries, and develop cooperation to prevent and combat illegal migration (European Commission 2004*b*).

Many academic studies on the geopolitical strategies of the European Neighborhood Policy (ENP) have accompanied Europe's enlargement and the creation of new fields of EU intervention in these territories (Bialasiewicz et al. 2009; Boedeltje and Van Houtum 2011; Celata and Coletti 2015; Clark and Jones 2008; Scott 2009; Zaiotti 2007). The spatialization of boundary practices became more mobile and diffused as the borders became larger. This circumstance pioneered security and border studies in the literature (Bialasiewicz 2012; Casas-Cortes, Cobarrubias, and Pickles 2013; 2016; Newman 2006; Vaughan-Williams 2009). The end of the Cold War and the democratization of Central and Eastern Europe sparked growing interest and potential for EU enlargement. Furthermore, since the early 1980s, the convergence of economic interests among the member states has permitted a unified liberal, market-opening agenda to address security and border challenges (Ludlow 2006; Moravcsik 1991).

After the signing of the Schengen Agreement in 1990, border limitations were abolished within the EU, and it resolved to work together to combat illegal immigration,

drug smuggling, and criminal activities at external borders. The execution of the regulations, on the other hand, remained the responsibility of the member states rather than the EU authorities (Genschel and Jachtenfuchs 2018; Scipioni 2018). The elimination of EU borders in the absence of the development of supranational institutions to replace national control mechanisms damaged the nation-state's conventional powers (Genschel and Jachtenfuchs 2014; Scipioni 2018; Trauner 2016). EU citizens could now easily move around freely, while the movement of non-EU citizens within the borders of the union remained a problem (Brunet-Jailly 2006; Genschel and Jachtenfuchs 2018). This condition led European integration to be influenced not just by political events in member countries, but also by developments around its external borders, and to respond in a variety of ways. The policy at the EU's external borders, in particular, has been directly tied to how external changes would influence the EU.

In recent years, the EU's enlargement strategy has stagnated. Since 2013, no new member states have joined the union, and those in accession talks are far from reaching an agreement for accession (Schimmelfennig 2021). Arguably, one of the key causes of this slowdown in enlargement policy is that the EU's borders are becoming increasingly permeable by authoritarian governments (Lührmann and Lindberg 2019). The EU's external frontiers have been hampered by challenges in the Balkans, regions destabilized by the Arab Spring effect, illiberal authoritarianism in Turkey (Bieber 2018), and Russian aggression. The perceived threats from the outside and the sudden developments in the external borders of the EU have caused steps to be taken to protect the existing union and boundaries instead of new enlargements. De-bordering policies have occasionally been replaced by 're-bordering' policies as a response to unexpected shocks such as the refugee crisis at the EU's external borders. 'Re-bordering' refers to border controls or taking restrictive measures and activities as well as border closing (Popescu 2011, 69-77). Some academics refer to the process of re-bordering as "external bordering" (Bartolini 2006; Schimmelfennig 2021).

"External bordering", also referred to as "externalization", is not a new concept in the literature; it has been used for many years (Boswell 2003; Faist 2019). Developed nations, in particular, to whom the intense immigration waves are directed, have adopted a strategy of externalization by guarding their borders and seeking an arrangement with third party countries since the 1970s (Boswell 2003). "Border externalization" is a phrase used to refer to a set of geographical and administrative extensions, often containing contradictions, of a state's migration and border policies toward third states (Anderson 2000; Casas-Cortes, Cobarrubias, and Pickles 2016; Uçarer and Lavenex 2002; Walters 2002). In the contemporary geopolitics of

increased migratory mobility, such externalization activities have grown increasingly widespread and systematic (Nessel 2008; Ryan 2010; Nicholson 2011).

International factors such as the refugee crisis, rising authoritarian regimes, and anti-democratic movements in neighbouring countries of the EU have compelled member states to reactivate border policies occasionally to safeguard their national interests (De Wilde and Zürn 2012; Goodman and Schimmelfennig 2020; Hooghe and Marks 2009; 2019). Such international developments have widened the "border gaps" (Schimmelfennig 2021) between the EU and its external environment and increased preferences for re-bordering. In particular, the refugee crisis and the fear of terrorism, along with the security concerns in the member states, challenged EU integration and caused disagreements among the member states on border practices. These challenges have been interpreted by some academics as signs of European disintegration (Vollaard 2018; Webber 2018).

During the peak of the refugee crisis in 2015/2016, EU states have been less willing to accept refugees openly, so there was debate among member states on how to respond to the refugee issue around a common policy. Even though EU members responded to the refugee crisis in diverse ways, the common objective was to reduce the number of refugees entering their national borders. As frontline, transition, and destination states were all affected differently by refugee flows, national priorities varied and triggered conflict within the union (Niemann and Zaun 2018; Noll 2015) which constituted an obstacle for collective action to respond to the crisis (Hoffmann 2000; Krotz and Wolf 2018). Several member states have reneged on the concept of free movement by reinstalling national border restrictions, alleging threats from illegal migration and terrorism as justifications (Kriesi et al. 2021).

The reason why the Syrian refugee problem couldn't be resolved among EU member states was that there was already a weak common asylum system within the union. The CEAS was unable to cope with the magnitude of the crisis that arose in 2015 (Niemann and Zaun 2018; Lavenex 2018). This caused the overloading of asylums, especially in frontline states, and rendered the system inoperable (Menéndez 2016, 388). An unstable system was expected to deal with an entirely unanticipated and unforeseeable crisis, raising concerns that it would threaten the EU's future (Martin 2019). Since the system would not be able to handle such a large number of refugees when the crisis started, frontline and transit states that had difficulty in preventing entries began to disperse the migration wave through destination states (Caponio and Cappiali 2018, 125; Lavenex 2018, 1197). This 'non-cooperative de-bordering' left destination states with two policy options: (1) implementing 'cooperative de-bordering' that supports other states with burden-sharing or (2) re-bordering at

national borders (Kriesi et al. 2021; Thielemann 2018, 70).

The refugee crisis has made it impossible for the member states to act jointly in the EU as their interests and preferences differed significantly from each other. Most scholars have argued that the politicization of national identity has been another major obstacle to burden-sharing during the Syrian refugee crisis (Börzel and Risse 2018; Hooghe and Marks 2019; Hutter and Kriesi 2019; Schimmelfennig 2018). The growing tension related to identity politics in the EU has led in the past to policy failures and fuelled Euroscepticism (Hooghe and Marks 2009; 2019). This led to the failure of the "burden-sharing" (Kale et al. 2018; Moravcsik and Nicolaïdis 1999) policy aimed at the Dublin Convention. The failure of the burden-sharing program as the crisis worsened left the EU with no alternative but to externalize. The approach taken to reduce the negative consequences of internal de-bordering and the threat to the union's political cohesion was seen in strengthening Europe's exterior frontiers (Bartolini 2006; Schimmelfennig 2021). This externalization has involved the outside political actors from neighboring states to tackle the refugee flows and support the EU's internal security (Lavenex and Uçarer 2004; Boswell 2003; Balzacq 2009; Casas-Cortes et al. 2015). Before the 2015 crisis, the EU was already implementing various policies to combat immigration waves from the Mediterranean and African countries (Araújo 2011). Military operations undertaken by FRONTEX, such as Hera in West Africa (Jorry 2007; Löfflmann and Vaughan-Williams 2018) were examples of EU external bordering processes. According to some scholars, these externalization policies of the EU were driven by internal interests and shifted migration policies and boundaries outside of the European territory (Del Sarto and Schumacher 2005; Di Puppo 2009; Papagianni 2013). "Fortress Europe" could only exist if third nations could back it up, as externalization depends on this support (Genschel and Jachtenfuchs 2021; Karadağ 2019). The EU hence sought to reduce pressure on its external borders through its neighborhood policies by providing economic assistance to help neighboring countries to strengthen their asylum systems (Cuttitta 2015). Externalizing border restrictions and signing readmission deals with third-party states thus became a policy option frequently used by the EU to deal with the migration issue (Kruse and Trauner 2008; Wunderlich 2013; Zaiotti 2016). In addition to readmission agreements, 'mobility partnerships' and bilateral deals were also preferred to stop illegal migration by providing some visa and economic concessions to the contracting country (Carrera and i Sagrera 2011; Scheibelhofer 2018).

Similar to these practices, in the 2015 refugee crisis, the EU requested assistance from Turkey to prevent massive refugee flows and illegal entries into the Greek islands. With the 2015 Joint Action Plan, two parties committed to work together

to stem the refugee flows into the EU's southern borders from the Mediterranean route (Muftuler-Bac 2020). Following this, 'The EU-Turkey Statement' was signed in 2016, as a result of the refugee flows that predominantly included Syrian refugees escaping from the Syrian Civil War, and reaching the EU via Turkey. The EU agreed on the deal with Turkey in 2016 to stop irregular migrant crossings via Turkey to European coasts (European Council 2016). Turkey agreed to help the EU's border security as part of this deal and partnership (Turhan 2016). In exchange, the EU committed to helping Turkey with matters including Schengen visa liberalization, the upgrade of the Customs Union accord, and the opening of new negotiation chapters for membership. Refugees and asylum seekers who crossed into Europe illegally were to be returned to Turkey on readmission. To support this, the EU also promised 6 billion euros to Turkey in financial support to help migrants (European Council 2016).

In the existing literature on EU's cross-border policies, externalization also refers to the asymmetrical and hierarchical relationship between Europe and its neighbours, which puts Europe in the "center" and defines the countries with which agreements are made as its "peripheries". It draws considerable attention to the European strategies of constructing, defining, categorizing, regulating, and subjugating peripheries as the center desires (Bialasiewicz 2012; Boedeltje and Van Houtum 2011; Casas-Cortes et al. 2015; Clark and Jones 2008; Zaiotti 2007). Many scholars have worked on the impact of EU policies and negotiations on the Turkish migration and border regime that emphasizes the historical timeline of the issue in terms of politics, legality, and international perspective (Biehl 2009; İçduygu 2007; 2011; İçduygu and Yükseker 2012; İçduygu and Üstübici 2014; Kirişçi 2003; Ozcurumez and Şenses 2011; Elitok 2013). In addition, there are also studies focusing on the EU-Turkey Statement and policy implementation. Karadag (2019) has argued that in the process of the externalization of Europe, being the "gatekeeper" gives Turkey political leverage and "moral superiority". It has also been argued that the deal on the migration issue is about "migration diplomacy" that hides Turkey's authoritarian state structure (İçduygu and Üstübici 2014) and that this position has resulted in an asymmetrical relationship between the two sides (Saatçioğlu 2020).

Since the EU-Turkey statement entered into force, various problems occurred in bilateral relations between the EU and Turkey, and mutual distrust was expressed on several occasions. While Erdogan threatened to 'open Europe gates for refugees' (Euronews 2019), on various occasions, in response to Erdogan's statements the EU authorities accused Turkey of using refugees and blackmailing the EU. Despite this, there is a serious prospect of the deal continuing. Former German Chancellor Angela Merkel emphasized that a "solution to the migration issue is not possible

without cooperating with Turkey" and that the European Commission should lead more discussions for the renewal of the refugee agreement (Usta 2021). As a country that shares a physical border of approximately 911 km with Syria, Turkey is a key partner for the EU to resolve the refugee crisis (Apaydın and Müftüler-Baç 2021). Thus, the EU shows tolerance to Turkey as a strategic partner on many issues including illiberal policy shifts (Lecha, Tekin, and Sökmen 2018; Saatçioğlu 2020), as it desires to maintain its fragile refugee deal with Turkey. This has significantly weakened the EU's normative power toward Turkey, a candidate country for membership (Boedeltje and Van Houtum 2011; Magen 2016; Martin 2019). The values of democracy, rule of law, social justice, human rights, and freedoms are all essential to EU objectives (Manners 2002, 241). However, European solidarity began to be increasingly based on issues that challenge its normative power (Genschel and Jachtenfuchs 2021; Sjursen 2006; 2017).

As the studies in the literature indicate, the EU, which has been criticized for its closed borders and externalization approaches towards Syrian and African immigrants, is taking a different approach to the refugees coming from Ukraine by implementing an open door policy. At this point, we need to understand in a comparative sense why EU member states have adopted different approaches in the two refugee crises. To do that, in the next chapter, I will first detail the LI theoretical framework and detail how state preferences and bargainings are shaped, in responding to this question and comparing the two cases.

3. THEORETICAL FRAMEWORK

European integration, which started with the establishment of the European Economic Community (EEC) in 1957, has evolved substantially over time. European integration theories have thus focused on trying to explain the important actors, drivers and mechanisms of European integration. LI, which was developed by Andrew Moravcsik to explain European integration, introduced a three-stage theoretical framework, and the idea of a "two-level game" (Putnam 1988) to understand the relationship between member states and the EU institutions. LI assumes that member states' integration preferences are based on their domestic interests (Moravcsik 1998). It successfully explains outcomes in which member states get together to negotiate on particular collective objectives in an intergovernmental setting and deliver outcomes. It serves to explain countries' preferences and negotiation processes, particularly during times of crises such as the migrant crisis.

For this reason, before analyzing the Syrian and Ukrainian refugee crises and policy responses of the EU, in this chapter, I will focus on the main assumptions of LI theory, its arguments regarding the mechanisms that determine the preferences of states and the international bargaining processes.

3.1 LI: Main Assumptions

As an alternative to the theory of neofunctionalism, traditional intergovernmentalism emerged in the 1960s (Hoffmann 1966), and then LI emerged with revisions of traditional intergovernmentalism (Moravcsik 1993) and became one of the grand theories that explain regional integration in Europe. A brief reference to the integration theories developed before LI will help us better understand LI assumptions. Therefore, I will first touch on the assumptions of these theories and the criticisms brought by Moravcsik.

Neofunctionalism explained European integration as a gradual and dynamic trajectory with a "spillover effect"[3] (Haas 1968; Lindberg et al. 1963) which was directed by a higher authority, the European Commission, the European Court of Justice, and the European Parliament, at the EU level (Haas 1968). According to Haas, economic integration would be followed by political integration. A new political community would be located at the EU level, which is above the national level, and this would lead to 'loyalty shifts' to the EU level (Haas 1968). Loyalty shifts would bring European people together and help to achieve peace which is the ultimate goal of European integration. In 1965, with the "empty chair" crisis, relations between France and other member countries were strained due to disagreements on the financing of the common agricultural policy, where France refused to take part in the Council of Ministers for 7 months (Caraffini 2015). This crisis locked the EU's decision-making processes for seven months, and European integration stopped for a long time until the adoption of the SEA in 1986. This, in turn, led to criticisms of neofunctionalism.

Intergovernmentalism developed by Stanley Hoffman in the 1960s brought criticisms against neofunctionalism and argued that European integration was not an automatic process with spillover, states could end integration in line with their national interests (Hoffmann 1966; 1982). Intergovernmentalism referred to the nation-states as the main drivers of European integration. It relied on realism and argued that European integration was developed by self-interested nation-states. The EU was conceptualized as an institutionalized form of interstate cooperation. This cooperation was needed for EU states to survive in the bi-polar world of the Cold War period. Integration was referred to as a "zero-sum game" (Hoffmann 1966). Therefore, contrary to the predictions of functional theories, it argued that states were in "interaction" for European integration rather than integration (Hoffmann 1966;

[3]It's the assumption that integration in one policy area will eventually lead to spillover in another.

1982). Intergovernmentalists were sceptical of the possibilities of permanent cooperation within the framework of a regional entity such as the EU (Hoffmann 1966). They argued that nation-states remain the most important entity in the international system. Nation-states did not transfer issues of high politics such as sovereignty, security and defence to the EU level. European integration was strengthening national elites in Europe to govern effectively by gaining loyalty in the eyes of their citizens. Although intergovernmentalism tried to explain the stagnant integration period after the 1965 "empty chair" crisis in an effective way, the resurgent integration with the 1986 SEA turned out to be a puzzle. Andrew Moravcsik used the concept of LI for the first time in his article *"Negotiating the Single European Act: National Interest and Conventional Statecraft in the European Community"* (Moravcsik 1991) where he tried to explain the SEA through the lenses of LI theory.

LI was influenced by traditional intergovernmentalism, realism, neorealism, interdependence theory, and international regime theory. Moravcsik and Schimmelfennig refer to LI as one of the key grand theories because it aims to understand the integration process in a single framework with many coherent theories to explain the wider development of regional integration (Moravcsik and Schimmelfennig 2009). In this sense, LI and neofunctionalism are referred to as grand theories that compete with each other to explain regional integration (Buonanno and Nugent 2020). While neofunctionalism focused on the "spillover effect" in the integration process, LI criticized neofunctionalism and focused on interstate bargainings. Moravcsik shaped LI by working on the deficiencies he observed in the neofunctionalist theory, which he described as a competent and important theory (Moravcsik 1991). In his critique of neofunctionalism, Moravcsik argued that neofunctionalism couldn't predict the trajectory of the integration process that the Union would follow (Moravcsik 1993, 475-77). According to neofunctionalists, the evolution of European integration would follow a gradual and dynamic trajectory with a "spillover" effect (Niemann and Ioannou 2015), but instead, intergovernmental negotiations came to the fore and a stagnant period was experienced, especially with the "empty chair" crisis (Moravcsik 1993, 475-77). As opposed to the predictions of neofunctionalist theory, nation-states prioritized their national interests and did not shift loyalties to the European level. The second criticism brought by Moravcsik was that neofunctionalism did not address the domestic dynamics of states which had an impact on state preferences in international bargaining (Moravcsik 1993, 475-77). LI explained the preference formation of national governments and attached importance to the role of these preferences while bargaining with other states in the EU.

LI differs from traditional intergovernmentalism with its "liberal-pluralist elements". In this context, intergovernmentalism referred to the nation-state as the main actor of integration, and integration was explained by the preferences of states arising from sovereignty and security concerns, according to their position in the international balance of power. LI, on the other hand, positioned the domestic interest groups as the main actors and argued that the preferences are determined as issue-specific (Schimmelfennig 2018). In this way, the theory also examined the interaction between the national and the international level.

According to Moravcsik, the primary source of European integration is the member states' own interests and their relative power at the international level (Moravcsik 1991, 75). In this way, he puts the concept of power and power struggle, which realists see as the most important tool in achieving the goals of states based on international relations (Kauppi 1993; Buzan 1996; Gilpin 1971; Morse 1971) into his theory. In addition, like neorealists, LI accepts the idea of cooperation in line with the interests of states in an international anarchic structure (Waltz 1979).

LI hence defines states as crucial actors in an anarchic-dominated international politics and makes two primary points. First of all, it characterizes states as actors who achieve their objectives by negotiation and bargaining, rather than through a central authority that sets and implements policies (Wiener 2019). LI argues that the political legitimacy and policy-making power of EU member states are inviolable. According to LI, although multiple internal players influence preference formation and international policy-making processes, the states are unitary actors in structure and various perspectives define the internal interests of the state for coherent preference of the functions, as well as the various actors that ensure the external representation of the state (Moravcsik 1999, 481).

Secondly, LI theory claims that states always have a rational purpose (Moravcsik 1993, 475-77). States try to make rational choices when determining their state preferences. A cooperative agreement or a decision by a state to join an intergovernmental organization is a purely rational action. If such an agreement or participation in an intergovernmental organization would conflict with the interests of the state, it would rationally refrain from doing so.

The rationality of states regarding interstate cooperation is shaped in three stages within the framework of the LI theory, and each stage should be explained with a different theory (Moravcsik 1998). In the first stage, it explains forming state preferences at the national level by using the liberalism approach. In the second stage, it examines the intergovernmental bargaining process and in the third stage, it focuses on the development or reform of regional institutions for possible political

uncertainties in the future.

As a result, according to Moravcsik, the position of EU integration and crisis responses can be explained by state members' ability to make rational decisions. While the economic interests of influential local actors, states' strength, and the role of institutions in creating trust in states' joint commitments all influence these choices, they sometimes impose constraints and sometimes generate opportunities. I will now turn to elaborate each of these three stages.

3.1.1 Developing State-level National Preferences

Moravcsik drew from Putnam's metaphor of the "two-level game" (Putnam 1988) in further developing LI. The first stage of this game played by states is about how states define their policy preferences within the framework of their domestic conditions, and the second stage is about how they manage interstate bargaining processes at the international level (Putnam 1988, 427-29). Understanding Putnam's metaphor of the "two-level game" is therefore the first important step in understanding Moravcsik's theory of LI (Rosamond 2000, 136). Moravcsik took the metaphor of the "two-level game" and adapted it to the case of European integration.

Moravcsik explains the stage of forming state preferences at the national level by resorting to liberalism. In international relations, liberal theories focus on the state-society relations that shape states' national preferences. Individuals interact with each other in society and establish organizations such as political parties and non-governmental organizations to express their demands on any subject. These groups form their preferences and convey them directly or indirectly to the government. In democratic societies, since the main goal of government is to stay in power, governments need the support of political parties, voters, interest groups, NGOs, bureaucracy, and other domestic groups. When determining the position of a state to negotiate, governments rely on internal support as they do not want to lose electoral support (Putnam 1988, 434). The capacity of domestic groups to restrict the government also varies according to their unity and power (Moravcsik 1993, 483). Therefore, Moravcsik states that foreign policy preferences of states are not constant, different preferences may occur in different periods (Moravcsik 1993, 483).

European integration does not replace the political will of national leaders, on the contrary, it reflects their will (Moravcsik 1998). Moravcsik states that European integration can be perceived as a set of rational choices made by national leaders. State preferences change in response to external changes such as the economic,

ideological, and geopolitical environment. At this point, according to Moravcsik, integration does not need to be based on a material incentive, it can also be based on ideals (Moravcsik 1998). He defines national preferences as a regular, measured set of values that will be the subject of future concrete agreements. Contrary to strategies and policies, state preferences vary according to a certain international political environment (Moravcsik 1998). Their policy preferences reflect the preferences of domestic political groups that affect the state mechanism. The first policy issues for EU integration were economic. To gain commercial advantages for producer groups, intergovernmental integration started and continued. The main preference for European integration was determined by economic issues, followed by geopolitical and ideological interests (Wiener 2019).

In summary, Moravcsik argues that the economic weight of European integration is also reflected in state preferences (Moravcsik 1998) and governments follow an integration policy aimed at protecting the commercial interests of producer groups with legal or budgetary constraints (Grossman and Helpman 1994). On the other hand, while accepting that the economy dominates politics for the superiority of producer interests, he also underlines that these are "issue-specific". Thus, geopolitical interests and ideology are also effective in integration; however, he argues that their impact is secondary to economic interests.

As a result, the position of a state in international bargaining is affected by internal dynamics, and governments act according to national interests in the international bargaining process in order not to lose votes and/or to gain votes. Now I will turn to the second stage, international bargaining.

3.1.2 Attaining Substantial Agreements at International Bargaining

In the second stage, Moravcsik discusses a process of intergovernmental bargaining between EU countries at the international level. While states are a collection of many different groups and interests at the local level, states are in the position of a single actor at the international level, which represents the whole state with a single voice supporting a single national position.

According to Moravcsik, problems such as increase in cross-border transactions, the movement of goods and services, and environmental pollution require joint policy formation with international policy coordination (Moravcsik 1998). While providing this coordination, national and international issues have an impact and cost on each other. States are rational actors that make decisions based on cost-benefit

calculations. Therefore, at the international level, political leaders try to make decisions based on whether a policy settlement or solution between EU countries is in their own interest, by evaluating all possible scenarios with the pros and cons of a specific issue. In international bargaining, after evaluating policy alternatives in line with national preferences, states prioritize maximum gains for their own interests (Moravcsik 1998). The national preferences of different states may differ, but these states must achieve cooperation for the common good. At the same time, these states have to consider how the profits from cooperation will be distributed to the member states. Bargaining theory assumes that international cooperation depends on the relative bargaining power of the states. Bargaining between states is the only way to resolve the distributional conflicts between states (Moravcsik 1999). States can use their veto power on important changes in integration rules. As a result, bargaining tends to shift to the least common denominator of broad state interests. According to Moravcsik, the only thing that forces a state to accept the results it would not prefer on an important issue is the fear of exclusion.

LI uses the concept of "asymmetric interdependence" produced by Robert Keohane and Joseph Nye while explaining the bargaining process between states. The strength of each government in bargaining is determined by the relative value of the potential deal compared to the best alternative policy (Keohane, Nye, and Zakaria 2012, 7). According to Keohane and Nye, interstate power does not arise from having coercive sources of power, but from asymmetry in issue-specific varying interdependence (Keohane, Nye, and Zakaria 2012, 7). In the mutual dependency relationship, any development that can be described as negative between the two states has some consequences for both parties. However, in the bargaining process, the party with more resources is stronger, and the party with fewer resources is weaker (Moravcsik 2009). Asymmetric interdependence means that the benefits of certain agreements and important choices are not evenly distributed. Often powerful actors have little need to make specific deals, they can threaten others uncooperatively and force them to do what they want. These actors can also manipulate the operation of institutions to their advantage, as they have greater knowledge of the preferences of others (Wiener 2019). Generally, powerful EU member states such as Germany and France are regarded as more able to step away from negotiations if needed and so are more likely to acquire their one-way solution. Asymmetric interdependencies may either contribute to or challenge cooperation, leading to productive or unproductive bargaining among the parties.

3.1.3 The Development or Reform of Regional Institutions

Moravcsik refers to the third and final stage as regional institutionalization, which comes after the bargaining process and where the delegation of authority takes place. LI theory argues that international negotiations contribute to the reduction of transaction costs and in this way explains the establishment of international institutions based on the cooperation of states to achieve joint outcomes in the implementation or expansion of existing intergovernmental cooperation and agreements (Keohane, Nye, and Zakaria 2012; Moravcsik 1998).

National governments share or delegate powers to the international organization when they align with their interests, and create norms that govern and at the same time, regulate the behaviour and distribution of others, as it reduces uncertainty and greatly facilitates the secure exchange of information between states regarding their preferences or strategies (Moravcsik 1998). When there is a high level of conflict, the state will want to protect its powers and reserve the right to vote there rather than delegating power to the international organization. On the other hand, in cases where the common gain and uncertainties about the future are low, states will prefer to stay out of cooperation rather than bind themselves to certain rules.

Delegation of authority to international organizations occurs when national groups and governments have overlapping interests. Since this decision is made with the preference shaping of domestic groups, it also prevents national opposition while applying the international agreement. In addition, having a strong international organization reduces the possibility of other states not complying with the agreement between nation-states. The higher the state's profit from the cooperation agreement, the higher the risk of other states not complying with the agreement, and it tends to delegate authority to supranational institutions. The underlying reason for this is that international institutions have more effective monitoring and sanction capacity to ensure compliance with international norms and rules than states can do alone.

In summary, LI argues that supranational institutions were created to assist in the completion of incomplete agreements and to prevent governments, which are not satisfied with the agreement, from withdrawing from the agreement in the future (Wiener 2019).

3.2 Refugee Crisis and LI

In the past decade, the EU has faced two significant migrant crises, which have both caused challenges to the integration project. Different approaches to limiting the number of refugees entering Europe, as well as financial regulation and redistribution of refugees, have been noted in response to the Syrian and Ukrainian refugee crises. The reason for this is because the EU has failed to establish a centralized migration management system for the equal-sharing of migrants for years, as states disagree on burden-sharing (Niemann and Zaun 2018; Lavenex 2018). LI evaluates this situation as the result of local preferences at the national level, the relative strength of bargaining, and collective action problems in intergovernmental bargaining, in line with the stages of the theory outlined above. These national choices regarding migration policies are related to pressures exerted by local political and social actors within the states. In other words, the national electorate in the member states can create strong opposition to granting of immigration and asylum as in the Syrian refugee crisis. On the other hand, they can shape state preferences in favour of a common solution as in the Ukrainian refugee crisis.

In the Syrian crisis, there were attempts to limit the number of immigrants reaching Europe through a closed-door policy and through externalizing the crisis and encouraging Syrian refugees to stay in countries like Turkey. However, Ukrainian refugees are for now hosted through an open-door policy and granted temporary protection status, which had not been granted to Syrian refugees. Here, the geographic positions of the member states play an important role in shaping the EU-level response to the refugee issue. A proposition that can be claimed is, under LI, regarding state preferences:

Proposition 1: The geographical position of member states has a significant impact on shaping the EU-level response to the refugee crisis.

The bargaining power of the frontline, transit, and destination states in the Syrian crisis has remained unequal as they were all affected differently by refugee flows because of their geographical position. Frontline states such as Greece and Italy put pressure on member states for burden-sharing. However, transit states such as Hungary and Czechia were not in favour of burden-sharing and they directed refugees to destination states by violating Schengen rules and closing their borders. Destination states, such as Germany and Sweden, were heavily affected by the secondary migrant movement in the EU. These states accepted refugees at the beginning of the crisis. After the increasing refugee flow and public reactions against that, governments de-

cided to close their borders in the Schengen area and supported strengthening the external borders of the EU. Member states' national priorities varied and created obstacles for collective action to respond to the crisis (Krotz and Wolf 2018). In the case of the Ukrainian refugee crisis, member states such as Poland and Hungary have become frontline countries due to their geographical location and have been the most affected by the refugee crisis. These frontline states started to pressure other member states for burden-sharing. While destination countries such as Germany were affected by the secondary migration mobility within the EU, they acted in cooperation to produce a common solution and alleviate the migration burden on the frontline states. As a result, the EU responded to the Ukrainian refugee crisis by acting in solidarity, contrary to the Syrian refugee crisis. This shows that the preferences of the states are issue-specific, as stated by LI. The absence of the lowest common denominator among member states may create an obstacle for collective action and challenge the EU to respond to refugee flows in solidarity, as in the case of the Syrian refugee crisis. On the other hand, the member states can respond to the migration challenge in cooperation, as in the case of the Ukrainian refugee crisis.

Identity is the second important key factor in domestic politics in shaping the international bargaining positions of the member states at the EU level, depending on their geographical location. At this point, another proposition that can be put forward in the thesis to monitor the effect of "identity" on member state preferences in the EU is as follows:

Proposition 2: The "identity" of refugees is influential in determining member states' preferences and the EU level response to the refugee crisis.

The Syrian refugees received a very different reception from the EU than was shown to the Ukrainians. The Syrian refugees' presence in the EU was described as a "Muslim occupation" (DW 2018*b*), and these refugees were discriminated against as "others" (Genschel and Jachtenfuchs 2021). Security threats and fear of foreigners by local political and social actors led national governments in the member states to take re-bordering measures against refugee flows rather than cooperating with other member states (Hooghe and Marks 2019). The EU member states, especially Eastern European states such as Hungary and Poland that closed their doors to Syrian refugees, have opened their gates and granted temporary protection status to Ukrainians. Because Ukrainians have been perceived as a part of the 'European family' in Eastern European states such as Hungary and Poland (Petkov 2022).

In the next sections, I will turn to how LI can help us understand the differing EU responses in the two respective crises through the propositions mentioned above.

4. SYRIAN REFUGEE CRISIS

With the Arab uprisings in 2010, the events in Syria quickly devolved into a civil war between the government and the opposition. While the terrorist group, the Islamic State of Iraq and Syria (ISIS), which arose from these conflicts, has had a global impact through its actions, the Syrian people, escaping both civil war and terrorism, have become the subject of a human tragedy by being subjects of an intense wave of migration. While people fleeing the civil war in Syria first head to neighbouring countries such as Turkey to save their lives, it was a high possibility that they would go to EU countries as the next step. The EU was confronted with a sudden and massive influx of immigrants. However, in the face of this issue, the EU remained unconcerned for a time and made a concerted effort to sidestep the refugee crisis (Niemann and Zaun 2018; Noll 2015).

The EU, has ignored the issue until it has reached its shores and then adopted an excluding and marginalizing approach, such as "closed-door policy" or "externalization", that contradicts the EU's human rights principles it claims to have. Two factors played a key role in shaping the international bargaining position of the member states: geographic position and identity as key factors in domestic politics. One of the most important reasons for this situation can be cited as the perception of immigration within the union as a problem of security threat over identity. Secondly, the geographical location of EU member states on migration routes has determined state preferences in accordance with their national interests to respond to the crisis as they were unequally exposed to refugee flows. Variance in national interests of member states has made it difficult for them to reach a collective solution at the EU level for burden-sharing and led to "externalization".

In this chapter, we'll address the reasons behind the EU's stance and the consequences that have resulted. For this aim, the EU's response to the crisis following the development of the events in Syria, as well as tensions between the member states, will be assessed using the LI theory.

4.1 The Emergence of the Syrian Civil War and the Refugee Crisis

The Arab Spring, which began in North Africa, had an impact on Syria in early March 2011, with opposition parties demanding that Bashar Assad and the Baath Party leave power. As a result of this, the Assad dictatorship dispatched the army to suppress the movement and conducted mass murders. Since then, Syria's civil war has raged on, with growing levels of violence.

Regarding the civil war in Syria, states are divided into two camps, both locally and globally. The diplomatic ties built from the past to the present, sectarian partnerships and divisions, and, most crucially, ethnic issues all contribute to this polarization. In this context, the EU, the USA and Turkey believe that the solution to the problems in Syria will not be possible with the current Assad administration. Russia, China, and Iran, on the other hand, believe that maintaining the present government in Syria will be more successful in resolving the issues (Ertuğrul 2012). While the Assad regime continues to exist with the support it receives from countries such as Russia, China and Iran, opposition groups called the "Free Syrian Army" have lost their power over time, but groups such as ISIS, Democratic Union Party (PYD) have started to take part in various parts of Syria and spread large areas by invasion. In the second half of 2015, the Syrian conflict became more intense. All of these events have forced millions of Syrians and Iraqis to flee their homes and seek asylum in other countries.

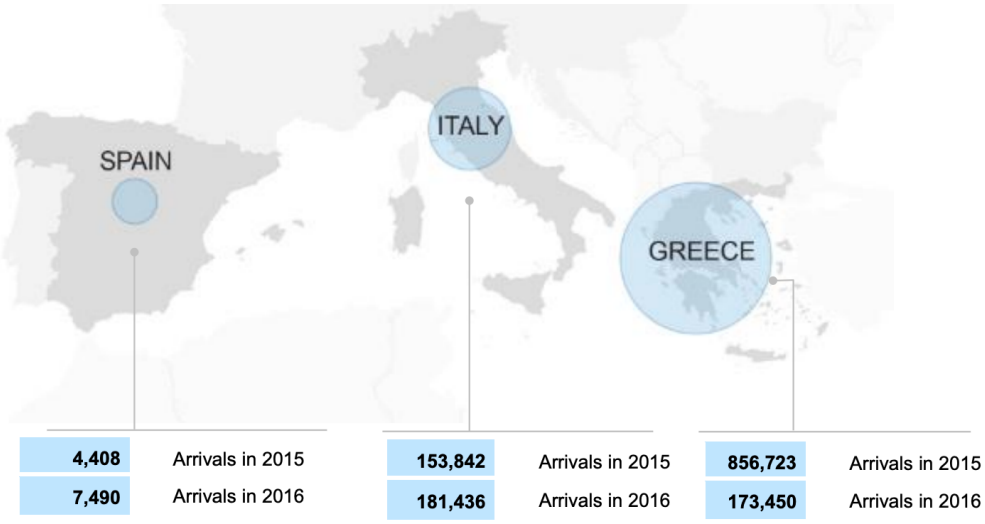
The cost of the unending Syrian conflict, particularly for civilians, has been enormous. While 13.4 million people are in need of help, 6.7 million have been displaced within Syria (UNCHR 2022*a*), and hope is fading as the conflict continues. According to UNCHR, there are 6.6 million Syrian refugees worldwide and 5.7 million of these refugees have fled to neighbouring countries such as Lebanon, Turkey, and Jordan (UNCHR 2022*a*), first in search of a safe haven, and later to the West, mostly to EU territory.

The EU's response to the Syrian refugee crisis could not go beyond a limited amount of financial assistance. While the biggest source of refugee movements to Europe in 2015 was Syria, with the addition of refugee groups originating from Africa and Asia, large migration waves have been created (Geddes and Scholten 2016). The unwillingness of the EU states to accept migrants who had been placed under protection in the countries hosting the refugees resulted in changes in border preferences, resulting in the closing of national borders within the EU as well as the union's exterior frontiers. As a response to the unforeseen shock at the EU's external frontiers,

de-bordering measures were occasionally replaced by re-bordering policies including border controls, restrictive measures and activities (Popescu 2011, 69-77). This process has also been referred to as external bordering (Bartolini 2006; Schimmelfennig 2021). This circumstance shifted migrants' attention to human traffickers, and those who wanted to enter Europe in some way began illegally forcing their way through the "Fortress Europe," resulting in humanitarian dramas.

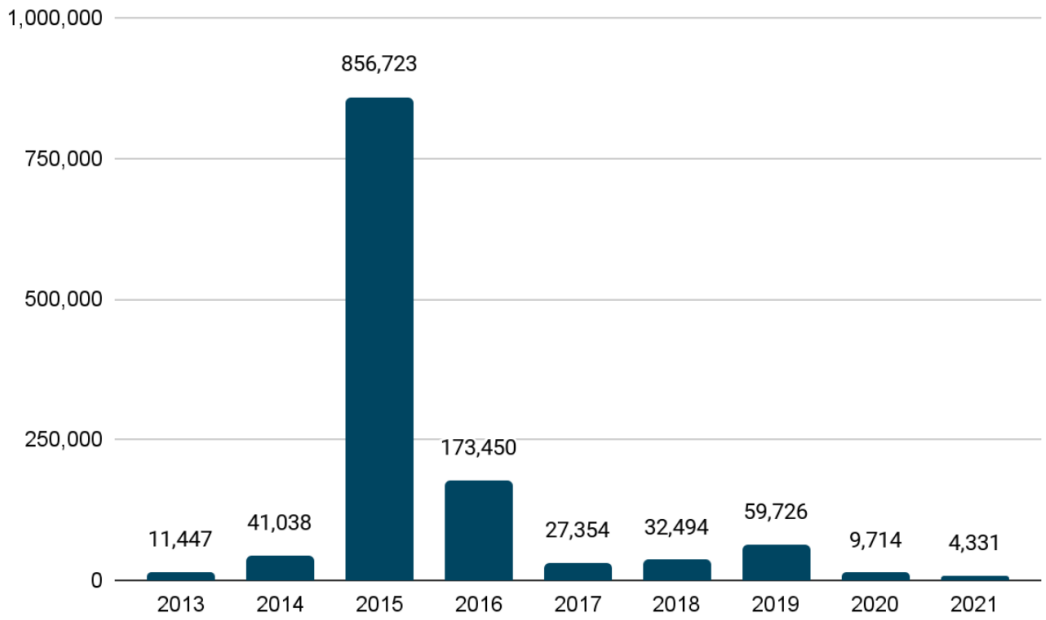
Three major routes are used in the refugee and migrant movement toward Europe. The first of these routes is the Central Mediterranean route, which leads from countries such as Libya, Tunisia and Egypt to Italy and Greece. Secondly, it is the route of migration from countries such as Morocco and Algeria to Spain and France. Finally, the Eastern Mediterranean route has become the most used route, especially after the Syrian crisis, where intense waves of illegal passings to the Greek islands took place. Refugee groups that succeeded in reaching Greece's shores aim to reach inside Europe through Albania, Serbia and Hungary.

Figure 4.1 Number of Sea Arrivals Via Three Major Migration Routes In 2015/16



Source: (UNCHR 2016)

Figure 4.2 The Number of Illegal Crossings by Sea to Greece, 2013-2021



Source: (UNCHR 2015; 2021)

As illustrated in Figure 4.2, the increasing number of illegal border crossings in 2015 has become a turning point for EU migration management. While the total number of illegal immigrants who reached the Greek borders in 2014 was 41,038, this number reached 856,723 in 2015 (UNCHR 2015). The evaluation of applications in Greece was down by the intricacy of refugee nationalities, as well as an unanticipated increase in the number of arrivals (Dimitriadi 2016). Increasing illegal refugee flows since 2015 turned into a crisis in the EU that alarmed all member states. The closure of the borders, the efforts of refugees to reach the EU by dangerous routes, and the sinking of boats carrying refugees in the Mediterranean had wide repercussions all over the world (Euronews 2020). When the Eastern Mediterranean migratory flow spun out of control in 2015, these events triggered an integration crisis within the EU. A situation arose that posed a serious threat of disintegration to the EU (Vollaard 2018; Webber 2018) such as membership reduction or renationalization of policies (Schimmelfennig 2018).

This crisis also made the already weak aspects of the EU's CEAS regime even more visible (Niemann and Zaun 2018, 3; Lavenex 2018). The absence of an international burden-sharing mechanism within the EU for refugees, the divergence and inadequate harmonization of national asylum standards, and the national strategies and measures used by member states to deal with migration flows have brought an uneven distribution of refugees across the EU that threatened free movement in the EU (Niemann and Zaun 2018). Because of this flaw, particularly in frontline areas,

asylums became overcrowded, rendering the system unusable (Menéndez 2016, 388).

As frontline, transition, and destination states were all affected differently by refugee flows, national priorities varied and triggered conflict within the union (Niemann and Zaun 2018; Noll 2015) which constituted an obstacle for collective action to respond to the crisis (Hoffmann 2000; Krotz and Wolf 2018). Although the EU members' responses to the refugee crisis in different ways created obstacles to a collective solution, the common goal was to reduce the number of refugees entering their national borders. To respond to this emergency, however, the EU needed to take more planned action.

In what follows below, I discuss how the EU member states decided their state preferences in responding to the Syrian refugee crisis, what they tried to achieve in international bargaining, and how they came up with a solution as a result.

4.1.1 Member State Preferences

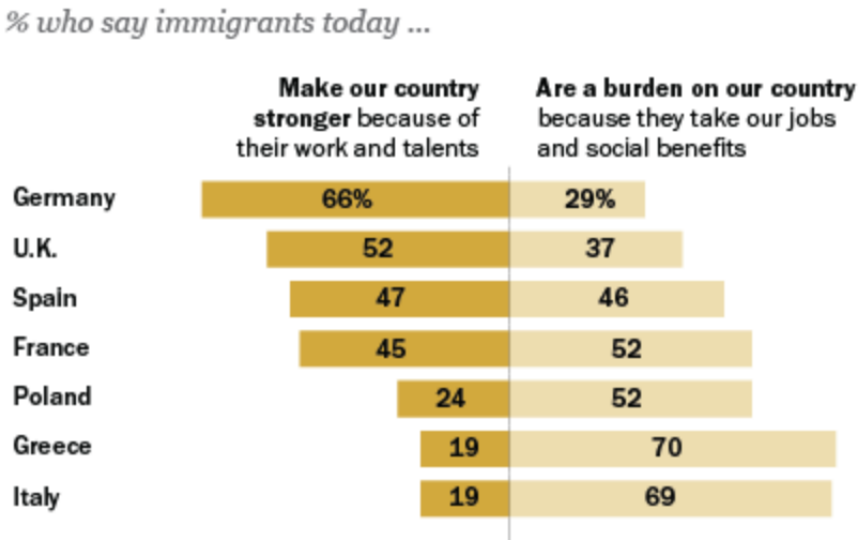
EU member states' responses to the refugee crisis were shaped by the impact of different segments of the public and the rise of Eurosceptic parties, which LI describes as important when determining state preferences. LI claims that acceptance at the domestic level determines a government's bargaining power at the international level (Putnam 1988, 434). During the peak of the refugee crisis in 2015, the main agenda for the member states was how to manage the wave of migration, which was described as a 'crisis'. How the asylum requests and the process would be managed, and how the refugees would be distributed were the main factors that triggered the conflicts between the member states (Niemann and Zaun 2018; Noll 2015). While determining the policy preferences at the national level, it is important to focus on how much the countries were affected by the migration wave, depending on their geographical location on the migration routes. The national choice of member states regarding migration policies is also related to pressures of local political or social actors on their national governments since migration policy is a sensitive policy area for states' sovereignty and identity (Schimmelfennig 2018).

According to the first proposition presented in the thesis, the geographical location of the member states is expected to have a significant impact on shaping the response to the refugee crisis at the EU level. If the state preferences of the frontline states towards EU integration and bargaining are evaluated, it can be said that they favour solidarity on issues such as sharing the burden and increasing border controls. While transition states see the migration crisis as the problem of the frontline

and destination countries, they are expected to block burden-sharing at the EU-level. Finally, destination countries affected by secondary migration movement are expected to demand burden-sharing or support the externalization of the refugee crisis at the external borders of the EU.

According to the second proposition presented in the thesis, the "identity" of the refugees is expected to be influential in determining the preferences of the member states and their response to the refugee crisis at the EU level. In general, opposing immigration in domestic groups becomes effective in determining state preference when responding to the refugee crisis. Views of immigrants compels governments to block burden-sharing at the EU level. However, in some member states, the domestic groups also support refugees, and they can convince their governments to share the burden among the member at the EU level. In this context, we can argue that there are two approaches to refugees in the EU. While some of the EU states were receptive to the migration flow, others demanded increased border controls, arguing that immigrants pose a threat.

Figure 4.3 Views of immigrants in the EU (2015)



Source: (PEW Research Center 2015)

According to a survey conducted by the PEW Research Center, most respondents in Germany, the UK, and Spain think that immigrants can add strength to their country due to their professions and skills (PEW Research Center 2015). On the other hand, the population in frontline states such as Greece and Italy, are worried about immigrants since they create a burden on their countries (PEW Research Center 2015). Under the influence of the pressures of domestic politics, the governments of frontline, transit and destination countries have shown different responses

to the refugee crisis in 2015. Due to their geographic location on the migration route, countries such as Greece, Malta, and Italy were the 'frontline' states most affected by the refugee flows. Since these countries are the entry point to the EU region, the refugee waves created short-term effects for frontline states until the migrants moved to other countries. For refugees, Greece, in particular, was in a key geographical position in the EU, from countries in the Middle East and Central Asia to destination countries such as Germany. While 82% of Greek citizens expressed their dissatisfaction with the refugees who came to their country, they demanded that their country would accept fewer immigrants or no immigrants at all (PEW Research Center 2018). The high unemployment rate in Greece has caused the argument that refugees take away the jobs of the natives (PEW Research Center 2018). In addition, the concern about the decrease in the tourism revenue of the country due to the high number of refugees in the Greek islands and the stagnation in the domestic market have also fed these concerns and put pressure on the government for the implementation of restrictive migration policies (PEW Research Center 2018). Since the asylum system was overcrowded and not enough, Greece's preference, as a frontline state, was to allow refugees to migrate to destination states instead of hosting them for a long time (Caponio and Cappiali 2018, 125; Lavenex 2018, 1197).

Irregular migrants who reached Greece using the Turkey route tried to reach Western Europe by following the North Macedonia, Serbia, Hungary and Austria route. However, states such as Hungary closed their borders with Serbia and Croatia and pulled wire fences to prevent refugees from entering their countries which meant that the Balkan route to the destination states was blocked (Trauner 2016). Hungarian Prime Minister Viktor Orbán suspended Dublin Convention and declared migration as a serious 'threat to European civilization' and 'Christian Europe' by linking migration with terrorism (Karnitschig 2015). Orban emphasized that border control is the most important problem, and defined immigration as a 'poison' and refugees as a 'security risk' (Kroet 2016). Viktor Orban's policy that presented Muslim immigrants as a potential threat revealed the threat perception that was strengthened in the eyes of the public. The legal regulation adopted by the Hungarian Parliament in 2015 with a majority of votes, described immigrants and asylum seekers as a threat to Hungary, while the same legal regulation authorized the army and police forces to intervene with rubber bullets and tear gas against immigrants who try to enter the country illegally (Anadolu Agency 2015). Orban administration represented itself as the defender of Christian Europe in the face of a multicultural European turmoil caused by Muslim immigrants. The Hungarian government held a referendum on October 2, 2016, for the relocation mechanism, which was intended to be operated in the EU member states. In the referendum, voters were asked the question of: "Do

you accept the decision of the EU to settle non-Hungarian citizens in Hungary without the approval of the national assembly?" (Bayraklı and Keskin 2017). Although 98.28% of the electorate voted 'no', the referendum was declared invalid because the participation rate was below 50% (Bayraklı and Keskin 2017). Although the referendum was declared invalid, even the organization of such a referendum made it difficult for the EU to reach a common solution. At the press conference he attended with Austrian Chancellor Christian Kern, Orban stated that *"Europe does not need to implement a common immigration policy... Whoever needs migrants can take them, but don't force them on us, we don't need them"* (Victor Orban 2016). Although the Orban administration showed a preeminent approach with anti-migrant statements, other political parties and domestic groups in Hungary also displayed anti-migrant attitudes. As a result, even if a different political party were in power in Hungary, a similar closed-door policy response to Syrian refugees could be demonstrated. As stated in the LI theoretical framework, this situation demonstrates the effect of domestic politics in determining national state preferences and shaping the bargaining process at the EU level. As a result, the Hungarian government approached the refugee crisis with a restrictive closed-door policy by using intense force at the borders. This response to refugee flows received support from countries such as Slovakia and Czechia. Slovakian Prime Minister Robert Fico expressed common fears and concerns against Muslim refugees and said: *"Every country has the right to choose who will come to it. It is not possible to integrate immigrants from a different lifestyle and belief"* (Euractiv 2016). While 90% of Czech citizens were found to be in favour of the return of refugees, 70% of Slovak citizens declared that they were against the asylum quota in the EU (PEW Research Center 2018). Looking at the policy choices, transit states prioritize that the EU's external borders should be strengthened, while they argue that if a common policy is to be produced, it should only coincide with their national interests, minimizing the number of immigrants in their countries.

Refugees who have managed to enter the EU region from the frontline states and somehow managed to pass through the transit routes aimed to go to countries such as Germany and Sweden, which are destination states, that have better conditions for asylum-seeking. Although these countries accepted refugees at the beginning of the crisis, later they prioritized closing the borders in the Schengen area and strengthening the external borders of the EU with the increasing refugee waves and public reactions against that. For example, at the beginning of the crisis in Germany, Interior Minister Horst Seehofer, who is also the leader of the Christian Social Democrats (CSD) defended the need to secure German borders and limitation of the number of refugees entering Germany. Referring to Germany's migration policies in

the past, Seehofer argued that the later deportation of accepted immigrants would become impossible when they were registered to the German social system (Frymark 2018). Angela Merkel, the former Chancellor and the leader of the Christian Democratic Union (CDU), refused this proposal, arguing that this would increase the burden on frontline states such as Greece and Italy. She said *"Wir schaffen das! - We can do it!"* (DW 2015*c*), claiming that the refugee crisis could be overcome for Europe by comprehensive reforming of the CEAS (Frymark 2018). However, the disagreements about the refugee issue in the CDU/CSU coalition government changed this decision and Merkel agreed to strengthen German borders in order to save the coalition government. The risk of breakdown of the coalition government was a big concern for CDU and CSU which resulted in compromises and brought strengthening of German borders against illegal migrants (Frymark 2018).

Another of the destination countries to which refugees were mostly directed was Sweden. According to the OECD data of 2015, Sweden has been the state that has accepted the most refugees according to its population compared to other European states (OECD 2016). According to the Swedish Immigration Office (Migrationsverket) data, in 2015, a total of 162,877 refugees applied for asylum and 114,728 of them were accepted (Migrationsverket 2016). While there were 4 to 5 thousand monthly refugee applications to Sweden in the first half of 2015, this number reached 24 thousand in September and 40 thousand in October (Migrationsverket 2016). Thus, Sweden became a country with six times more refugee applications compared to other EU countries at that time (Eurostat 2016). This situation was reflected in the refugee and immigrant policy discourses of political parties in Sweden. The Social Democratic Party, which constituted the majority in the Swedish parliament, has taken a stand in favour of maintaining the principle of an open-door policy for refugees (Emilsson 2018). The Green Party, which developed partnerships with the Social Democrats, showed a similar attitude (Emilsson 2018). However, after the 2015 refugee crisis, in contradiction with its party program regarding immigrants, the Social Democrats were the first political party that took action in the face of the increasing unrest in society at the peak of the refugee crisis. They temporarily closed the Swedish borders and intensified border controls to stop the refugee flow, receiving full support from their partner Green Party and other centre-right parties. The political reactions against refugees led to the development of national measures to reduce these irregular refugee flows (Emilsson 2018). In this context, the "October 2015 Agreement" was signed among Swedish political parties as a response to political and social pressures. This agreement was signed by the Social Democratic Party, the Green Party, the Conservative Party, the Liberal Party, the Center Party and the Christian Democratic Party, in which they agreed on controlled execution

of refugee applications and admissions at the borders and reduction of increasing refugee applications and expenditures in this process (Akarçay 2019). With this agreement, they decided to keep the refugees coming to the country in masses in temporary camps prepared in the city of Malmö until a decision was made about their future, to tighten the border controls, and impose monthly quotas for refugee applications (Akarçay 2019). From LI's perspective, this agreement, which was signed in 2015 after the refugee crisis, is the main indicator of how the refugee crisis created an atmosphere of panic in Sweden, and how the domestic pressure was influential on government decisions.

Just like Orbán's statements and approach, anti-immigrant populist rhetoric was frequently used by policy actors in member countries such as France, the Netherlands, Austria and Germany, and it was observed that immigration was a threat in elections on a significant scale (Martin 2019). The increase in the number of refugees has led the far-right parties and European media to develop a negative discourse regarding migration. Particularly right-wing groups' presenting immigration as a threat to the EU and their focus on security discourses also negatively affected the political climate in Europe (Özcan 2017). When the terrorist attacks in Europe were added to this, immigrants have begun to be identified with terrorism. This situation has fueled anti-immigrant political rhetoric and the rise of right-wing parties capitalizing on this fear in many European countries (Fangen and Vaage 2018; Castelli Gattinara 2017; Tsourapas and Zartaloudis 2022). The far-right and Euroskeptic parties have based their election programs on the ground of protectionist economic policies, anti-immigration and xenophobia, claiming that the EU and its wrong policies were responsible for the Euro and refugee crises. The refugee crisis, which took place right after the Euro crisis, was put forward as one of the current unemployment reasons in the EU (Drago 2018). The idea of economic, social and cultural deterioration in the member states due to foreigners coming to the EU was strengthened (Drago 2018). In the national elections, the political parties with anti-migrant sentiments increased their votes. In Poland, the Rights and Justice Party (PiS) won the elections in 2015 (DW 2015*a*). The Hungarian Civic Alliance (FIDESZ), which has been ruling alone in Hungary since 2010, was re-elected as the ruling party in Hungary in 2018 (DW 2018*a*). With Eurosceptic and anti-foreigner rhetoric on the rise, the Freedom Party of Austria (FPÖ) came to power as a coalition partner in Austria in 2017 (DW 2018*a*). Taking the wind of the refugee crisis in Germany, the far-right Alternative for Germany (AfD) party managed to get 13.3% of the votes in 2016 (DW 2017). With their nationalist rhetoric, these parties have turned into new branches that voters can hold on to against perceived social and cultural disintegration (Berger and Schaffner 2016). These domestic political developments also

accelerated the policy shift towards the externalization strategy at the EU level to control the migration problem. With their nationalist rhetoric, these parties have turned into new branches that voters can hold on to against perceived social and cultural disintegration (Berger and Schaffner 2016). These domestic political developments also accelerated the policy shift towards the externalization strategy at the EU level to control the migration problem.

As the transit and destination countries such as Hungary, Austria, Germany and Sweden closed their borders, the crisis became dire as the refugees were stuck at the northern borders of Greece (Kriesi et al. 2021). This has caused frontline states to have limited bargaining power. Therefore, unilateral actions were taken to increase their national measures and to prevent more refugees from entering their national borders. Besides these three groups of states, other member states such as Poland, Ireland, Finland and Portugal which are called 'bystander states' that were not affected by the immigration wave did not opt for cooperation as they did not want to share the costs under the financial burden.

The 'non-cooperative de-bordering' of frontline and transit states left destination states with two policy options. The first option was implementing 'cooperative de-bordering' that can support other states with burden-sharing and the second option was re-bordering at their national borders (Kriesi et al. 2021); Thielemann 2018, 70). Destination states took important steps to reduce the attractiveness of destination countries for immigrants, close their borders and cooperate with origin countries as an externalization option. After elaborating on the formation of national preferences, I will now turn to how international bargaining at the EU level took place, accompanied by member state preferences and national interests.

4.1.2 Inter-state Bargaining

The peak of migrant deaths in the Mediterranean in April 2015 added urgency to the reform of the common migration policy debate in the EU (The Guardian 2015). For a common solution, the EU conducted a 'Special Meeting of the European Council Brussels' on April 23, 2015, to prevent deaths at sea, fight against human smugglers, prevent illegal migration flows, and strengthen European solidarity and responsibility among the member states. The European Agenda on Migration presented to the EU leaders' on 23 April, was unanimously adopted in May 2015 to propose concrete measures to the migrant tragedy in the Mediterranean, such as increasing Frontex's budget to save lives at sea (EUROPA 2015*a*).

Table 4.1 European Relocation Scheme - 2015

Member States	**Key (%)**	**Allocation**
Austria	2,22	444
Belgium	2,45	490
Bulgaria	1,08	216
Croatia	1,58	315
Cyprus	0,34	69
Czech Republic	2,63	525
Denmark	1,73	345
Estonia	1,63	326
Finland	1,46	293
France	11,87	2,375
Germany	15,43	3,086
Greece	1,61	323
Hungary	1,53	307
Ireland	1,36	272
Italy	9,94	1,989
Latvia	1,10	220
Lithuania	1,03	207
Luxembourg	0,74	147
Malta	0,60	121
Netherlands	3,66	732
Poland	4,81	962
Portugal	3,52	704
Romania	3,29	657
Slovakia	1,60	319
Slovenia	1,03	207
Spain	7,75	1,549
Sweden	2,46	491
United Kingdom	11,54	2,309

Source: (EUROPA 2015*b*)

To relieve strain on border member states such as Greece, Germany proposed to suspend the Dublin Convention for Syrian migrants (DW 2015*b*). In June 2015, with the increasing urgency of the situation, member states agreed on a relocation mechanism in which nearly 40,000 migrants could be transferred from frontline states such as Italy and Greece to different member states within two years (The Council

of the European Union 2015). As illustrated in Table 4.1, resettlement would be decided and designed by taking into account the GDP, population, unemployment level and current immigrant numbers of the member states (Guild et al. 2017).

According to the allocation rates stated in Table 4.1, the country that would receive the most refugees would be Germany followed by France, Italy and Spain. However, the relocation mechanism did not work as desired since countries such as Hungary, Poland and Slovakia did not comply with the agreement and the disagreements among the member states continued. French Foreign Minister Laurent Fabius criticized the wire fence implementation at the Hungarian borders and said *"Hungary is part of Europe, which has values, and we do not respect those values by putting up fences that we wouldn't even use for animals"* (Aljazeera 2015). He urged Hungary to abide by European common values. Undersecretary of the Hungarian Ministry of Foreign Affairs and Foreign Trade, Levente Magyar, stated that these statements were unacceptable and drew attention to France's inconsistency with these words: *"It is interesting that a person whose own government has taken a similar decision accuses Hungary in this way"* (Magyar 2015). Countries such as Austria, Poland and Italy also threatened to close their borders to refugees, contrary to Angela Merkel's relocation request (Bennhold 2018). Czechia and Slovakia have proposed to build a corridor between Hungary and Germany for Syrian refugees (Expetica 2015). This offer, which meant that most of the Syrian refugees would be accepted by Germany, was rejected by the Merkel administration, which did not want to carry this burden alone. Thus, the member states could only agree on a formula based on "voluntarism" for the relocation mechanism. Jean-Claude Junker, the President of the Commission, expressed his disappointment at the rejection of the quota application by member states and stated, *"We will see if the system based on volunteerism works"* (European Commission 2016).

At this point, the member states were in a process that produced conflicts instead of a delegation of authority and support to EU institutions in the management of migration. The Syrian refugee crisis increased preferences for re-bordering (Schimmelfennig 2021). Member states started to reactivate national borders in order to safeguard their national state interests (De Wilde and Zürn 2012; Goodman and Schimmelfennig 2020; Hooghe and Marks 2009; 2019). Since frontline, transit, and destination states were all affected differently by refugee flows, national priorities differed and sparked friction within the union (Niemann and Zaun 2018; Noll 2015), posing a barrier to joint action to address the issue (Hoffmann 2000; Krotz and Wolf 2018).

The failure of the "burden-sharing" policy (Kale et al. 2018; Moravcsik and Nicolaïdis

1999) aiming at the Dublin Convention was due to unequal burden-sharing among the member states. As the crisis deteriorated, the EU had no choice but to externalize the crisis. In the face of demand for re-bordering, externalizing borders to control migratory flows was considered a better alternative for member states than re-establishing national frontiers. Strengthening Europe's external borders was one way to mitigate the negative implications of internal de-bordering and deal with the threat to the Union's cohesion (Bartolini 2006; Schimmelfennig 2021). Externalizing border restrictions and signing readmission deals with third-party states was considered as a key policy option to deal with the refugee crisis (Zaiotti 2016; Scheibelhofer 2018).

The Justice and Home Affairs (JHA) Council, which convened on 15-16 June 2015, adopted the "EU Internal Security Strategy" for the period of 2015-2020 for the security threats that the EU had been facing (European Commission 2015*a*). Emphasis was placed on cooperation within the EU and with third-party countries for preventive activities against illegal migration and human smuggling. Following this, the JHA Council on 14 September 2015 emphasized the importance of cooperation with Turkey on the refugee crisis and it was stated that support would be increased to Turkey and the countries in the Balkans to deal with the refugee crisis (European Council 2015*b*). On September 23, heads of member states informed the European Commission that the EU should act with countries such as Turkey, Lebanon and Jordan to resolve the refugee crisis (European Council 2015*a*).

The EU finally reached an agreement with Turkey on the Joint Action Plan on 29 November 2015. Besides preventing illegal migration, the Action Plan aimed to improve the conditions of Syrian refugees in Turkey (European Commission 2015*b*). This situation has revealed the desire of the member states to minimize the number of refugees coming to their countries and continue to keep the Syrian refugees in Turkey. For this reason, improving conditions in a buffer-zone country like Turkey was prioritized to prevent a movement toward EU territory. On March 18, 2016, the Joint Action Plan was re-confirmed between the EU and Turkey by signing a readmission refugee deal to externalize the crisis in terms of preventing illegal crossings from Turkey to the Greek islands on the Eastern Mediterranean route. This deal was developed in response to both parties' expectations and in the context of rigorous negotiations.

4.2 The EU-Turkey Statement

While Turkey and the EU reaffirmed their determination to implement the Joint Migration Action Plan implemented on 29 November 2015, they reached an agreement to end irregular migration from Turkey to the EU in order to prevent human smugglers and to offer an alternative to migrants instead of risking their lives on dangerous migration routes.

The most important element of the deal was the implementation of the "1 to 1" relocation formula in order to prevent irregular migration. According to the deal, as of 20 March 2016, all irregular migrants crossing from Turkey to the Greek islands would be returned to Turkey (European Council 2016). As of 20 March 2016, it was envisaged that the EU would resettle a Syrian resident in Turkey to one of the EU member states, in exchange for the return of each irregular migrant who crossed from Turkey to the Greek Islands (European Council 2016). Within the scope of the EU-Turkey Statement, it was decided to establish a "Facility for Refugees in Turkey" (FRIT) that allocated 3 million euros to Turkey for the Syrian refugees' expenses such as health, education, food and other living expenses (European Council 2016). In the following period, until the end of 2018, the EU agreed to provide additional support of 3 billion euros.

In return for Turkey's efforts to contain the mass influx of refugees towards the EU, the Schengen visa liberalization for Turkish citizens would be granted and it was also agreed between the two parties that the existing Customs Union between Turkey and the EU would be upgraded (European Council 2016). Finally, an article was added to the deal in order to carry out the preparatory work for the opening of new chapters, the 17th and 33rd chapters, for Turkey's EU membership and to accelerate the process of accession (European Council 2016).

This deal has been considered successful in reducing illegal crossings to a large extent. According to the report published by the European Commission in March 2020, after the EU-Turkey deal entered into force, irregular entries into the EU shores decreased by 94% (European Union Agency for Asylum 2020). As we can see in Figure 4.2, while the number of illegal crossings to Greek shores peaked at 856,723 in 2015, as when the migrant crisis worsened, the number fell to 173,450 in 2016 and 9,714 in 2020 (UNCHR 2015; 2021). 2,735 migrants were sent back to Turkey and 27 thousand of Syrian refugees in Turkey were relocated to an EU country with the '1 to 1' relocation mechanism (European Commission 2020*a*). In addition to that, more than four thousand immigrants returned to Turkey voluntarily

(European Commission 2020*a*).

The political tensions between Turkey and the EU during the implementation period of the refugee deal have created uncertainties in terms of the functionality of the deal. Many of the political tensions arose from the issues such as the acceleration of Turkey's EU membership, modernization of the the Customs Union, and the granting of visa liberalization, as well as delayed payments for financial assistance. The President of the Republic of Turkey, Erdogan, has criticized the EU on several occasions because of promises that have not been fulfilled and threatened the EU by opening the borders to the refugees. After 33 Turkish soldiers lost their lives in Idlib as a result of airstrikes on February 28, 2022, Turkey decided not to stop the illegal crossing of Syrian refugees to the EU. On February 29, 2020, the decision of the Turkish government led to a new refugee crisis at the Turkish and Greek borders (The New York Times 2020). In his speech, Erdogan said:

> "*What did we say months ago? If it goes on like this, we will have to open the doors. They did not believe it. [. . .] We opened the doors. As of this morning, the number of refugees crossing the border was 18 thousand. Today, it may probably reach 25 thousand 30 thousand. We will not close the doors in the near future and this will continue. Why? The EU has to keep its promises. We are not obliged to look after and feed so many refugees. If you are honest and sincere, then you will share. If you are not, we will open these doors*" (Erdogan 2020).

With the onset of the COVID-19 pandemic, the migrant mobility at the Greek border ended in a short time. However, even this short-term crisis created panic in EU countries. In this process, another development took place in terms of the EU's migration strategy. The EU announced the 'New Pact on Migration and Asylum' on 23 September 2020, which aims for a fair burden-sharing of responsibility and solidarity among the member states and to eliminate uncertainty for individuals applying for asylum (European Commission 2020*b*). The new pact, however, has been criticized as a move toward blocking immigrants from entering the EU rather than sharing responsibility and eliminating uncertainties for asylum.

4.2.1 Criticisms of the EU-Turkey Statement

Since 2015, there has been criticism in the EU against Erdogan's threats to open doors and send refugees to the EU. In response to Erdogan's statements on several occasions, EU authorities accused Turkey of using refugees and blackmailing the EU. Marc Pierini, a former EU ambassador to Turkey, said *"We went to him on our knees, and now he's playing us"* (Barker 2016). Limiting the negotiation power of the EU and increasing the pressure of Turkey was expressed as *"Turks are exploiting this situation in a way that some countries find unacceptable"* (Barker 2016). Similar sentiments and statements were expressed by EU institutions and leaders, but their common point was the emphasis on the critical importance of continuing cooperation with Turkey on migration. The fact that a Syrian refugee might enter the EU on foot through Turkey emphasizes the significance of maintaining an externalization solution with Turkey (Martin 2019). Following the developments at the Greek-Turkish border on February 29, 2022, former German Chancellor Angela Merkel emphasized that a solution to the migration issue is not possible without cooperating with Turkey and that the European Commission should lead more discussions for the renewal of the refugee agreement. She said:

> "*There are areas where we share common interests. The important challenge of migration is of course one of these. We can solve this problem only together with Turkey... Our discussions won't be easy, but I hope that we would reach an agreement"* (Anadolu Agency 2021*a*).

In April 2021, Charles Michel, head of the EU Council, and Ursula von der Leyen, head of the EU Commission, stated that 'the EU is ready to strengthen relations and cooperation with Turkey' during their visit to Ankara (Anadolu Agency 2021*b*). It was put on the agenda that the refugees in Turkey would be supported more and that both parties could work on a new deal.

Although the EU-Turkey deal is considered successful mainly for the EU, it receives many criticisms from NGOs and human rights organizations, especially for violating international law and refugee rights. In the context of human rights violations, immigrants are stuck on the Greek islands due to their long asylum processes and are forced to live in harsh and inhumane conditions in the refugee camps. It is claimed that the conditions in the camps were purposefully planned to operate as a discouragement to prevent new arrivals and that people living in extremely dangerous and unstable conditions is something that EU member states accept (Duvell

and Erdogan 2020).

Another criticism is about the classification of Turkey as a safe third country eligible for refoulement in the EU legal framework, which is the basis of the decision of readmissions, according to the EU-Turkey statement. According to the 1951 Geneva Convention, Turkey only grants refugees from Europe the right to receive refugee status in Turkey (Batalla Adam 2017, 44-58). Therefore, it is argued that the limited access to the Temporary Protection Status granted to Syrians creates a problem in the protection status regarding their citizenship, employment and residence rights (Baban, Ilcan, and Rygiel 2017, 315-20). It is claimed that it violates both EU and international human rights law, and that, while it possesses the content of an international contract, its failure to meet these standards in form has led to problems of 'legality' and 'legal bindingness' (Öztürk and Soykan 2019).

The significant reduction of illegal arrivals into the EU has been deemed a success but the negative consequences of the deal and the EU's stringent immigration policy are neglected. It demonstrates that EU member states fail to meet their obligations under the 1951 Geneva Convention (Gatti 2016), to which they are signatories, and ignoring the rights of refugees and immigrants, prioritizing border security over human rights protection (Tunaboylu and van Liempt 2021).

4.3 Recent Developments

The EU-Turkey Statement has expired, but despite all the mistrust, one of the most important issues on the agenda of the EU is the renewal of the migration deal between Turkey and the EU and the externalization of the refugee problem. Moreover, expanding the externalization with other third-party countries is a part of a securitization strategy. This was brought to the fore again during the Belarusian border immigration issue.

As of 2020, migrant flows from countries like Syria, Afghanistan, and Iraq have shifted from the Mediterranean to the north, towards Belarus. Countries bordering Belarus confronted migration mobility as the migration route changed to the north of Europe. Poland and the Baltic states were among the first to respond. They began building walls and wire fences along Poland's and Lithuania's borders (BBC News 2021). Throughout this process, the EU provided support to Poland for strengthening EU border security.

While the migrant crisis on the Polish-Belarus border persisted, Turkey and the EU

reached an agreement on a number of measures (Nardelli 2021). Turkey implemented a more stringent control mechanism in order to minimize the number of immigrants that travel to Belarus. Citizens of Iraq, Syria, and Yemen were barred from travelling to Belarus via Turkey under the terms of the agreement. Turkey was asked to no longer sell one-way tickets on Belarus flights in order to relieve the burden on the Polish border from migrants attempting to enter the EU (Nardelli 2021). Those planning to travel to Minsk from Turkey needed to purchase a two-way ticket. At this point, a solution was brought to the problem by the EU with another type of externalization strategy.

To sum up, geographical location and identity were the two key factors that shaped member states' domestic societal preferences in the case of the Syrian migration crisis. Depending on how the migratory flow affected the member states and where they stood on the main migration routes, national policy preferences varied. Domestic group pressures affected member states' preferences and the EU level response to the refugee crisis. In general, opposing immigration in domestic groups become effective in determining state preference when responding to the refugee crisis. In frontline states, the domestic groups such as political parties or different socio political groups evaluated refugees as a burden on the their country. Therefore, they did not want Muslim refugees to enter their countries but had to pressure for burden-sharing at the EU-level as these states were most affected by refugee flows due to their geographical location. Destination countries such as Germany and Sweden were more strongly affected by the secondary migrant movement and they supported burden-sharing in the EU with the 'relocation mechanism'. Compared to the frontline states, at the beginning of of the crisis, domestic groups in destination countries believed that immigrants made their countries stronger because of their work and talent. However, this positive perception has changed with the increasing number of refugees and destination countries such as Germany have tried to to minimize the number of refugees and pressured other member states for burden-sharing at the EU level. Transit countries between frontline and destination countries such as Hungary and Slovenia closed their borders to refugees as they rejected the relocation mechanism and burden-sharing. Political and social domestic groups from different segments of society in these states were not receptive to the migration flow and demanded border controls, arguing that immigrants pose a security threat. Bystander states such as Poland and Ireland also rejected burden-sharing as they were located far from the main migration route. In these countries, domestic groups such as political parties or different socio political groups did not want to accept refugees in their countries or to be under the financial burden. The international bargaining between the member states at the EU level has resulted in the externalization of the

refugee crisis instead of burden-sharing among the member states. When all these are evaluated, we can argue that the EU was in need of Turkey's cooperation for the refugee crisis since the member states' preferences were diverse from each other. The disagreements among the member states in the EU have created a bargaining process between the Turkish government and the EU on the basis of interdependence and mutual interests. While the Turkish government profited from the carrots offered to it, the EU took the refugee crisis under control in return (Saatçioğlu 2020, 9).

5. UKRAINIAN REFUGEE CRISIS

After Russia's invasion of Ukraine on February 24, 2022, the EU has witnessed another great refugee crisis in its recent history, following the Syrian refugee crisis in 2015. According to the IOM (2022), more than 10 million Ukrainians have been displaced since the Russian invasion (IOM 2022*a*). Refugees from Ukraine have mostly fled to neighbouring countries, including EU members like Poland, Hungary, Romania, and Slovakia. Just as Turkey accepted a large number of refugees with an open door policy when the civil war started in Syria, the EU has implemented a similar policy toward Ukrainian refugees. The EU member states, which have implemented an open-door policy since the beginning of the Ukraine crisis, have provided all kinds of support for Ukrainian refugees such as granting temporary protection, work permits, and social assistance.

The refugee movement from Ukraine to the EU reminds us of the Syrian refugee crisis. Unlike the EU states' response to Syrian refugees however, the open-door policy response to Ukrainian refugees led to claims that "double standards" were applied to Ukrainian and Syrian refugees (Boyraz 2022). Why did EU member states adopt different approaches in the two refugee crises and that their treatment of refugees differs from each other in both cases? Two factors played a key role in shaping the international bargaining position of the member states: geographic position and identity as a key factor in domestic politics. In light of the research question of this thesis, I will now turn to the influence of member states in shaping the EU-level response to the Ukrainian refugee crisis from the perspective of the LI by comparing it to the Syrian refugee crisis.

5.1 The Emergence of the Ukrainian Refugee Crisis

The long-running conflict between Russia and Ukraine escalated into a war on February 24, 2022. Although Ukraine and Russia have shared a common history and culture for many years, the political tension between the two countries is multidimensional and long-standing. Ukraine is strategically important to Russia because it serves as a buffer zone between NATO and Russia (Mearsheimer and Walt 2016). While it plays a major role in the transportation of Russian natural gas, it is also home to the largest Russian community outside of Russia (Mearsheimer and Walt 2016). The political atmosphere in Ukraine has been a field of struggle between pro-Western and pro-Russian groups for decades. Catholic Ukrainians living in the West have defined themselves as European and Ukrainian; on the other hand, Orthodox people living in the east have expressed themselves as members of the Slavic nation (Sarikaya 2017). While Western Ukrainians have rejected Russia as their motherland, Eastern Ukrainians have approached the idea of getting closer to the EU with skepticism (Szporluk 1998). For this reason, although pro-EU or pro-Russian prime ministers came to power, in Ukraine they attached great importance to maintaining the balance between pro-Western and pro-Russian groups. However, this has not always been easy, and the balance has not always been attained.

For the Putin administration, the prospect of Ukraine joining NATO and its close relations with the EU has been a source of security concerns. However, the turning point of the crisis between the two countries was the invasion of Crimea in March 2014. Tensions escalated as Russia invaded Crimea and encouraged the establishment of autonomous republics in Donetsk and Luhansk regions in Eastern Ukraine. On February, 24, 2022 Russia invaded Ukraine and recognized the independence of Donetsk and Luhansk regions in Ukraine.

According to the data of the UN High Commissioner for Human Rights (OHCHR), 4,509 people have been killed and 5,585 injured in Ukraine since the start of the Russian invasion. Faced with rising violence and the prospect of losing their lives, Ukrainians began a large-scale migration to neighbouring countries in search of safety. The UN estimates that more than 14 million people had left their homes since February 24, 2022, and 6.6 million Ukrainians immigrated to neighbouring countries (UNCHR 2022*c*). This migration movement has gone down in history as the largest crisis-level mass migration in Europe since WWII (Euronews 2022*b*).

As illustrated in Figure 5.1, when the route in the Ukraine refugee crisis is analyzed, it is observed that the migration mobility is mostly directed towards the

western neighbouring countries such as Poland, Romania, Hungary, Moldova, and Slovakia. These neighbouring countries have welcomed the Ukrainian refugees on the Ukrainian borders. According to UNCHR statistics (2022), Poland is the neighbouring country that welcomes the most refugees (4,787,454). It has been reported that Ukrainian refugees have also fled to Russia (1,745,800), Hungary (995,637), Romania (870,241), Slovakia (610,201), and Moldova (541,323) dispersed to other EU countries from frontline states in the EU (UNCHR 2022*c*). UNHCR estimates that the number of refugees could reach 10 million in the near future if the conflict in Ukraine worsens (UNCHR 2022*c*).

Figure 5.1 The Migration Route of Ukrainian Refugees

Source: (UNCHR 2022*c*)

Table 5.1 Border Crossings from Ukraine to Neighboring Countries

Neighboring Countries	**Number of Crossings from Ukraine**
Poland	4,787,454
Russia	1,745,800
Hungary	995,637
Romania	870,241
Slovakia	610,201
Moldova	541,323

Source: (UNCHR 2022*c*)

The EU member states have opened their doors to Ukrainian refugees contrary to their response to the 2015 Syrian refugee crisis. They have strived to adopt

an open-door policy for Ukrainian refugees, demonstrating that they have learned their lessons from the Syrian refugee crisis and that their refugee policies are better grounded in human rights. Besides, Ukrainians were already a nation that did not require a visa to enter the Schengen area and could stay in the EU for up to 90 days. This visa liberalization was granted in 2017 (European Council 2017). Therefore, instead of discussing the issue of implementing an open-door policy in the Ukrainian refugee crisis, the EU has ensured the continuation of the right of free movement that Ukrainians already have.

Poland, Hungary, Romania, and Slovakia have been the 'frontline' member states in the EU most affected by the refugee flows due to their geographical location on the Ukrainian border. National authorities were mobilized to assist the arrival of Ukrainian refugees, and temporary reception centers were set up along the EU's borders (TRT News 2022). Member states in the EU such as Hungary and Poland which did not want Muslim refugees in 2015 have opened their doors to their Ukrainian neighbors. With the increasing burden of hosting refugees, these frontline states have started to put pressure on other member states within the EU for burden-sharing. In the 2015 Syrian refugee crisis, national priorities varied, as the frontline, transit, and destination states were affected unequally by refugee flows according to their geographical location, and the different responses of EU members to the refugee crisis created obstacles in front of a collective solution that prevented burden-sharing mechanism in the EU (Niemann and Zaun 2018; Noll 2015). However, in the Ukraine refugee crisis, EU member states have taken more planned steps toward joint action within the Union. After the massive flow of Ukrainian refugees, refugees were granted 'temporary protection' status, which we will examine in detail in the below section (European Commission 2022*b*).

Although member states such as Poland emphasized that they need more support and burden-sharing in terms of sharing the cost of taking care of refugees (Piroschka 2022), the humanitarian tragedy experienced in the Syrian migration crisis did not arise in the Ukraine crisis. One of the reasons of this is because the member states' frontline, transit, and destination positions in the Syrian and Ukrainian refugee crises varied based on their geographical locations. For example, Poland, was a bystander state which rejected burden-sharing in the Syrian refugee crisis. When it became a frontline state in the Ukrainian refugee crisis, it supported burden-sharing at the EU-level. State preferences can change with the effect of geographical location and domestic group interests. Member states' position and domestic groups' interests influence the perception of refugees. Supporting Ukrainians as part of the 'European family' and accepting them in their countries by declaring an open border policy facilitated intergovernmental bargaining and encouraged member states to act

jointly using EU institutional mechanisms (Bloomberg 2022).

I will discuss below, how the EU member states decided their state preferences in responding to the Ukrainian refugee crisis, what they tried to achieve in international bargaining, and how they came up with a solution as a result.

5.1.1 Member State Preferences

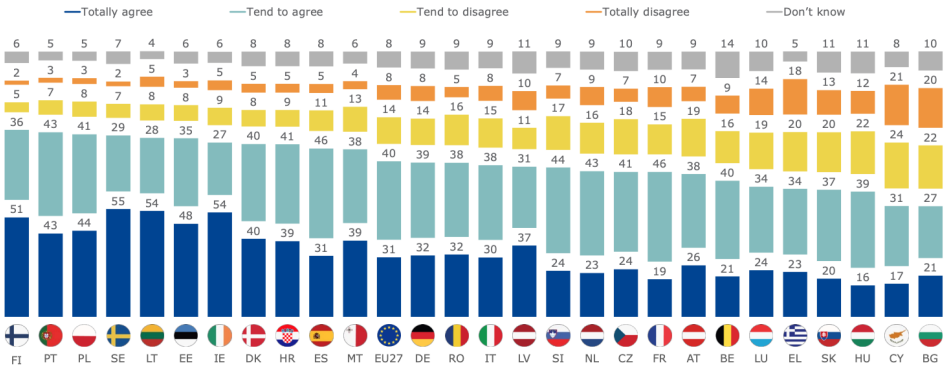
It was inevitable that a large wave of immigration from Ukraine would come to the EU once Russia's threats against Ukraine escalated and turned into an invasion. The EU member states began making preparations to welcome and host Ukrainian refugees. EU officials, who predicted that millions of Ukrainians could take refuge in EU countries, evaluated the possibilities in case of Russia's invasion of Ukraine. On February 7, 2022, EU Commission Chief Spokesperson Eric Mamer said, *"The EU is prepared for different scenarios"* (TRT News 2022). Neighbouring countries, in particular, were on high alert to prepare for the flood of Ukrainian refugees. While Poland established immigration reception centers at the Ukrainian border and prepared 120 hospitals for injured people, Interior Minister Mariusz Kaminski said *"Poland is ready for a possible wave of immigration"* (Euronews 2022*a*). Other frontline states, such as Slovakia and Hungary, have moved reinforcements to the border in preparation for a potential migrant inflow. German Interior Minister Nancy Faeser stated that *"Germany is ready for any possible scenario"* for migration flows from Ukraine (Faeser 2022).

After Russia's large-scale invasion of Ukraine, the expected wave of immigration headed towards the EU in masses. More than 1,5 million refugees from Ukraine crossed into neighbouring countries within 10 days (Euronews 2022*b*). While the most border crossing from Ukraine was to Poland, it was followed by Hungary, Slovakia, and Romania respectively. In contrast to the Syrian refugee crisis, these frontline countries adopted an open border policy and stated their willingness to take refugees (TRT News 2022).

The results of a Eurobarometer survey conducted in all EU member states confirmed strong support among EU citizens for the EU's response to the Ukrainian refugee crisis. According to the survey results published on June 15, 2022, while 59% of EU citizens are satisfied with the EU's response to the Ukraine crisis, 57% of EU citizens are satisfied with the response of their own government to the Ukraine crisis (Eurobarometer 2022). Welcoming of Ukrainian refugees to the EU with an open door policy is supported by 88% of EU citizens (Eurobarometer 2022). According

to other prominent findings, 71% of EU citizens believe that Ukraine is a part of Europe, and 89% show sympathy toward Ukrainian refugees (Eurobarometer 2022). The findings of this research show that the geographical location of member states also influences their domestic political and social groups' approval of welcoming Ukrainian refugees through 'identity'. While the proportion of people who agree that Ukraine is part of the 'European family' is lower in member states such as Cyprus (48%), which is geographically located far away from Ukraine, it is as high as 85% in frontline states such as Poland (Eurobarometer 2022). EU member states that are geographically located closer to Ukraine, such as Latvia, Lithuania, and Poland, have demonstrated with stronger support that Ukrainians are part of the European family since the start of the Russian invasion in Ukraine (Eurobarometer 2022). Due to their geographical proximity and the security threats posed by Russia, these countries have applied more pressure at the EU level to resolve the Ukrainian crisis. In this sense, it appears that Russia's security threats have been effective in shaping the preferences of EU member states while taking a position in the Ukrainian crisis.

Figure 5.2 Acceptance of Ukraine as part of the 'European family' (% by member state)



Source: (Eurobarometer 2022)

Figure 5.3 Approval of Welcoming Ukrainian Refugees in the EU (% by member state)

	Providing humanitarian support to the people affected by the war	Welcoming in the EU people fleeing the war	Financial support to Ukraine
EU27	93	88	80
BE	90	86	73
BG	90	75	55
CZ	91	77	72
DK	93	89	86
DE	92	87	79
EE	96	91	88
IE	95	90	89
EL	95	91	74
ES	94	91	83
FR	92	85	77
HR	96	95	88
IT	92	91	78
CY	95	90	72
LV	93	86	80
LT	96	91	88
LU	95	89	79
HU	90	87	67
MT	99	95	92
NL	94	89	85
AT	92	85	77
PL	95	92	90
PT	98	96	92
RO	93	88	82
SI	95	90	77
SK	90	77	63
FI	96	95	92
SE	94	90	88

Source: (Eurobarometer 2022)

To understand the EU-level response to the Ukrainian refugee crisis, it is crucial to assess how the policy choices of member states are shaped. Following the Russian occupation of Ukraine, Poland became the frontline state within the EU, hosting the largest number of Ukrainian refugees with around 4 million people (UNCHR 2022*b*), due to its geographical location. Refugees in Poland were welcomed by the support and coordination of national authorities, local authorities, municipalities, NGOs, and individuals (UNCHR 2022*b*). According to a poll conducted in Poland, more than 90% of Poles believe that Ukrainian refugees should be admitted to Poland without any restrictions (IBRiS 2022). While 3% of Poles believe that Ukrainian refugees should be kept in camps, only 1% of Poles say that refugees should not be accepted in Poland (IBRiS 2022). During the Syrian refugee crisis in 2015 and the refugee crisis on the Belarusian border in 2021, Poland built fences on its borders to keep illegal immigrants out. In this process, the Poles did not show a desire for mass mobilization for the assistance of the refugees (Rychard 2022). The most important difference here arose from the divergence in how refugees were perceived by domestic political and social groups. While Muslim refugees were perceived as 'security threat', Ukrainians are perceived as 'European neighbors of Poles. Since the war has been raging in Poland's backyard, Poles have welcomed Ukrainian refugees with mass mobilization (Jeneralska 2022). A supportive attitude towards refugees in domestic politics has been effective in the implementation of the open-door policy while determining the policy preferences of the Polish government. With the increase in the number of Ukrainian refugees, the Polish government has demanded the EU's financial support for burden-sharing. Polish Prime Minister Mateusz Morawieck said: *"Poland needs more EU support to cover the costs of hosting Ukrainian refugees"* (Piroschka 2022). While requesting funds from the EU for refugees, he also said *"We demand fair treatment for Warsaw from Brussels... Turkey received billions of euros in support in the last wave of migration, and Warsaw now deserves EU assistance"* (Piroschka 2022).

The leaders of Czechia and Hungary, who implemented restrictive anti-migrant policies during the Syrian refugee crisis, declared that they would accept the Ukrainian refugees. While Czech Prime Minister Petr Fiala said *"Czechia is ready to accept Ukrainian refugees"* (Gosling and Ciobanu 2022), Hungarian Prime Minister Orban said, *"Hungary is prepared to take care of them Ukrainians, and we'll be able to rise to the challenge quickly and efficiently"* (Gosling and Ciobanu 2022). With the increasing burden, countries such as Slovakia requested assistance from FRONTEX to manage the border controls. Since these countries are the frontline states in the EU, the registration of refugees also brought burdens in terms of meeting refugee needs. In this regard, the need for financial assistance was repeatedly highlighted,

and burden-sharing among EU countries was demanded.

Ukrainians whose families and friends are in the EU as economic migrants or who have other social networks in the EU, started to move towards other member states after they entered Eastern Europe. Ukrainians have a large diaspora in Poland, Germany, Czechia, Hungary, Spain, and Italy (Eurostat 2022). For this reason, Ukrainian refugees entering from Eastern Europe have started to move towards the destination states such as Germany, not just staying in Eastern Europe. The number of Ukrainian refugees in EU countries is presented in Table 5.2.

Table 5.2 Number of Ukrainian Refugees in the EU States Excluding Frontline States

Member States	**Number of Ukrainian Refugees**
Germany	893,000
Czechia	396,334
Italy	145,829
Spain	128,992
France	92,156
Bulgaria	86,584
Austria	76,210
The Netherlands	68,050
Lithuania	59,472
Belgium	51,749
Portugal	47,847
Estonia	46,726
Sweeden	42,310
Ireland	41,736
Latvia	34,983
Greece	16,804
Croatia	16,093
Cyprus	12,768
Slovenia	5,789
Luxembourg	5,775
Malta	1.317

Source: (UNCHR 2022*c*).

Among the destination countries affected by secondary migration movements, Germany is the country that hosts the most refugees with 893,000 (UNCHR 2022*c*). The public in Germany has welcomed the Ukrainians at the train stations with great

sympathy and warm feelings, and they have hosted the refugees in their homes voluntarily (Dalaman 2022). In Bundestag, German Chancellor Olaf Scholz said: *"It is still unclear how many women, men, and children from Ukraine will seek asylum from us. All we know is that there will be many. You are all welcome... "* (The Local DE 2022*b*). He also stated that 'the German government is ready to take additional measures and that they will continue to help the Ukrainian refugees (The Local DE 2022*b*). However, some sections of German society argue that it is necessary to act cautiously regarding the refugee crisis. Gerd Landsberg, President of the German Union of Cities and Municipalities, said that they are *"in favor of registering all asylum seekers from Ukraine"* (The Local DE 2022*a*). The leader of the opposition party (CDU), Friedrich Merz also criticized the failure to register Ukrainian refugees. He said: *"We don't know who entered the country, we may regret it later"* (Dalaman 2022). Responding to the opposition's criticism, Minister of the Interior Nancy Faeser stated that 90% of the incoming refugees are women and children (Dalaman 2022). In her speech, she said: *"We do not have the right to make these people, who are afraid of death for days and who crawl on the roads, wait for hours at the German borders... They already have a right to travel freely in the Schengen zone for 90 days"* (Dalaman 2022). With these words, she stated that she is against the registration of refugees at the German borders. Faeser also expressed the necessity of burden-sharing and stated that Germany is in favor of 'determining a quota on the sharing of asylum seekers in the EU' for a more sustainable immigration policy (Dalaman 2022).

The governments of Poland, Czechia, Slovakia, Hungary, Romania, Bulgaria, Estonia, Lithuania, and Latvia have demanded that the EU should facilitate more financial funds for the additional expenditures incurred in these countries due to social assistance provided to refugees, such as shelter, food, education and transport services (Hungary Today 2022). These frontline states' policy choice is to put burden-sharing pressure on other member states in the EU. On the other hand, people, especially in Western Europe such as Sweden, Denmark, and the Netherlands, see the Ukraine crisis as a problem far away from them and believe that their governments should stay out of such a problem. However, since these countries are affected by secondary migration movements in the EU, the governments in Western European states such as Sweden, Denmark, and the Netherlands prefer to act cooperatively to produce a common policy at the EU level for alleviating the refugee burden on frontline states. Despite this, the support of countries such as Denmark, the Netherlands, and France is not considered enough for the frontline states (Hungary Today 2022). Although frontline states emphasized that they need more support and demanded burden-sharing in the EU in terms of the cost of

caring for refugees, the humanitarian tragedy experienced in the Syrian migration crisis due to restrictive migration policies did not arise in the Ukraine crisis, because the member states in the EU have perceived Ukrainians as part of the 'European family' (Eurobarometer 2022). The willingness of EU citizens to welcome Ukrainian refugees has facilitated intergovernmental bargaining at the EU level positively, it has allowed for joint action by using EU institutional mechanisms within the co-operation of frontline and destination countries. I will now turn to joint actions of member states as a result of international bargainings at the EU level.

5.1.2 Inter-state Bargaining

With the increase in the number of refugees from Ukraine, the member states started negotiations to develop a common solution for burden-sharing at the EU level. Vice-President of the European Commission, Josep Borrell emphasized the importance of the protection of refugees. He said:

> "*We are living the darkest times in Europe since WWII. Civilians are the first victims of Putin's senseless war against Ukraine. The EU will support and protect those escaping Russia's aggression. No matter their nationality, no matter where they come from. The EU will also mobilize all its tools to help those who host them*" (Borrel 2022).

On February 28, less than a week after the Russian occupation of Ukraine, another important development took place when Ukraine applied for EU membership. President of Ukraine Volodymyr Zelensky announced that they have taken such a step with the discourse of 'European Ukraine' (News 2022). Although there were statements from the EU authorities that they support Ukraine's membership, it was stated that it may take time to complete the membership process (Apelblat 2022). As the membership process goes on, to respond to the mass migration influx and to provide international protection to Ukrainian asylum seekers, the European Commission presented a proposal on March 2, 2022, to activate the 'Temporary Protection Directive'. Ylva Johansson, Commissioner for Home Affairs, said:

> "*A welcome reprieve in these difficult times is the solidarity shown by Europeans and EU member states to people fleeing the war in Ukraine. I saw this spirit first hand in Romania and Poland, but it is there across*

the EU. When we act together we act effectively - protecting people fleeing the war in Ukraine. This is Europe at its best: providing the temporary protection needed and the funds to back it up" (Johansson 2022).

The proposal for the 'Temporary Protection Directive' was unanimously accepted by the Council on March 4, 2022 (European Commission 2022*b*). The temporary protection system, which rose to the agenda of the EU in the 1990s, after thousands of people sought asylum in the EU after the Kosovo War, was prepared in 2001 with the completion of the temporary protection directive preparations. However, this directive has not been used for 21 years. Activating the temporary protection status for the first time since 2001 is an important development for burden-sharing on migration among the EU member states (Boyraz 2022).

According to the 'Temporary Protection Directive' adopted on 4 March 2022, citizens of Ukraine, stateless persons, third-country nationals, and their family members under international protection or an equivalent national protection program, that were living in Ukraine before February 24, 2022, will be able to benefit from temporary protection (European Commission 2022*b*). Apart from these groups, those who can prove that they have a legal residence permit in Ukraine before February 24, 2022, will be able to benefit from this protection, if they will not be able to return safely to their home country (European Commission 2022*b*). Temporary protection status is foreseen for one year. At the end of a year, an automatic extension can be made every 6 months, for a maximum of two years. If the conditions for safe return have not yet been met for refugees in 3 years, the EU Commission may unanimously extend this period (European Commission 2022*b*). Member states are obliged to issue residence permits to persons under temporary protection during this period. For refugees, member states are required to issue visas to these persons under protection (European Commission 2022*b*). Most importantly, this scheme aims to provide temporary protection holders with access to welfare state facilities (European Commission 2022*b*). For example, rights such as the right to housing and benefiting from health services are guaranteed by this directive. With the adoption of temporary protection by the member states, it has become possible for refugees to be placed and protected in the EU without waiting for long procedures at the external borders of the EU. It enabled rapid action to be taken on many important issues such as facilitating border controls, stretching entry conditions, and access to humanitarian aid. Temporary protection has become an effective ground between the member states in the EU to share responsibilities. The humanitarian crisis at the external borders of the EU that we have witnessed in the Syrian refugee crisis has thus not been repeated in the Ukrainian refugee crisis.

Following the "Temporary Protection Directive" activation, on March 7, the EU Commission has started work on Ukraine's candidacy process. The President of the European Commission, Ursula von der Leyen, expressed the opinion that Ukraine, which applied for EU membership, should be given 'candidate country status' (The Guardian 2022*a*). It was decided to grant Ukraine the status of candidate country on June 23 at the EU Leaders' Summit in Brussels. European Council President Charles Michel described the decision as "historic" and "an important step towards the EU" (Charles Michel 2022). Ursula von der Leyen also said that this decision affirmed that Ukraine and Moldova are part of the 'European family' (Ursula von der Leyen 2022*b*).

On March 8, the European Commission adopted the 'Cohesion's Action for Refugees in Europe (CARE)' to allow emergency support in member states to those fleeing from the invasion of Ukraine (European Commission 2022*c*). The cohesion policy has intended to help member states to resettle Ukrainian refugees in the EU quickly and systematically. With this, it was aimed to alleviate the refugee burden in the frontline states. A ten billion euro package has also been created under the 'Recovery Assistance for Cohesion and the Territories of Europe ('REACT-EU') fund to support the financial demands of member states (European Commission 2022). Following this, on 10-11 March, heads of government in the EU met to discuss further joint action plans. After the meeting with the heads of governments in the EU, Ursula von der Leyen gave a speech emphasizing that the EU is in solidarity in the Ukraine crisis. In this speech she said:

> "*[. . .] There is no denying that our fates are intertwined. Ukraine is part of the European family. Putin's attack on Ukraine is an attack on all the principles we hold dear. It is an attack on democracies, on national sovereignty, on the freedom of peoples to choose their fate and to shape their future. Our response today to Russia's heinous attack on Ukraine will as much determine Ukraine's future as it will the future of the Union and beyond the European continent. So let us stay true to the principles that have guided our joint response so far, namely responsibility, unity, solidarity, and determination. [. . .] This crisis has indeed made us face up to our responsibilities in the face of a new reality. [. . .] Finally, a word on solidarity, which so many Europeans are showing shining examples of, in these days, by welcoming with open arms more than 2 million people who have now fled the war in Ukraine. I want to thank all EU member states and in particular the countries on the frontline that is Poland, Romania, Slovakia, Hungary, and, of course, our partner, Moldova. The people of Ukraine need and deserve all our support and so do the countries that welcome them. The Commission has set up a solidarity platform to coordinate operational and financial*

> *support and reception capacity. We are also using the flexibility of the EU budget to the fullest so that member states can finance actions for refugees, like, for example, housing, schooling, medical care, and other topics. This flexibility within the budget could free several billion euros over the coming years for exactly these purposes. [...] The Ukrainian people are showing immense courage. And a people that stands up so bravely for European values is part of the European family"* (Ursula von der Leyen 2022*a*).

In many parts of Ursula von der Leyen's speech, it was emphasized that the Ukrainians are a part of the 'European family' and they would be supported in all matters. In this regard, the member states that host Ukrainian refugees were promised to be supported by all member states in European solidarity.

As of 20 June 2022, 3.4 million Ukrainians were officially registered for temporary protection in the EU (UNCHR 2022*c*). As illustrated in Table 5.3, it is seen that the most temporary protection registration among EU member states is done in the frontline states such as Poland. While Poland is the frontline state with the highest number of registrations with 1,234,728 people; it is followed by Germany, one of the destination countries, with 670,000 Ukrainian refugees (UNCHR 2022*c*).

Table 5.3 The Number of Registered Ukrainian Refugees for Temporary Protection in the EU

Member States	**Number of Ukrainian Refugees Registered for Temporary Protection**
Poland	1,234,728
Germany	670,000
Czechia	396,281
Italy	143,134
Spain	128,893
Bulgaria	123,358
France	92,156
Slovakia	85,964
Romania	85,527
Austria	76,210
The Netherlands	68,050
Lithuania	59,472
Belgium	51,124
Portugal	47,752
Ireland	44,577
Sweeden	40,447
Latvia	35,804
Finland	32,665
Estonia	30,291
Denmark	29,856
Hungary	26,932
Greece	16,804
Croatia	16,092
Cyprus	14,374
Slovenia	6,789
Luxembourg	5,775
Malta	1,339

Source: (UNCHR 2022*c*).

The burden-sharing pressure was increased by the governments of Poland, Czechia, Slovakia, Hungary, Romania, Bulgaria, Estonia, Lithuania, and Latvia, who asked the EU to contribute more funds to cover additional expenses of social assistance provided to refugees (Hungary Today 2022). The prominent issue in the speeches of the heads of governments in the EU has focused on 'burden-sharing'. Prime Minister of Estonia, Kaja Kallas, made one of the important statements about burden-sharing. She said: *"We need a pan-European solution to support Ukrainian refugees and efforts must be shared among member states and partners by focusing on the wellbeing of refugees until it's safe to return home"* (Kallas 2022). In the continuation of statements of frontline states for burden-sharing, all member states in the EU agreed to increase their support to frontline states and also third-party states, such as Moldova, by providing additional financial funds and discussing further joint action plans. On 28 March, The '10-Point Plan' was accepted to create stronger coordination among member states for welcoming refugees (European Commission 2022*a*). By establishing a 'Solidarity Platform' in the EU, it was aimed to establish close cooperation between all member states and to implement the 'Temporary Protection Directive' more effectively in this cooperation. While the Solidarity Platform determines the needs of the refugees in the EU member states, it provides operational coordination to use of relevant EU instruments among the member states (European Commission 2022*a*). It also provides a forum for discussion between the national governments of the member states and relevant political or social actors such as NGOs to support the implementation of the '10-Point Plan' presented following the JHA Council on 28 March (European Commission 2022*a*).

On April 7, a 3.4 billion euro aid package was approved in the European Parliament to provide more funds to the EU members sheltering Ukrainian refugees (European Parliament 2022). According to this decision, forty-five percent of the fund would be sent immediately to countries such as Poland, Hungary, Romania, and Slovakia, and to countries that host refugees more than one percent of their population in ratios, such as Austria, Bulgaria, Czechia, and Estonia (European Parliament 2022). It was also emphasized that additional financial support could come for supporting joint action plans regarding migration among the member states in the EU.

Although the massive migration of Ukrainian refugees did not affect every member state equally, member states did not create major obstacles to the hosting of refugees. In addition, the call for more financial support and the burden-sharing request of frontline states were met through intergovernmental bargaining. With the contribution of EU institutions, an EU attitude that implements a more moderate open-door policy towards refugees and joint action plans in the sharing of common responsibility was displayed in the Ukrainian refugee crisis. Considering that the

EU's asylum policy has been largely shaped by the externalization of migration and bilateral agreements with third countries, it has been a significant development that the EU member states offered a solution to the Ukraine crisis with the temporary protection status. While doing this, the EU also used the externalization strategy and a 'strategic cooperation' agreement on migration was signed with Moldova.

5.2 Externalization with Moldova

Although the EU has prepared joint action plans and has supported frontline states in the Ukrainian refugee crisis, it has also continued its externalization policies by increasing cooperation with third-party countries. As stated in previous sections, the EU's externalization strategy depends on third-country assistance, hence "Fortress Europe" can only exist if third-country support is provided (Genschel and Jachtenfuchs 2021; Karadağ 2019). Internal interests promote the EU's externalization policies by shifting its migration policies and boundaries to the outside of European territory (Del Sarto and Schumacher 2005; Di Puppo 2009; Papagianni 2013).

In this sense, one of the most important strategic partners for externalization has been Moldova. The EU has been in cooperation with Moldova since the 2010s, within the framework of the ENP and the 'Eastern Partnership'. One of the important collaborations in this partnership is in the field of migration. While Moldova supports the EU in preventing illegal immigration and providing border controls, the EU also provides political and economic assistance to Moldova for Moldova's development under the Eastern Partnership (European Commission 2022*d*). Together with FRONTEX, Moldova provides border controls at the external borders of the EU.

Moldova, which is one of the neighboring countries of Ukraine, has been faced with an intense wave of migration after the onset of the crisis in Ukraine. Moldova, with a population of around 2.5 million, has been one of the countries with the highest number of refugees per capita (European Commission 2022*d*). Moldovan border guards faced difficulties when large numbers of refugees came to their borders following the Ukrainian war. This has constituted a heavy burden on Moldova to meet refugee needs. The Prime Minister of Moldova Natalia Gavrilita said: *"For a small country like Moldova, proportionately, this is a very large number of refugees. Everybody has come together to host, to provide shelter, to provide food, to assist those who are fleeing war but we will need assistance to deal with this influx, and we need this quickly"* (Aljazeera 2022). This appeal was soon responded to in the EU.

Under the EU Border Assistance Mission to Moldova (EUBAM), the EU granted 15 million euros to Moldova for border management at the external borders of the EU (European Commission 2022*e*). Following this, on March 17, a cooperation agreement between the EU and Moldova was signed (European Commission 2022*e*). With this cooperation, FRONTEX teams started to support border management in Moldova. An additional 15 million euros was granted to assist Moldovan authorities to strengthen externalization cooperation with Moldova (European Commission 2022*e*). In addition, after the 'Temporary Protection Directive' was activated in the EU, together with the Solidarity Platform the EU Commission has increased its cooperation with Moldovan authorities to facilitate the transfer of Ukrainian refugees in Moldova to member states and to standardize the acceptance conditions.

The EU, which is in cooperation with Moldova within the scope of the externalization strategy, offers a carrot to Moldova by supporting the full membership process of Moldova to the EU. The leaders of France, Germany, and Italy stated that they support Moldova's EU membership in return for its strategic cooperation with the EU (Miller and Darmanin 2022). Ursula von der Leyen also expressed her opinion that Moldova should be given "candidate country status" (The Guardian 2022*a*). On June 23, at the summit of the leaders of the EU, it was decided to give Moldova the status of "candidate country" (BBC News 2022). This shows that although there is cooperation and joint action between member states in the Ukraine refugee crisis, the EU's partnership with third-party countries has been strengthened with the carrots offered to them while maintaining its externalization strategy.

5.3 From Externalization of the Refugee Crisis to the Implementation of Inclusion Policies in the EU

The EU member states have embraced Ukrainian refugees by showing great humanitarian solidarity in the Ukraine refugee crisis. In the EU, especially the frontline states in Eastern Europe such as Poland, have been hosting millions of refugees since the beginning of the crisis. During the Syrian refugee crisis, Poland was geographically far from the main migration route. For this reason, domestic groups in Poland opposed burden-sharing at the EU level by aiming to minimize the number of refugees coming to their country. However, in the Ukrainian refugee crisis, it has taken the position of frontline state since it is a neighboring country with Ukraine. Therefore, it has faced a heavy refugee burden and called for burden-sharing in the Union. While countries such as the Czech Republic, Slovakia, Hungary, and Roma-

nia had previously opposed relocation and burden-sharing mechanisms at the EU level, they have turned their policy preferences to support burden-sharing as they became frontline states in the Ukrainian crisis. This situation has shown that the frontline, transit, and destination positions of countries can change, and policy outcomes can also change accordingly. There are also countries where there has been a continuity in policy choices on migration. For example, Germany, which was the destination country in both crises, supports common solutions with burden-sharing. From this, we can deduce that the geographical location of member states has a significant impact on the refugee crisis at the EU level. In addition, in the Syrian refugee crisis, the externalization of the crisis was possible with buffer-zone countries such as Turkey, but since Ukraine is geographically closer to the EU and the lack of buffer-zone countries to externalize the crisis caused the policy outcomes to differ from each other in both cases.

While embracing Ukrainians, people in the EU defined Ukrainians in certain patterns. In the prominent definitions, Ukrainians were considered as "blue eyes and blond hair", "rich people", "not like the poor people of the Middle East" and "civilized nation" (The Guardian 2022*b*). All these definitions reflected that Ukrainians were compared with 'other' refugees, mostly those who came from the Middle East. This has resulted in the EU being accused of applying 'double standards' to refugees (The Guardian 2022*b*). The migration policies followed by the EU during the Syrian refugee crisis were the main source of these accusations. Many EU leaders made statements on these 'double standards' allegations. The most striking statement on the subject was made by Bulgarian Prime Minister Kiril Petkov. Petkov said:

> "*These are not the refugees we are used to [. . .] these people are Europeans [. . .] These people are intelligent, they are educated people... This is not the refugee wave we have been used to, people we were not sure about their identity, people with unclear pasts, who could have been even terrorists*" (Petkov 2022).

In the Syrian refugee crisis, the perception of domestic groups in frontline states toward Muslim refugees was negative, but the burden-sharing policy was supported to alleviate the refugee burden. In the Ukrainian refugee crisis, the domestic groups in frontline states have a positive identity perception toward their Ukrainian neighbors. Here, it has been observed that although the burden-sharing policy preferences of frontline states remain the same due to their geographical location, their identity perceptions differ from each other.

Gerald Knaus, President of the European Stability Initiative (ESI), responded to the allegations of 'double standards' regarding the differences in the treatment of refugees fleeing Ukraine and Syrian refugees. He said:

> "*Currently, it is quite normal for people to want to help their neighbours they know. European people know Ukraine better, they don't know much about Afghanistan or Syria... You still have to respect everyone's human rights. The Refugee Convention applies to everyone but when your neighbours you know are the ones under an attack, you have empathy for them and it's normal human behavior... I guess the difference between the two crises is that people need to know the stories of the refugees coming to their country. People are the same everywhere but for a strong sense of solidarity, you need a shared story. Ukrainians have the right to visa-free travel in Europe. The EU didn't have to decide to let them in. Ukrainians already had the right to come as tourists for three months. The only question to be asked at the moment is whether visa-free travel in Europe should be cancelled. No one wants to do this, which is the right thing. In other words, there is no question of making such a decision for Ukrainians. In 2017, the EU granted visa liberalization for Ukrainian citizens. This explains why the Ukraine crisis is different from the Syrian refugee crisis*" (Anadolu Agency 2022).

Ylva Johansson, the EU Commissioner for Internal Affairs, also gave a speech and compared the EU migration policies in the Syrian refugee crisis and Ukrainian refugee crisis. She said:

> "*If I have to compare the refugee crisis in 2015 with the current situation, I was the minister responsible for immigration and integration issues in Sweden at that time, Sweden was the EU member with the highest number of asylum seekers per capita. At that time, I had the impression that the EU was not there. We felt very lonely... I think the Temporary Protection Directive should have been used in 2015, but it was not possible politically at that time... The issue is about immigration. Immigration and refugees are not something to be afraid of. War is to be feared. Putin is someone to be afraid of. But immigrants are not to be feared. Migration is something to be managed and we have to do it together. I think we've had the right response from EU members, citizens, and the EU Commission so far. But this is just the beginning. Many more refugees will come...*" (CEPS Think Tank 2022).

In her words, Johansson indicated that the EU is doing a better job in the Ukrainian refugee crisis, even though there is a bigger refugee crisis than the 2015 Syrian refugee crisis. The words of both Johansson and Klaus shed light on why EU responses developed differently in the two refugee crises. The EU's immigration policy has shown that state preferences and bargainings are issue-specific (Schimmelfennig 2021; Keohane, Nye, and Zakaria 2012) and responses may change according to the different crises. From LI perspective, this indicates that the geographical location of the member states and the perception of refugees according to their 'identity' in domestic politics have a significant impact on shaping the response to be given at the EU level.

6. CONCLUSION

In the past decade, the EU has faced two major migration crises which both have posed challenges to European integration. The first refugee crisis faced by the EU was the Syrian refugee crisis, which emerged in 2015 when thousands of Syrian refugees reached Europe via Turkey and North Africa in intensive numbers. The second major refugee crisis faced by the EU emerged after the Russian invasion of Ukraine in February 2022. The EU, which has been criticized for its closed borders and externalization approaches toward Syrian refugees, has taken a different approach to the refugees coming from Ukraine by implementing an open door policy. In a comparative sense, this thesis has analyzed EU member states' policy responses to the Syrian and Ukrainian refugee crises and examined their treatment of refugees in both cases.

To explain the differences in member states' responses to the two migration crises, first of all, I focused on the evolution of migration policies, EU border management, and externalization work through migration policies in the EU. The EU has failed to establish a centralized migration management system for the equal-sharing of migrants for years which lead the divergence and inadequate harmonization of national asylum standards, strategies and measures used by member states. This is why there are different approaches to limiting the number of refugees entering Europe, as well as financial regulation and redistribution of refugees, which have been noted in response to the Syrian and Ukrainian refugee crises. In this thesis, I argue that geographic location and identity are the main factors influencing the disparities in the approaches taken by the EU to the treatment of Syrian and Ukrainian refugees. Based on these arguments, this thesis examined two propositions: (I) "the geographical position of member states has a significant impact on shaping the EU-level response to the refugee crisis; and (II) the 'identity' of refugees is influential in determining member states' preferences and the EU level response to the refugee crisis." These two propositions were examined in detail using LI, helping to explain how member state preferences and intergovernmental bargaining worked, and how

this process turned into policy practices in both cases.

The findings showed that member state preferences and bargaining at the EU level are issue-specific and responses may change according to the different crises. The decision to host or reject refugees in member states emerges as a result of evaluating the political preferences reflected by various local groups, such as different political parties and interest groups, in a democratic environment in order to formulate policy options agreed upon by all political actors in the member states. Following the LI framework, local preferences at the national level, the relative strength of bargaining, and collective action problems in intergovernmental bargaining were explored for the two cases, in line with the stages of the theory outlined in the thesis. The geographical location of member states and identity emerged as key factors in shaping the international bargaining positions of member states in both crises. According to LI, the position of EU integration and crisis responses can be explained by state members' ability to make rational decisions. In line with the interests and preferences of influential domestic actors, national governments in member states sometimes impose restrictions, as in the Syrian refugee crisis, and sometimes create opportunities to increase cooperation at the EU level, as in the Ukrainian refugee crisis. For this purpose, I examined the policy measures taken at the national and EU level in both refugee crises within the framework of LI. Table 6.1 summarizes the policy measures taken at the national and EU level in the Syrian refugee crisis.

Table 6.1 Policy Responses to the Syrian Refugee Crisis at National/EU Level

Position of Member States	**National Level**	**EU Level**
Frontline	Border-controls at external borders Open-borders and waving refugees to transit and destination states	Support burden-sharing Externalization with third-party states
Transit	Border-controls Waving refugees to destination states or sending them back to frontline states	Block burden-sharing or relocation scheme Strenghtenining external borders
Destination	Border-controls	Support burden-sharing Externalization with third-party states
By-stander	Border-controls	Block burden-sharing or relocation scheme

During the Syrian refugee crisis, as illustrated in Table 6.1, it was observed that state preferences of the frontline states such as Italy and Greece towards EU integration and bargaining were in favour of burden-sharing and increasing border controls at the external borders of the EU. Domestic groups in Greece and Italy voiced their dissatisfaction with the refugees who came to their countries, and they asked that their country would accept fewer or no immigrants at all (PEW Research Center 2018). The unemployment rates and the argument that the refugees took away the jobs of the natives were also effective factors here. Although the bargaining power of the frontline states was comparatively less, they had no choice but to negotiate with destination and transit countries. Destination countries most affected by the secondary migrant movement within the EU, such as Germany and Sweden, supported burden-sharing and resettlement of refugees among the member states in the EU. In Germany, the disagreements about the refugee problem in the CDU/CSU coalition government created concern about the breakdown of the coalition government. This brought compromises and strengthened the German borders against illegal immigration. In Sweden, burden-sharing was supported at the EU level by reaching an agreement on reducing the increasing number of refugees as a result of disagreements between political parties in the Swedish parliament. From LI perspective, disagreements between political parties in Germany and Sweden show how the refugee crisis created an atmosphere of panic in these countries and how domestic pressure affected government decisions. Countries such as Hungary and Slovenia, which were transit countries on the migration route, claimed that the refugee problem was the problem of frontline and destination countries. While more than 90% of citizens in Hungary, Czechia, and Slovakia stated that refugees should return to their countries. As transit countries such as Hungary and Slovenia, did not want to accept Muslim refugees to their countries, they closed their borders and refused burden-sharing at the EU level. As expected, the bargaining power of the frontline states has been weaker compared to the bargaining power of destination and transit countries, which did not hesitate to violate Schengen rules and send refugees back to the frontline states. In cases where cooperation could not be achieved, frontline states did not hesitate to violate the principle of non-refoulment of international law and inflamed a humanitarian crisis by rejecting refugees. These disputes between member states and the inability to find a common solution were resolved by the 'externalization' strategy. Within the scope of externalization strategy, the EU-Turkey Statement was signed in 2016. Turkey as a buffer-zone country made it possible for the EU to resolve the refugee crisis through externalization. With the EU-Turkey statement, irregular entries into the EU shores decreased by 94% (European Union Agency for Asylum 2020). This deal has been considered successful in reducing illegal crossings but the political tensions between Turkey and the EU during the implementation

process frequently created uncertainties in terms of the functionality of the deal. Issues such as the modernization of the customs union, visa liberalization, and delayed financial aid have been the causes of these political tensions. While Erdogan has threatened the EU on several occasions by opening gates to refugees, the EU has accused Erdogan of using refugees to blackmail the EU. The EU-Turkey Statement has expired, but negotiations continue on the renewal of the EU-Turkey deal, despite the distrust between the two sides.

It was observed that the Ukrainian refugee crisis aroused a greater repercussion in the EU member states than the Syrian refugee crisis. Eurobarometer (2022) survey conducted in all EU member states confirms strong support among EU citizens for the EU's response to the Ukraine refugee crisis. Policy measures taken at national and EU level in the Ukraine refugee crisis can be illustrated in the following Table 6.2:

Table 6.2 Policy Responses to the Ukrainian Refugee Crisis at National/EU Level

Position of Member States	**National Level**	**EU Level**
Frontline	Open-borders at external borders Open-borders and allow refugees to move towards transit or destination states	Support burden-sharing Externalization with Moldova
Transit	Open-borders but also waving refugees to destination states	Support burden-sharing
Destination	Open-borders but also demand to increase controls and register refugees	Support burden-sharing Externalization with Moldova
By-stander	Demand for border-controls	Support burden-sharing

Frontline countries such as Poland and Hungary have been the most affected by the Ukrainian refugee crisis due to their geographical location. When these states were transit or bystander states in the Syrian refugee crisis, they closed their borders to Syrian refugees by referring to the Muslim identity of the refugees as a security problem. They created obstacles to the common solution within the EU. However, when these states such as Poland and Hungary became frontline states in the Ukraine refugee crisis due to their geographical location, they showed a willingness to accept Ukrainian refugees, whom they considered part of the "European family", and they began to pressure other member states for burden-sharing in the EU. Since the Ukrainians have a large diaspora in Germany, Czechia, Spain, and Italy, they also

tended to move toward these countries. Destination countries such as Germany have retained their former national state preference by arguing that the burden should be shared among the member states. This situation suggests that there is a continuity in the policy preference of Germany, which is the destination country depending on the geographical location. Although the identities of Syrian or Ukrainian refugees are different from each other, Germany has been in favor of burden sharing in both cases. In other words, the position of a member state according to its geographical location is an important factor in shaping the state's policy preference. While geographical location and identity, which are important components of domestic politics, shape the international bargaining positions of the member states, the member states have taken steps toward finding a common solution for the Ukrainian refugee crisis at the EU level. In the international bargaining process within the EU, the preferences of the member states led to burden-sharing among the member states, and important joint actions were taken, such as providing 'temporary protection' to Ukrainian refugees. Also during this process, the EU decided to grant Ukraine candidacy status.

The Syrian refugee crisis has been resolved through externalization as a result of cooperation with buffer-zone countries. In the Ukraine refugee crisis, the lack of buffer-zone countries to externalize the problem also affected the EU's collective response to the Ukrainian refugee crisis. Despite the cooperation and joint action among the member states in the Ukraine refugee crisis, the EU also maintained its partnership with third-party countries and signed a cooperation agreement with Moldova.

It can be said that the arguments of the thesis can be proven based on the empirical analysis I have done in case studies of the Syrian and Ukraine refugee crises. According to the empirical analysis in both cases, I have explained that the geographical position of member states and the perception of refugees' identity in domestic politics have a significant impact on shaping the EU-level response to the refugee crises. Since the geographical location determines the position of the countries, the frontline states in the two cases are different from each other. Italy and Greece were the frontline states in the Syrian refugee crisis. In the Ukraine refugee crisis, Poland, Hungary, Romania, and Slovakia have been in the position of frontline states. It has been observed that frontline states have made burden-sharing pressure in both cases, however, there are differences in identity perceptions. For example, in the Syrian refugee crisis, in frontline states such as Greece and Italy Muslim refugees were perceived negatively by domestic groups, they did not want to accept Muslim refugees in their countries but they had to support burden-sharing to alleviate the burden with the increasing number of refugees. In the Ukrainian refugee crisis, front-

line states perceived their Ukrainian neighbors as a part of the 'European family' and implemented an open-door policy with this positive perception. They have also applied burden-sharing pressure to alleviate the increasing burden. In other words, although frontline states applied burden-sharing pressure in both cases, identity perception in domestic politics differed from each other. Frontline and transit states have negative perceptions of refugees in the Syrian refugee crisis, whereas destination countries have more positive perceptions. In the Ukrainian crisis, while countries that are geographically close to Ukraine have a more positive perception of Ukrainian refugees, this rate is lower in distant countries such as Cyprus. EU member states that are geographically located closer to Ukraine, such as Latvia, Lithuania, and Poland, have demonstrated stronger support that Ukrainians are part of the European family. This shows that the geographical position of member states and the identity perceptions in domestic groups shape member states' preferences and the EU-level response to the refugee crisis.

Based on LI theory, I have shown that the reasons why the preferences of governments in EU member states and their bargaining with each other at the EU level differ in the Ukrainian and Syrian refugee crises were identity as a key factor in domestic politics and geographical location of countries. The interdependent asymmetries in the EU's immigration policy have demonstrated that state preferences and negotiations depend on the specific issue and that solutions may evolve depending on the severity of the crises. Further research can be conducted to examine whether there has been a change in the member state preferences and the EU response to the Ukrainian refugees.

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