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Rebuilding trust, drawing lessons from past experiences:

the future of the European asylum system

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Introduction

This study builds on my internship experience at the Justice and Home Affairs Department at the Permanent Representation of Italy to the EU. During my internship, I had the opportunity to engage with European dynamics from the administrative standpoint of a member state. Since joining the Representation, I have witnessed the process of negotiations for the New Pact for Migration. Simultaneously, I have observed a marked intensification in the collaboration among member states, as well as escalating tensions and profound implications in the realm of asylum and migration affairs.

International agreements on refugee protection recognize asylum as a fundamental right and as an international obligation. Article 33 of the Geneva Convention was drafted in response to the persecution and forced displacement of millions of people during World War II. The provision was included in the 1951 Convention Relating to the Status of Refugees, prohibiting the expulsion or forcible return of such individuals to a country where their life, freedom, or safety may be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The European Union adheres to the 1951 Geneva Convention, which is the main legislative act defining the rights and status of refugees. In accordance with the Convention, the government must ensure that the rights and freedoms of internally displaced people and refugees are protected. Although asylum-seeking is not a unique phenomenon in Europe, its scale and scope changed dramatically in recent years (Alink, Boin and T'Hart, 2001). However, the 1951 Refugee Convention was designed to protect refugees, but it did not anticipate the scale and complexity of the crisis the European Union would be faced with in its future. As a matter of fact, the Convention

did not provide clear guidelines on how to deal with refugees who crossed multiple borders.

Following the Russian invasion of Ukraine, the Union was faced with significant challenges and concerns. Energy demands and the looming migration problem compelled member states to devise new strategies to address the challenges brought about by the situation, while simultaneously navigating international agreements on refugee protection. The invasion of Ukraine on February 24 constituted an epoch-defining upheaval. As of the 31st of January 2023, almost 18.2 million border crossings from Ukraine to other nations were documented since Russia began its invasion of Ukraine (UNHCR data). Europe has registered almost eight million Ukrainian migrants, making this the biggest refugee crisis since World War II.

However, whereas the EU believes the present issue to be the most important humanitarian disaster in Europe in many years, it is vital to note that the continent was recently faced with another big humanitarian challenge, namely the “Refugee crisis” in 2015, triggered by the Syrian civil war. The 2015 refugee crisis categorizes as one of the largest and most complex migration events in history. Indeed, the mentioned, extended far beyond mere humanitarian dimensions, delving deep into the realm of politics.

The influx of refugees into Europe caused tensions among EU member states, particularly in countries such as Greece, Italy, and Spain, that carried the heaviest load of the arrivals. The refugee crisis has additionally fueled the rise of nationalist and far-right parties, which have exploited fears of terrorism, cultural differences, and economic burden to gain political power.

The refugee crisis of 2015 has had a lasting impact on Europe, moreover, it has exposed the vulnerabilities of the EU's asylum system, the limitations of international law, as well as the deep divisions within Europe itself. It is also crucial to highlight

that it questioned the feasibility of furthering the establishment of a unified European asylum policy and its supranational framework approach rather than an intergovernmental one. The contrasting responses that Europe has offered towards these two situations provide room to develop a critical outlook on the Union actions and goals in the migration policy area.

The present study aims to investigate the lessons Europe has learned from the previous migration crisis, most notably the 2015 Refugee Crisis, and its role in drafting the measures taken in the context of the conflict in Ukraine.

This work will draw parallels between the response to the 2015 European Migrant Crisis and the approach used to address the crisis given by the Russian invasion of Ukraine in February 2022. In this regard, the forthcoming chapters of the study will delve into an in-depth analysis of the measures implemented following the 2015 refugee crisis, by employing a policy-learning framework. More in particular, the text will explore the topic by following the comprehensive 4-dimensional framework devised by Deverell (2009).

Therefore, the primary objective of this study is to assess the measures implemented during crises by the categorization of the former based on specific dimensions to gain insights into their nature and characteristics. Furthermore, it shall strive to ascertain the extent to which these insights have been effectively incorporated, and how they presently shape the ongoing negotiations aimed at a further refinement of the prevailing normative framework, by attempting to answer the following research question: *In what ways does the EU's reaction to the migratory crisis resulting from the Russian invasion of Ukraine incorporate policy insights gained the past migratory crisis of 2015?*

After the Russian invasion of Ukraine, a total of 6 million refugees have sought refuge in other European countries after fleeing Ukraine. Through the astonishing

mobilization and solidarity of EU nations in welcoming the refugees, the bigger subject of the renewal of the EU's single policy on asylum and migration, which started in 2020 and remains unfinished, has been raised.

In early March 2022, the European institutions agreed to allow implementation of a now more than 20-year-old European Directive (Directive 55/2001) on an entirely exceptional basis. According to the Temporary Protection Directive (TPD), refugees fleeing conflict can enjoy up to one year of temporary protection in any of the EU countries after arrival, renewable for another two years. The latter was intended for people fleeing warring Balkan countries, and part of the normative asylum framework developed by the Union but triggered for the first time by the Russian invasion of Ukraine on 24 February 2022. For this reason, it has been referred to by Lucas Rasche of the Jacques Delors Centre as the “sleeping beauty” of EU asylum policy. On the one hand, the TPD enables fast and comprehensive access to protection without putting undue load on national asylum systems (Rasche, 2022), however, it also presents weaknesses and limitations. Several scholars identified a critical weakness in the definition of “mass influx” and in the legal requirements that must be met simultaneously to activate the Temporary Protection Directive (Maas et al., 2016). As defined in the TPD in art.2 (a), ‘Temporary Protection’ is regarded as:

“a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection”.

Experts and sources believe that the legislator purposefully chose a broad definition of mass influx to allow for coverage of different types of inflows and pressures, independent of numerical thresholds. For this reason, TPD was viewed as an instrument that could be invoked on a case-by-case basis with reasons that were not limited to the same set of circumstances (Maas et al., 2016). On the other hand, as argued by Rasche in his Policy Brief “Implementing Temporary Protection in the EU: from crisis response to long-term strategy”, the broad definitions on which the TPD has based its scope leave unaddressed a number of issues that will require special attention in the months ahead. In fact, several challenges arise from the disproportionate distribution of refugees among EU countries, the long-term financial burden of hosting refugees, as well as the preparation of temporary protection beneficiaries for transition to durable protection (Rasche, 2022). Moreover, the prompt reception of Ukrainians fleeing Russian aggression has been the focus of widespread debate in the media. In particular, numerous media outlets and NGOs, such as the International Federation of Red Cross and Red Crescent Societies, have accused the European Union, highlighting the “double standard” toward Ukrainian refugees, as opposed to the responses adopted following other humanitarian crises.

Asylum policy has mostly been conducted on a national level, despite increasing European coordination. In fact, there are substantial differences between member states concerning the methodologies and the organization of asylum seekers (Alink, Boin and T’Hart, 2001). However, the 2015 refugee crisis illustrated the need for an integrated approach from the Union. During the crisis, approximately 1,015,078 people reached Europe by sea in 2015 according to UNHCR data. The member states most interested by the migratory flows were those belonging to the Mediterranean areas. Greece recorded the highest number of refugees, with over 844,176 arrivals. In

addition, the number of asylum seekers who arrived in Italy was 152,700, while the total number of arrivals in Spain was 3,592.

The event marked a discontinuity between the past and the future of the Union, contributing to the redefinition of the European asylum system. The Dublin system, which determines which EU Member State is responsible for the examination of an application for asylum, was severely affected by the crisis in 2015. The same year, Angela Merkel openly acknowledged that the Protocol failed to provide a realistic response to the movements and demands of migrants and refugees.

However, despite the event of the 2015 refugee "crisis", the EU has been unable to develop a common plan for migration and asylum policy. Although some efforts have been made in this direction, the challenges posed by the shocks of the past few years have delayed any development in this regard. For instance, the New Pact on Migration and Asylum for September 2020 was then delayed by the pandemic situation and negotiations stalled for over a year.

Therefore, the principal aim of this research is to investigate the knowledge and insights acquired by Europe through its experiences with migratory crises, focusing specifically on the development of asylum policies. By employing a policy learning framework, the study seeks to analyze and interpret the lessons derived from these crises. In this regard, in the first chapter, this study will undertake an in-depth exploration of the policy learning framework, elucidating its fundamental concepts and the scholars associated with its development. The theoretical framework established by Rose (1991) will be employed, providing a foundation for understanding the process of drawing lessons from past events. Additionally, the research will integrate the pertinent studies conducted by Deverell (2009) and Radaelli (2022) to enrich the analytical framework. By synthesizing these theoretical perspectives, the research attempts to attain a comprehensive understanding of the policy learning process as it

relates to Europe's response to migratory crises. It follows that, via an examination of the policy learning framework, the study aims to identify key factors, mechanisms, and dynamics that have influenced the evolution of Europe's asylum policies. Moreover, by highlighting the knowledge garnered from previous crises, the research aims to contribute to the development of effective and informed policy responses to future migratory challenges.

Moreover, Chapter 2 will consider the institutional evolution of the asylum policy area, by exploring the policies developed by the EU in recent years. In this regard, an overview of the institutional evolution of the European asylum system is essential to understand policy developments and, specifically, to analyze the decisions taken in the aftermath of the 2015 Refugee and 2022 Ukrainian crisis. In this regard, the third chapter of the present work will be focused on the response to the 2015 refugee crisis, and how its consequences have permanently shaped the development of the asylum system. The text will attempt to reconstruct the sequence of events involving the latter variable, which undoubtedly posed a challenge to the model, by highlighting its inability to address the crisis effectively.

Moreover, the transformation occurring in the European Union's policy-making structure as it responded to the 2015's crisis will be explored. The mentioned shift will involve a transition towards transferring the responsibility of problem-solving outside the EU through the strategy of *externalization*. Moreover, the upheavals of the Ukrainian crisis and the subsequent European response will be considered, by focusing on the elements of change in the structure that occurred in 2015, and by examining the contrasting approaches employed during both events. The consequences of activating the Temporary Protection Directive on the broader EU asylum policy will therefore be considered as well.

Lastly, the study will aim to determine whether the lessons derived from these measures pertain to single or double loop learning, which helps to ascertain the depth of understanding and the extent of systemic changes achieved. Additionally, the analysis will seek to investigate whether the measures are preventive or responsive strategies, providing valuable information on the proactive or reactive nature of the interventions. Furthermore, the study will explore whether the measures are derived from experiences within a particular crisis or drawn from observations made between crises, shedding light on the contextual basis of the strategies. In conclusion, it will examine whether the measures are merely distilled knowledge or actively implemented, indicating the practical implementation and effectiveness of the strategies in real-world situations. By applying this evaluation framework, the study will strive to analyze the lessons learned and identify successful strategies. These insights will serve as valuable resources to navigate the complex landscape of future crises.

I. Theoretical framework: Policy learning in the EU

I.1 The European Union through crisis and opportunities

“Europe will be forged in crisis, and will be the sum of the solutions adopted for those crisis”

J. Monnet, 1978

The entirety of the EU's existence has been defined by crisis management and crisis response, to the extent that the expansion of crisis-related organizational aspects, responsibilities, objectives, and policies have been accurately viewed as indicators of the EU's maturation as a political entity (Radaelli, 2022).

Crisis is widely acknowledged as a state of affairs that signifies an impending and decisive transformation, which can have both positive and negative implications (Falkner, 2016). It represents a situation that has reached an exceptionally challenging or perilous juncture. Within the domain of politics, a political crisis emerges when politicians are confronted with an urgent imperative to take action, whilst simultaneously facing constraints on time and resources to implement essential reforms (Falkner, 2016).

Prominent figures such as Jean Monnet, founding father of the European Union, emphasized the central role of crises in the Union. As highlighted by Radaelli (2022), Monnet famously stated in his Memoires that *"Europe will be formed in crisis"*, alluding to the transformative power of adverse times (Monnet, 1978). Commenting on the matter, Monnet famously argued that people tend to resist change unless they are faced with a need, which only appears when a crisis is looming (Monnet, 1978).

These insights highlight the intrinsic interplay between crisis, the acknowledgment of necessity, and the driving force behind transformative endeavors within the European

context. In fact, to motivate the European Union to deviate from its inclination for gradual advancements through protracted technocratic negotiations and instead prompt bold and resolute actions, substantial external or internal pressures, a sense of acute urgency, and a tangible peril associated with inaction are frequently required (Lehne, 2022). Moreover, Monnet (1978) also argued that Europe "*would be the sum of their solutions*" when it comes to crises. By acknowledging this viewpoint, it is therefore possible to understand the potential impact of crises in triggering shifts and advancements. Crises can create a compelling impetus for the reevaluation of existing systems, policies, and approaches, leading to the exploration and adoption of innovative solutions. Consequently, they can act as powerful drivers for change, prompting both necessary and transformative actions at various levels of the European project.

The European Union (EU) has encountered a series of formidable circumstances that have shaped its recent history, commencing with the onset of the financial crisis in 2009 and extending to a succession of subsequent challenges. Notably, the financial and economic crises coincided with significant developments in the EU's neighboring regions, leaving a lasting impact on the geopolitical landscape. The eruption of the so-called Arab springs across several countries in the Middle East and North Africa brought about profound social and political transformations, leading to waves of unrest, regime changes, and geopolitical shifts in the region.

The latter connects with the 2015's refugee crisis, with a vast number of migrants and refugees seeking refuge in the EU. The gravity of this event was underscored by the use of strong and evocative language such as "existential," "biblical," and "political" employed by various sources to depict its magnitude and significance, as it will be further developed in the next chapters. However, such language reflects the profound impact and far-reaching implications of the crisis, both on the humanitarian front and

in terms of its broader socio-political ramifications. Additionally, the Russian annexation of Crimea in Ukraine marked a significant breach of international norms and raised concerns about territorial integrity, security, and the balance of power in Eastern Europe. These events highlighted the complex and interconnected nature of challenges faced by the EU, demonstrating the need for astute diplomacy, crisis management, and resilience in navigating the evolving regional dynamics.

Furthermore, these challenges were exacerbated by a subsequent wave of crises. The first of these was indeed Brexit, which unfolded after the referendum held in 2016 and ultimately resulted in the United Kingdom's withdrawal from the European Union. This event generated significant political, economic, and institutional repercussions, reshaping the dynamics of the EU. Additionally, the global coronavirus pandemic in 2020 presented an unparalleled health crisis that affected the entire world, including the EU. The pandemic strained healthcare systems, triggered economic turmoil, and required swift and coordinated responses from EU member states. Lastly, the Russian invasion of Ukraine in 2022 further escalated tensions and posed a grave threat to regional security and stability.

These crises have tested the resilience and adaptability of the EU, challenged its decision-making processes, and called for strategic measures to address evolving circumstances. Only a limited number of innovations during this period was outlined in the EU treaties and other programmatic documents. Instead, the majority of these innovations arose through improvisation, and many of the measures implemented during times of crisis represented significant transitional moments (Lehne, 2022).

In the present text, crisis will be examined according to the definition provided by Boin and t'Hart (2006), cited in in Deverell (2009), notably defined as a “circumstance that poses a significant threat to the fundamental structures, values, and norms of a community, whether it be an organization, a state, or a municipality”.

In such situations, critical decisions need to be made under conditions of time pressure and uncertainties. In that, crisis compel hesitant policy actors to take action, leading to policy outcomes that prove challenging to reverse at a later stage (Ladi and Tsarouhas, 2020). The element of necessity introduces an integrative dynamic that may not be readily anticipated but is eventually embraced as the least unfavorable option by many. In this regard, studies have explored the process of responding to crisis and its consequences in terms of how the integration dynamic of the EU progresses (Radaelli, 2022). In light of Radaelli's perspective, the process of acquiring knowledge and experience implies a gradual form of integration within the EU. Moreover, although crises pose substantial risks to the integration process, they also offer an expanded scope for decision-making, surpassing that of regular circumstances.

Consequently, the EU's strategic approach to this opportunity holds paramount importance, as it serves as a transformative juncture, facilitating enhanced integration within the Union. However, not every moment within the EU's existence is marked by a crisis, in that, as argued by Radaelli, crises can either be absent, or originating from external dynamics or internal ones. Moreover, they can manifest gradually, slowly intensifying and potentially going unnoticed or deliberately overlooked from a political standpoint. Alternatively, crises can erupt rapidly, causing immediate and visible disruptions (Radaelli, 2022).

As mentioned, the present study aims to examine the lessons the UE learned from the 2015 Refugee Crisis, and its role in drafting the measures taken in the context of the conflict in Ukraine, by building on the existing policy learning literature.

In this regard, the insights Devereil (2009), and his research on crisis as a catalyst for learning will be considered in depth, as well as the concepts elaborated by Radaelli. The present chapter will furnish contextual information concerning the existing body

of scholarly work on policy learning, elucidating its significance as a theoretical framework that will be subsequently expanded upon in subsequent sections.

I.II Policy learning as framework

Before delving into the topic of learning in terms of policy, it is imperative to define learning as such. As stressed by Radaelli, learning is to be regarded as *‘the updating of beliefs based on lived or witnessed experiences, analysis or social interaction’* (Dunlop and Radaelli, 2018).

The field of policy learning has witnessed a proliferation of concepts and models, leading to the emergence of diverse strands of literature. According to Stéphane Moyson, Peter Scholten, and Christopher M. Weible, Deutsch was one of the pioneers in highlighting the significance of learning in the field of politics and policy. Deutsch's theoretical framework can be characterized as rationalist, as he emphasized the role of governments in a continuous process of "feedback" and "steering," which in turn relies on and reinforces the government's capacity for learning (Moyson, Scholten and Weible, 2017).

Building upon Deutsch's ideas, Heclo emphasized the significance of learning, particularly in relation to power and politics, as individuals navigate uncertainties while shaping governmental decisions (Moyson, Scholten and Weible, 2017). Moreover, the author firstly highlighted the consequences of political learning in terms of alteration of behavior and subsequent policy changes (May, 1992). In fact, policy experience can provide a basis for learning even if the experience is not directly obtained.

In this regard, Rose (1991) has provided a definition of the concept of lesson drawing, which entails the extraction of lessons from indirect policy experience. The insights

from Rose's research are employed in Deverell's work, on which the present study will extensively elaborate on in the next paragraphs.

As mentioned, Rose (1991) provided an overview of the concept of lesson drawing, which entails evaluating the transferability of a successful program from one context to another. Therefore, lesson-drawing encompasses more than merely identifying current successful examples from other contexts, nonetheless, it develops a prospective outlook, aiming to enhance future conditions by comprehending the actions of others in the present.

In a more extensive framework, lessons are regarded as assertions of widely recognized information. Moreover, Rose defines lessons as instructive knowledge and conclusions derived from observations or experiences. They pertain to action-oriented conclusions relating to programs that have been implemented in different geographical contexts, such as other cities, states, nations, or even within the historical trajectory of an organization. Moreover, within the realm of policymaking, lessons primarily revolve around specific programs that governments have previously executed or may potentially embrace in the future.

Therefore, Rose (1991) argues that lessons can be derived by examining experiences across time and/or space, with the choice influenced by subjective perceptions of proximity, connections between communities of experts, interdependence among governments, and the authority of intergovernmental institutions. Moreover, the process of lesson drawing begins with an examination of existing programs implemented elsewhere and concludes with a prospective evaluation of the potential outcomes if such a program were to be transferred to a different location. Rose's perspective elucidates that lessons are not confined to program evaluation within their original context. In this regard, they are considered to encompass judgments about the viability of implementing similar programs elsewhere. Moreover, evaluating

transferability is a crucial aspect of lesson-drawing, necessitating a thorough examination of the probability or improbability of success when implementing a program in a different setting.

A lesson, in contrast to an innovation, is not inherently an original program (Rose, 1991). In fact, an innovation refers to a completely new and novel initiative. On the other hand, a lesson can be perceived as a shortcut that utilizes the experiences of the past, or of another government that developed a program new to the adopting agency. However, during the process of attempting to emulate or adopt a lesson, varying degrees of innovation can arise. This may occur through selective emulation or unintentionally as a byproduct of the adoption process. Lessons, therefore, involve drawing from available experiences elsewhere to devise programs that are perceived as fresh and promising within the adopting agency.

In this regard, the connection between lessons-drawing and the four modal types of change proposed by Mahoney and Thelen as highlighted by Ladi and Tsarouhas (2020) could provide valuable insights. These modal types include displacement, layering, conversion, and drift, each representing distinct mechanisms of change. Displacement refers to the replacement of old rules with new ones (Ladi and Tsarouhas, 2020). Lessons drawn from other contexts can lead to the recognition that existing rules are ineffective or insufficient, prompting the adoption of new rules that better address the challenges at hand. Layering involves the addition or introduction of new institutions alongside existing ones (Ladi and Tsarouhas, 2020). Lessons learned from elsewhere can inspire the incorporation of new institutional arrangements to complement or enhance the current framework, without necessarily displacing the existing rules. Conversion, in contrast, does not involve the creation of new rules but rather the redeployment or reconfiguration of existing ones (Ladi and Tsarouhas, 2020). Lessons can prompt the reinterpretation or repurposing of existing rules to address new policy

challenges or achieve different outcomes. Lastly, drift refers to a situation where formal institutional rules remain intact, but policy and institutional outcomes change due to new policy conditions (Ladi and Tsarouhas, 2020). Lessons can inform policymakers about alternative approaches or strategies that can be applied within the existing rule framework, leading to shifts in policy outcomes without altering the formal rules themselves.

However, it is important to note that lesson drawing is a politically contested process and does not guarantee that the drawn lessons will be both desirable and practical. In this regard, if on the one hand it is crucial to emphasize that the experiential basis for policy learning can encompass a range of sources, such as different policy domains, other states or countries, or different time periods, on the other, it is essential to recognize there is the risk of drawing incorrect conclusions or adopting ideas without a thorough understanding of the original context (May, 1992).

Scholars such as Dunlop and Radaelli have made significant contributions by undertaking efforts to elucidate and restructure the field. Their work aims to enhance our understanding of the mechanisms and relationships associated with different approaches to operationalizing learning (Dunlop and Radaelli, 2012).

Specifically, they have focused on exploring the roles of actors engaged in the process of constructing and utilizing knowledge, shedding light on these essential aspects of policy learning. Dunlop and Radaelli's (2012) inquiry delve into the intricate dynamics of policy decision-making, unveiling a comprehensive framework that encompasses four distinct learning types, generated by the interplay of two pivotal variables. The first variable encapsulates the level of uncertainty or problem tractability that characterizes policy conundrums. Some policy issues present intricate challenges without clear-cut solutions, whilst others boast more structured frameworks or amenable algorithms that lead to predictable outcomes. The second variable revolves

around the social certification of actors, highlighting the presence of socially recognized individuals or organizations within a given organizational dimension.

Building upon these variables, Dunlop and Radaelli (2012) outlined the distinct contexts within which policy decisions manifest.

The first context, characterized as hierarchical, hinges on a dominant authoritative figure or organization wielding significant power and exerting influence over the learning process. In this context, decision-making adheres to a top-down structure, guided by the directives of the established authority. On the other hand, the bargaining context embodies a more egalitarian dynamic, in which decision-making unfolds through an intricate interplay of multiple actors, each possessing a relatively equal degree of influence. Negotiation, compromise, and consensus-building form the bedrock of this context, as actors collectively navigate complex issues and seek mutually agreeable outcomes. Furthermore, the reflexivity context highlights an intellectually robust learning type, where decision-making transpires through a critical examination of diverse arguments and perspectives. Actors engage in a rigorous process of critical evaluation, appraising the merits and drawbacks of various positions, ultimately endeavoring to arrive at the optimal solution. Lastly, the expert-driven or epistemic context accentuates the prominence of actors or organizations wielding extensive expertise and authoritative knowledge within a specific domain. In this context, decision-making is shaped by the insights and guidance provided by these entities, such as renowned experts, influential organizations, or established epistemic communities.

It is however crucial to highlight recent research which has begun to recognize and appreciate the potential of policy learning in explaining policy changes both during and outside of crisis situations.

For instance, the work conducted by Ladi and Tsarouhas (2020) explores the extent to which the ongoing Covid-19 pandemic crisis presents a window of opportunity for significant transformations in the economic governance of the European Union. This recognition of policy learning's explanatory power contributes to a broader understanding of how crises can serve as catalysts for fundamental changes in EU policies. Moreover, to address recent crises, the European Union has relied on available mechanisms and instruments in addition to produced new ones. The current Eurozone crisis serves as a contemporary and pertinent example, in that the EMU governance structure remained unchanged, and new instruments were introduced to reinforce the Stability and Growth Pact and other existing policy procedures (Ladi and Tsarouhas, 2020).

Moreover, Radaelli and Dunlop employed the policy learning framework to analyze the European Semester, which is a comprehensive process involving information exchange and a set of policy tools aimed at coordinating macroeconomic policies and reforms in response to the sovereign debt crisis faced by certain Eurozone countries. The economic turmoil of 2008 underscored the necessity for stronger economic governance and enhanced coordination of social policies among EU member states. As part of a broader reform of the EU's economic and social governance, the European Council decided to establish the European Semester in 2010.

The European Semester encompasses various areas of economic and social policy coordination, including fiscal policies to ensure the sustainability of public finances in alignment with the stability and growth pact. It also addresses the prevention of excessive macroeconomic imbalances, the promotion of growth and employment through structural reforms, the implementation of national recovery and resilience plans, and the development of employment and social policies in accordance with the principles of the European Pillar of Social Rights.

Dunlop and Radaelli's work utilized the learning-as-framework approach to empirically identify the prevailing mode of learning within the EU and to assess whether the organization or political system learns in a functional manner. Building upon their comprehensive overview of the field of policy learning, as discussed earlier in this text, the authors highlight that the EU predominantly learns through bargaining and hierarchy, rather than through epistemic learning or reflexivity.

Moreover, as mentioned, the present text will base its analysis on the framework developed by Deverell (2009). The author builds upon extensive research within the field of organizational literature that highlights the influence of crises on learning and change. Particularly, the insights of Schwab, as discussed by Deverell (2009), are instrumental, as they contributed to defining organizational learning as the systematic process by which experiences bring about alterations in behavior or knowledge.

Moreover, Deverell's research on crisis-induced learning builds upon the previously explained concept of lesson drawing (Rose, 1993). However, Deverell's framework does not specifically emphasize learning from other jurisdictions to enhance government reform programs. Instead, it primarily focuses the dynamics of lesson-learning within the organizational structure. These lessons are developed based on experiential understanding and necessitate a cause-and-effect model that illustrates how adopting the lesson can help achieve desired goals (Deverell, 2009).

More in particular, Deverell argued that during a crisis, lessons emerged when organizational members articulated new information or knowledge derived from their experiences, either for practical or rhetorical purposes. Therefore, lessons are considered implemented when they lead to systematic changes in behavior. However, a more in-depth analysis of the latter aspect will be conducted when examining the four different concepts proposed by Deverell's framework.

In fact, the study investigates several key aspects, such as the nature of the knowledge acquired (single or double-loop lessons); the specific focus of the learning process (prevention or response); the timing of learning occurrences (intra-crisis or inter-crisis); and the potential hindrances or successful implementation of learning (lessons distilled or implemented) (Deverell, 2009). Deverell's scholarly contributions have significantly enriched the theoretical understanding in the field of crisis-induced learning, and they will serve as a fundamental basis for the present analysis. The aspects mentioned above will be further elaborated in the following discussion.

Firstly, the author introduces the concepts of single and double-loop learning. Single-loop learning denotes the identification and rectification of deviations and deficiencies within organizational processes without critically examining the underlying fundamental premises and norms. This type of learning is most suitable for environments characterized by gradual external changes. Conversely, double-loop learning takes place in contexts marked by rapid transformations, leading managers to undertake inquiries that challenge the established organizational status quo. Such inquiries often necessitate the restructuring of organizational norms, strategies, and the underlying assumptions associated with these norms. Actors engaged in double-loop learning are required to detect and rectify errors by critically examining and potentially modifying the fundamental norms, policies, and objectives of the organization. This transformative process involves the abandonment of obsolete understandings while integrating new ones. Notably, the operationalization of these concepts can be intricate, as a learning process that initially commences as single-loop learning may evolve into double-loop learning, and vice versa. In summary, double-loop lessons entail inquiries into broader facets of organizational objectives, norms, and operational procedures.

Secondly, Deverell highlights the significance of the learning focus, specifically distinguishing between prevention and response. Prevention entails identifying the

root causes of a crisis and implementing measures to ensure its non-recurrence. It involves learning from the crisis experience to develop strategies and systems that mitigate the likelihood of facing similar crises in the future. On the other hand, response focuses on minimizing the adverse consequences of a crisis by enhancing crisis management capabilities. This involves learning how to effectively respond to and mitigate the impact of a crisis when it occurs. Deverell's work emphasizes that both prevention and response are crucial for fostering organizational resilience. By actively engaging in both aspects of learning, organizations can better prepare themselves to anticipate, prevent, and effectively manage crises, thereby enhancing their overall resilience.

Thirdly, Deverell introduces the distinction between inter-crisis and intra-crisis learning, which relates to the timing of the learning process. According to Moynihan (2008, p. 352), inter-crisis learning refers to the act of learning from one crisis and implementing changes to enhance preparedness for future crises. In contrast, intra-crisis learning refers to learning that takes place within a single crisis episode and aims to improve response strategies during that particular crisis. However, it is worth noting that lessons may initially emerge through individual inquiry during the intra-crisis period, but a more comprehensive investigation and analysis may be postponed until the inter-crisis period. Following the conclusion of a crisis, these lessons may be brought to the forefront in a more formalized manner, such as through organizational inquiries and investigations.

Consequently, determining whether a particular lesson belongs to the intra-crisis or inter-crisis category can be a complex undertaking. Additionally, the distinction between intra-crisis learning and improvisation can become blurred, as both are responses to new information and circumstances that emerge during a crisis.

Lastly, Deverell distinguishes between the concepts of lessons distilled and lessons implemented. Lessons distilled refer to those that have been recognized or identified but have not been fully incorporated or acted upon to the extent that they result in substantial changes in organizational behavior. In this case, the lessons may have been acknowledged or understood but have not yet translated into concrete actions or alterations in organizational practices. On the other hand, when lessons are implemented, they are actively put into practice and subsequently acted upon. Lessons that are implemented lead to tangible changes in organizational behavior, policies, or procedures, reflecting a deeper integration and application of the lessons learned.

In addition, Radaelli's work on contingent and inferential learning will be incorporated into the defined framework in order to better assess the dynamics in terms of the accumulation of experience between the two crises, particularly between 2015 and 2022.

Radaelli distinguishes between two primary mechanisms of policy learning, notably inferential learning, and contingent learning (Radaelli, 2022). First, inferential learning relies on the accumulation of experience and the recognition of past failures. Moreover, the author underscores the importance of two additional factors in this regard, notably the presence of a viable alternative, as evidenced by a coherent set of policy beliefs within public discourse. The latter entails the emergence of a feasible alternative endorsed by influential actors and its ability to gain public acceptance. Secondly, agents of learning, such as epistemic communities, play a vital role in facilitating the translation of individual learning into broader institutional levels, both at the meso and macro scales.

As demonstrated by Radaelli, a prime illustration of inferential learning within the EU can be observed in the diffusion of beliefs and institutional decisions that led to the establishment of the Economic and Monetary Union. During the 1970s and 1980s, a

paradigm shift occurred in economic thinking, replacing Keynesian economics with a belief system centered on central bank autonomy, prioritizing price stability in monetary policy, and asserting that changes in the money supply do not significantly impact long-term employment and output (Radaelli, 2022). The adoption of the new belief system was facilitated by the persistent inadequacies observed in Keynesian policies, coupled with the availability of alternative economic solutions grounded in monetarism. Indeed, monetarism emerged as a prominent economic theory in the 1970s and played a pivotal role in combating inflation, influencing the decision-making of the U.S. central bank, particularly during the global recession of 2007-2009 (Radaelli, 2022). The key proponent of monetarism, Nobel Prize-winning economist Milton Friedman, argued in his influential work "A Monetary History of the United States, 1867-1960", co-authored with Anna Schwartz in 1963, that the Federal Reserve's poor monetary policy was the primary cause of the Great Depression in the 1930s. According to Friedman and Schwartz, the Fed's failure to counteract the downward pressure on the money supply and its misguided efforts to reduce the money stock had detrimental effects. They contended that market stability is naturally achieved through appropriately calibrated monetary policies, and deviations from this equilibrium lead to erratic market behavior (Jahan and Papageorgiou, 2014).

In light of the aforementioned discussion, it is therefore possible to argue that policy transformation was facilitated by a discernment of the deficiencies inherent in previous Keynesian approaches. Consequently, it becomes plausible to attribute policy change to the inferences derived from experiences and social interactions. This confluence of factors ultimately led to a significant institutional decision to implement a unified currency in the EU (Radaelli, 2022). By recognizing the limitations and shortcomings of prevailing paradigms, policymakers are prompted to reassess their strategies and adopt alternative frameworks that offer more effective solutions. Such transformative

shifts in policy direction are often driven by a collective process of knowledge accumulation, incorporating lessons learned from past experiences, and informed by interactions within the social and political environment.

Secondly, Radaelli introduced the concept of contingent learning, exemplified by the dynamics and resulting policy changes witnessed in the EU's economic governance during the euro area crisis. Unlike inferential learning, contingent learning operates within a context characterized by swift stimulus-response episodes (Radaelli, 2022). In such circumstances, actors are confronted with an unraveling rapid evolution of events. An additional illustration of contingent learning can be observed during the early stage of the European impact triggered by the instability originating from the Lehman Brothers's crash of 2008 (Radaelli, 2022). EU leaders encountered difficulties in comprehending the interconnected relationships between events.

During that period, the EU faced limitations in terms of cognitive and social capacities, as well as time constraints, which hindered the development of an alternative policy approach informed by past experiences. Consequently, the contingent learning process unfolded at the individual level within a complex and rapidly evolving crisis environment, impeding the ability to extract clear lessons and formulate alternative strategies. Therefore, EU leaders displayed diverse responses to the presented challenges, demonstrating adaptability in their actions on a monthly, and at times weekly, basis. This dynamic and flexible approach can be described as a conventional stimulus-response mechanism, wherein immediate reactions were prompted by the evolving circumstances and the exigencies of the situation (Radaelli, 2022).

However, Radaelli emphasizes the paramount importance of the feedback element, specifically in relation to perception and interpretation of feedback. The coding and assimilation of feedback in the minds is of crucial importance, as the accurate understanding and interpretation of feedback ensure the durability of the lessons

learned (Radaelli, 2022). Therefore, it follows that these lessons inform future crisis responses. This iterative process facilitates collective learning, wherein solutions become anchored and subject to shared understanding among policymakers.

Therefore, the EU possesses the capacity to engage in both inferential and contingent modes of learning. However, it is important to note that these two modes of learning are not mutually exclusive (Radaelli, 2022). In fact, the EU can initially engage in contingent learning, wherein responses are shaped by the immediate and evolving circumstances. Subsequently, as feedback is comprehended and consolidated, the EU transitions into inferential learning, wherein lessons drawn from experiences guide future policy actions. It follows that the EU's learning process can involve a sequential progression from contingent to inferential learning, reflecting the dynamic nature of its policy development.

Learning manifests itself in various forms within the EU context, such as through the establishment of new policy regimes like Next Generation EU, the implementation of specific policy instruments like the Recovery and Resiliency Scoreboard, the adoption of institutional choices such as the banking union, or the emergence of dominant normative and policy core beliefs related to digital and ecological transitions (Radaelli, 2022).

Furthermore, it is important to emphasize that the two learning models pertain to distinct situations characterized by different time frames and the pace of events. Pure inferential learning is applicable primarily to slow-burning crises, where there is ample time available to draw inferences from past experiences. In such cases, policymakers have the opportunity to reflect on and derive lessons from the evolving situation.

However, the pace of crises within the EU has accelerated, particularly when considering security, military, and energy-related challenges arising from the war in Ukraine. In response to these rapidly evolving crises, policymakers are required to

engage in both contingent and inferential learning (Radaelli, 2022). Interestingly, the occurrence of successive crises of varying nature does not necessarily hinder the learning process. In fact, the proximity in time between crises allows for the retention of vivid and easily activated lessons from previous crises, as evidenced by the application of lessons learned from the earlier euro area crisis to address the challenges posed by the Covid-19 pandemic.

The past thirteen years have been characterized as an enduring period of crisis (Lehne, 2022). It is not challenging to anticipate that the remaining years of the 2020s will be similarly filled with challenges and uncertainties. In light of this, it becomes crucial to establish a framework that enables the evaluation of lessons learned from these crises. The forthcoming chapters of the study will delve into an in-depth analysis of the measures implemented following the 2015 refugee crisis, utilizing the comprehensive 4-dimensional framework devised by Deverell. This study will proceed to employ the aforementioned framework for its research, as it considers it as the most suitable approach for empirically examining the development of European asylum policy. Indeed, the use of the four dimensions enables a more comprehensive examination of relevant aspects of the issue in a compartmentalized manner. However, the present chapter presented an examination of the existing body of literature on the subject, with the aim of extending on the understanding of the origins of the notion and the implementation of policy learning theories. In this regard, the work facilitated the establishment of a more robust theoretical foundation. However, it is crucial to state that by employing the 4-dimensional approach by Deverell, the present text does not wish to disregard previous formulations, but instead to consider them as valuable contributions that enhance and broaden our comprehension of the topic as a whole.

The primary objective will be to assess these measures by categorizing them based on the framework's dimensions. Specifically, the study will examine the nature of the

lessons derived from these measures, discerning whether they fall under the purview of single or double loop learning. Additionally, the analysis will investigate whether the measures were developed as preventive or responsive strategies, whether they were gleaned from experiences within a particular crisis or drawn from inter-crisis observations, and whether they were distilled knowledge or actively implemented.

These dimensions will serve as crucial lenses through which to evaluate the effectiveness and efficacy of the measures undertaken. By implementing such a framework, it is therefore possible to effectively analyze the experiences gained, identify successful strategies, and apply them to navigate the complex landscape of future crises. This proactive approach will contribute to a more resilient and adaptable response to the ongoing and forthcoming challenges.

II. Institutional overview

“Refugee is someone who is forced to leave his country and move to another country and lives not knowing which country he belongs to and in which country his journey will end.”

Hiba, refugee from Libya (ECRE, 2018)

II.1 The EU and migration

In recent decades, the issue of migration has resurfaced and gained significant prominence on the political agenda. Simultaneously, the topic of refugees is steadily evolving into a major preoccupation for politicians, as well as garnering attention from certain sections of public opinion who display heightened awareness regarding the complex dynamics of migration (Martiniello, 2009, pp.298–324). In this context, the current migration flows are often believed to have negative consequences for international security (Martiniello, 2009, pp.298–324). Consequently, there is a tendency to adopt an alarmist approach towards migration, leading to efforts aimed at controlling, limiting, or even preventing it through increased international political and law enforcement cooperation (Martiniello, 2009, pp.298–324). The EU, in particular, has recently taken steps to manage external borders and migration flows, including the externalization of migration control (Frelick, Kysel and Podkul, 2016). As it will be explored in this section, the latter approach emphasizes security and stands in stark contrast to the liberalization philosophy applied to intra-EU movement (Campesi, 2021, pp.16–35). Moreover, the focus on security and border control has created an implicit assumption that the movement of people is a suspicious activity that may be connected to criminal or organized activities (Campesi, 2021, pp.16–35).

In fact, immigrant populations are frequently portrayed as a threat, and are often associated with the rise of cross-border organized crime. The perception persists that, immigrants, particularly the second generations, contribute to increased urban crime in many European towns and suburban areas. An illustrative example is to be found in the case of the French Banlieues, which, regrettably, have increasingly been associated with terrorist attacks, criminal behavior, and, most significantly, as breeding grounds for social inequality and urban unrest (Massardo, 2021). The combination of challenging economic circumstances, deep divisions between communities, and inadequate integration into the French social sphere has contributed to the emergence of tense situations.

It follows that immigration is depicted as a peril to democratic principles, as immigrants are often portrayed as internal enemies, posing risks to social welfare, economic prosperity, cultural legacy, and even national identity. Furthermore, these sentiments have demonstrated a correlation with skepticism towards European integration (de Vreese and Boomgaarden, 2005). In this context, the term "Euroscepticism" is employed to describe the overall attitude of doubt or outright opposition towards the European Union (EU) and its policies. In fact, in the last decades, anti-immigrant and anti-EU populist political groups have grown in popularity at the EU level (de Vreese and Boomgaarden, 2005). As argued by the de Vreese and Boomgaarden (2005), anti-immigration sentiments reveal people's proneness to show negative prejudice against an outside group, and thus to resist further European integration. In this regard, a substantial body of literature analyzed the extent to which outsider-threats fuel public anti-EU integration sentiments. In fact, McLaren in *"Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat?"*, argues that resistance to integration is a consequence of a perceived cultural threat that could possibly entail a change in the character of the

country. Hence, societal developments, such as immigration and globalization, are regarded as a danger (McLaren, 2002).

As the European integration process has advanced since the signing of the Rome Treaty in 1957, the issue of immigration policy has gradually become a matter of discussion and decision-making. In the beginning, the stages of cooperation in European migration policy coincided with the development of the integration process, albeit gradually and with increasing momentum since the 1980s.

Fundamental principles of European integration, which encompass the free movement of capital, goods, services, and people, naturally have led to the inclusion of migratory policy on the European political agenda (Martiniello, 2009, pp.298–324). However, it is vital to note that numerous European countries have displayed significant reluctance in relinquishing their sovereignty over migration matters. Nevertheless, as time has progressed, there has been a notable transition from predominantly national immigration policies to a European-level intergovernmental cooperation, as it will be discussed in this section.

Specifically, the transition occurred with the implementation of the Justice and Home Affairs (JHA) collaboration under the Treaty of Maastricht (1992), which was subsequently replaced by the Area of Freedom, Security, and Justice (AFSJ) through the Treaty of Amsterdam of 1997 (Seilonen, 2016). More recently, there has been an increasing tendency towards collective deliberation and, to a lesser degree, the establishment of a unified immigration policy. However, this progression has faced obstacles due to persistent disagreements regarding the appropriate institutional framework for cooperation, notably with certain states objecting to the centralization of migration issues.

The complex matter of asylum is intricately linked with migration policy; therefore, it will be explored in conjunction with the development of migration policies within this

text. Additionally, as the work approaches the present time, there will be a gradual shift in emphasis towards thoroughly examining and analyzing asylum policies.

As mentioned in the introduction, and as per the aim of the present inquiry, in order to delve into the analysis of the lessons learned from the migratory crisis of 2015, the following sections will be dedicated to an in-depth map of the institutional developments in the field of migration and asylum. This chapter will delve into the evolution of European migration policy from the signing of the Treaty of Rome in 1957 to the start of the migratory crisis in 2015.

II.II From the Treaty of Rome 1957 to the Oil Crisis of 1974

The Treaties of Rome, signed on 25 March 1957, marked the beginning of the European project. The treaties established the European Economic Community (EEC), as well as the European Atomic Energy Community (Euratom). The EEC Treaty brought together France, Germany, Italy, and the Benelux countries, to form a community with the primary goal of creating a common market and fostering cooperation. In this regard, the EEC Treaty also had a political objective, contributing to the functional development of a unified political Europe, therefore taking a step towards broader European unification (Dipartimento per le Politiche Europee, 2020).

The Treaty of Rome included provisions that foresaw forthcoming events in the field of migration policies. More in particular, article 3 of the Treaty refers to migration, by stating that the Community "*shall undertake measures regarding the admission and mobility of individuals.*" (Treaty establishing the European Economic Community).

The principle of unrestricted movement of the labor force, considered a fundamental principle of the Common Market, entailed eliminating any discrimination based on the nationality of workers from Member States in terms of employment, wages, and other

working conditions. The Council of Ministers of the European Economic Community (EEC) was entrusted with the task of adopting Directives and Regulations to uphold this principle (Martiniello, 2009, pp.298–324).

However, initially, migration policies primarily relied on bilateral agreements between countries, reflecting the labor needs at the time. (Martiniello, 2009, pp.298–324). Following World War II, Europe experienced a period of economic growth, characterized by the modernization of production, and growth across all sectors. For this reason, in order to cope with the high demand of labor, during the 60s governments adopted a laissez-faire approach, allowing immigrants to enter on tourist visas and granting them residence and work rights once they found employment. However, each European Community country had its own immigration policies, primarily focusing on employment and adapting the immigration flux according to the internal labor demand.

In 1968, the EEC took measures in this area by implementing legal regulations regarding the freedom of movement for workers within Europe. Regulation 1612/68 marked the full realization of the free movement of workers within the Community envisioned in 1957. More in particular, the text recognized free movement of people, and workers, as a fundamental principle. Its objective was to eliminate any discrimination based on nationality among member state workers, promoting unrestricted labor mobility: *“The principal aim of Reg. 1612/68 is to ensure that in each MS workers from the other MS receive treatment which is not discriminatory by comparison with that of national workers by providing for the systematic application of the rule of national treatment as far as all conditions of employment and work are concerned. It is not the purpose of that Reg. to create rights by virtue of insurance periods completed in another MS if such rights, in the case of nationals of the host State, do not derive from national provisions”* (EEC regulation 1612/68). The

regulation represented a turning point in the history of the European Community at that time, however, it also crucial to highlight that it established a legal differentiation between workers hailing from European nations and those from non-European countries (Martiniello, 2009, pp.298–324).

However, by 1974, the impact of the oil crisis in 1973-74 had transformed the global economy and labor markets, highlighting the necessity for unified legislation in immigration affairs. The latter marked a significant shift in the trajectory of labor migration due to its political and economic circumstances. Following the Yom Kippur War, the Organization of Arab Petroleum Exporting Countries (OAPEC) imposed an oil embargo on nations that supported Israel during the conflict. As a consequence, the embargo caused a significant increase in crude prices and a global supply shortage. Therefore, the crisis had a major impact on the global economy, causing inflation, financial recessions, and energy crises in a number of countries. In addition, it emphasized the vulnerability of nations heavily reliant on crude imports and prompted discussions on the diversification of energy sources as well as migration. During the mentioned period, limitations and bans on the recruitment of workers from non-member countries were imposed. According to Boccardi (2002), the closure of conventional immigration pathways resulted in the predominance of asylum claims as the sole remaining means to secure admission or sanctuary in Western countries. Consequently, the capacity of national asylum adjudication mechanisms became progressively overwhelmed, culminating in a state of paralysis within the European asylum systems during the early 1990s.

More in particular, due to rising unemployment and escalating social tensions, governments responded by ceasing active recruitment policies (Martiniello, 2009, pp.298–324). Governments enacted policies to create obstacles for recruiting new employees, such as raising recruitment expenses, limitations on worker categories, and

yearly quotas. Additionally, policies aimed at incentivizing migrant workers to return to their home countries were implemented during the mentioned period (Garson and Loizzillon, 2003). The situation is best highlighted in the Commission Bulletin Community of 1985, which discussed the findings of a study on national policies regarding immigration and integration. The study revealed several trends, confirming an increase of restrictions on immigration from non-member countries in the aftermath of the 1973-1974 oil crisis, with some countries implementing freezes or reductions in settlement allowances. Moreover, efforts were made to combat illegal immigration and prevent the misuse of refugee status (The European Communities, 1985), as well as measures focused on preventing economic and social challenges in the event of potential return to the home country, including assisted return schemes and support for economic development in emigration areas. However, the Commission Bulletin also highlighted the implementation of a number of policies aimed at integrating foreign residents while maintaining cultural ties with their home countries were adopted, such as supporting the second generation and facilitating family reunification. Education, training, and social advancement programs were implemented for immigrants, and their participation in the host country's life was examined. Initiatives were also undertaken to combat xenophobia, intolerance, and racism. Moreover, the Bulletin signaled a growing recognition of the need for increased cooperation and consultation at both the European Community and international levels to address these issues effectively.

The majority of advancements in the Europeanization of immigration policy occurred post-1973. Initially, many European states were initially reluctant to cede control over migration issues. Moreover, their reluctance was exacerbated by the politicization of these issues. However, over the course of fifty years, there was a gradual shift from

national immigration policies to an intergovernmental cooperation on a European scale (Martiniello, 2009, pp.298–324).

As pointed out by Martiniello (2009), the issue of the status of "non-Community foreign nationals" was first raised during the EEC summit in Paris in 1974, as a natural consequence of the emerging concept of European Citizenship. In this context, it thus became imperative to consider how to address the treatment of non-European foreign nationals, as MS prepared themselves to abandon intra-European border controls. Moreover, the year 1975 witnessed the gradual emergence of intergovernmental cooperation on immigration, asylum, police, and judicial matters with the formation of the Trevi Group, named after the location of its first meeting in Rome, Italy (Martiniello, 2009, pp.298–324). The Trevi Group comprised the Home Affairs Ministers of the 12 member states, and it was established to combat and coordinate police cooperation against terrorism. In particular, the organization served as a forum for exchanging intelligence, coordinating activities, and nurturing cooperation in areas such as counterterrorism strategies, law enforcement practices, and intelligence sharing. The creation of the Trevi Group triggered the establishment of analogous groups in closely interconnected spheres, as will be expounded upon in subsequent sections (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323). This development signifies the consequential influence of the Trevi Group initiatives on the formation of comparable entities in related areas.

II.III The eighties: a new path for migration

The beginning of 1980's marked a new pattern for migration. The European countries that were traditionally known for emigration, such as Spain, Italy, Ireland, Greece, and Portugal, experienced a shift towards becoming immigration destinations. As a matter of fact, sources of immigrants became more diverse, including countries from sub-

Saharan Africa and Asia. This change was accompanied by shifts in migrants' motivations and entry channels, more in particular, Europe experienced a notable increase in asylum seekers and refugees, due to strong political changes in Central and Eastern Europe and the former Soviet Union. Additionally, regional conflicts, like those in the former Yugoslavia and Northern Iraq, led to significant influxes of asylum seekers and refugees (Garson and Loizzillon, 2003).

The Commission's recognition of the growing significance of immigration led to the presentation of the "Guidelines for Common Migration Policy" document in 1985, marking a pivotal moment, as it called for more comprehensive legislation on European personal mobility and intergovernmental consultation on non-European immigration policies. In this regard, the Commission played a key role in raising awareness and advocating for a European immigration policy.

Furthermore, proposals were made for European coordination in entry, residence, and work permits for non-European citizens, along with the potential creation of a common visa policy (Martiniello, 2009, pp.298–324). At the same time, the Commission embarked on further progress by instituting a procedure for advance notification and coordinated efforts regarding migratory policies involving third countries. The objective was to promote transparency among Member States, urging them to notify both the Commission and their Community partners about any intended modifications to their existing non-European immigration laws. This decision facilitated cooperation between the Commission and Member States without imposing mandatory obligations (Martiniello, 2009, pp.298–324).

However, the Commission's decision on earlier notification and coordination of migratory rules faced opposition from numerous Member States who perceived it as a violation of country wide sovereignty. In response, the Council reiterated that non-European immigration regulations remained under the purview of individual nations.

Dissatisfied with this decision, France, Germany, Denmark, the Netherlands, and Great Britain delivered the matter before the European Court of Justice, arguing that the Commission lacked the authority to deal with the issue. In conclusion, the Court nullified the Commission's selection, however, it acknowledged the opportunity for a common European migration policy (Martiniello, 2009, pp.298–324). As outlined by Martiniello (2009), in 1988, the Commission made a renewed effort by issuing a second decision on the matter, encountering fewer difficulties and controversies from Member States.

The signing of the Schengen Agreement in 1985 marked a pivotal moment in European integration, as it aimed to eliminate border controls among the Benelux countries, France, and Germany. However, the realization of this ambitious goal required the subsequent agreement on an implementing convention, notably the Schengen Convention, finalized in 1990. The latter proposed the complete abolition of systematic internal border controls and the establishment of a unified visa policy within the participating countries. Moreover, it established Schengen Information System (SIS), a pioneering and collaborative database designed to store critical information, including criminal records and asylum applications. This system was accessible to national law enforcement authorities, facilitating seamless information sharing among the member states (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323).

The enforcement of the Schengen Convention represented a significant milestone in the facilitation of unrestricted movement within the Schengen Area and had a profound and lasting impact on how European states approached immigration and asylum.

In parallel, the negotiations for the Single European Act of 1986 and the subsequent "Single Market 1992" program revealed the existence of tensions between the aim of creating a unified economic market and preserving the ability of individual member

states to control their borders and immigration policies (Martiniello, 2009, pp.298–324). Under the Single Market program, MS agreed to cooperate on issues related to third country nationals, such as rights of entry, movement, and residence, however, such cooperation also implied a certain degree of harmonization and coordination among member states in their approaches to addressing migration matters. Moreover, at the same time, MS emphasized their sovereign right to enact national measures for controlling non-European immigration. The Member States of the European Union arrived at a consensus that the removal of border controls among the Twelve nations necessitated the introduction of compensatory measures (Boccardi, 2002). The necessity was highlighted during the European Council in March 1985, in which the connection between the elimination of border controls and the implementation of accompanying measures was emphasized. These measures primarily encompassed the development of visa policies, the establishment of common external border controls, the creation of a shared information system, fostering cooperation in judicial and police domains, and the formulation of principles governing the allocation of responsibilities among states pertaining to asylum applications (Boccardi, 2002). Moreover, in 1986, an additional significant advancement occurred, with the establishment of the Ad Hoc Immigration Group. The latter consisted of five working parties focused on border control, visa policy, asylum policy, illegal immigrants, and information technology (Seilonen, 2016). However, it is to be stressed that, Due to the escalating proliferation of intergovernmental organizations addressing issues pertaining to the free movement of persons within the European context, the European Council of Rhodes made a significant decision in December 1988 to establish a Group of Coordinators (Boccardi, 2002)

Overall, the negotiations surrounding the Single European Act of 1986 best reflected the complex interplay between economic integration and national sovereignty in the

context of migration issues. The member states recognized the importance of facilitating the movement of goods, services, and people within the internal market while simultaneously safeguarding their ability to control immigration from outside the EU.

Moreover, the introduction of Article 8A in the TEU played a crucial role in the development of a new transnational approach to asylum matters (Boccardi, 2002). As follows: "*The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992, in accordance with the provisions of this Article and of Articles 8b, 8c, 28, 57(2), 59, 70(1), 84, 99, 100a, and 100b, and without prejudice to the other provisions of this Treaty. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured in accordance with the provisions of this Treaty.*" (Single European Act).

The aforementioned provision introduced a divergence in the interpretations among the Member States of the European Community. In fact, whilst the Commission and a substantial number of Member States shared the belief that the freedom of movement for individuals necessitated the elimination of all internal border controls, applicable to both EC citizens and third-country nationals, certain Member States, notably the United Kingdom, held an alternative perspective (Boccardi, 2002). According to their understanding, the provision exclusively pertained to EC nationals and argued for its implementation "*in accordance with the provisions of the Treaty.*" Consequently, they advocated for the maintenance of border controls concerning third-country nationals. Recognizing their lack of consensus in interpreting the matter, the Twelve Member States made the decision to redirect their attention towards identifying areas where mutual agreement could be reached. Central to their shared understanding was the firm belief that achieving authentic freedom of movement for individuals necessitated the

adoption of efficacious compensatory measures. These efforts culminated in the Palma Document (1989), prepared for the European Council summit in Madrid in June of that year.

As best summed up by Boccardi (2002), the document outlined a series of problems that needed to be addressed in order to reach freedom of movement within the EEC. These issues included border control on both internal and external frontiers, as well as matters related to visas and expulsions. Moreover, it called for an establishment of a list of countries whose nationals would require a visa to enter any Community country. This step aimed to coordinate visa policies across the EEC and ensure a unified approach to external border controls. The second priority involved the implementation of common external border control and surveillance measures. This measure aimed to enhance security and prevent unauthorized entry into the EEC, while still allowing for the free movement of individuals within the internal market.

The Palma document focused on addressing specific areas, particularly the issue of asylum coordination, due to a significant rise in asylum applications. This highlighted the urgent need for addressing cross-border refugee mobility, increasing the likelihood of reaching an agreement in a reasonable timeframe. However, as argued by Boccardi (2002), an unintended consequence emerged as asylum matters became linked to immigration controls within the context of a border-free Europe and the perceived necessity of regulating the movements of non-citizens. This led to a shift away from the core objective of providing protection to refugees, as Member States increasingly applied restrictive measures intended for prospective migrants.

The crumbling of the Berlin Wall and the subsequent dissolution of the URSS, instilled a deep-seated fear of an overwhelming and uncontrollable surge of migrants from the former communist regimes. Simultaneously, there was growing apprehension surrounding unauthorized migration and the flow of refugees from the South. In this

frame, it became increasingly apparent that an immediate political response was imperative in order to address these perceived challenges posed by migration (Martiniello, 2009, pp.298–324). The early 1990s witnessed a substantial surge in asylum applications, peaking in 1997, primarily attributed to the civil war in the former Yugoslavia. In 1983, Western Europe received approximately 70,000 asylum seekers, but by 1992, this figure had grown tenfold. In particular, the surge was mainly fueled by a significant increase in applications in Germany before the implementation of Constitutional reform in 1993. Following a decline in applications until 1996, there was a slight upturn in 1997. Overall, in 2001, European Union countries accounted for over 388,000 asylum applications out of a total of 612,000 applications across all OECD nations. The top five European countries in terms of total asylum seekers were the United Kingdom, Germany, France, the Netherlands, and Austria. However, when considering asylum applications relative to the foreign population, the ranking changes, with Ireland having the highest ratio, followed by Sweden, the Netherlands, Denmark, and Austria (Garson and Loizzillon, 2003).

Apart from regional conflicts, the rise in asylum applications can be attributed to the fact that many migrants relied on this mechanism as it represented their only option, given the tightening of migration policies. Moreover, irregular immigration has become increasingly dangerous since the 1990s, as international trafficking rings exploited political changes in Central and Eastern Europe, the former Soviet Union, and also parts of Asia and Africa, to prey on vulnerable individuals. As a consequence, stricter policies started targeting traffickers and undocumented immigrants in order to address the issue. Moreover, awareness campaigns to educate the public on the risks of undocumented employment and involvement in trafficking networks were implemented.

In this context, close cooperation between national and international authorities for controlling migration flows was promoted, via information exchange, coordinated border control, and by sharing data on trafficking networks (Garson and Loizzillon, 2003). Indeed, as Martiniello (2009) observes, there was a discernible upsurge in intergovernmental and multilateral cooperation in the field of migration from the late 1980s onwards. Initially, during the early 80s, a mere five multilateral forums were actively engaged in addressing migratory issues. However, in the 90s, this number expanded significantly to encompass a total of fifteen forums. This heightened engagement underscored the growing recognition among states of the inherent value of collaborative endeavors in effectively addressing complex migratory challenges. Consequently, they came to acknowledge that pursuing viable solutions collectively was conducive to their shared interests.

The surge of migrants had profound consequences, leading to the development of the Dublin Convention in 1990, which then came into force in 1997 (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323). The Dublin Convention aimed to curtail this practice by establishing rules for the common processing of asylum applications. The key elements of the Dublin framework were delineated during a meeting of immigration ministers at the conclusion of 1992. Notably, a pivotal aspect of the convention was the principle that the member state where an asylum seeker first enters the European Union bears the responsibility for processing their asylum application. The primary objective of this convention was to address the phenomenon of "asylum shopping," whereby asylum seekers would submit applications in multiple member states.

This document embodied the core principles of EU migration policies and the Dublin system, which however proved to be short-lived. As it will be delved in the next sections, approximately nine years later, in Tampere, the European Union made the

decision to revamp its migration policies and harmonize migration regulations across its Member States.

II.IV The Maastricht Treaty and the Amsterdam Treaty

As mentioned at the beginning of this chapter, the development of the European migration policy has thus followed quite closely the process of European integration. Indeed, following the Maastricht Treaty in 1992, the topic of immigration was included in the third pillar of the European Union, becoming an integral part of the Justice and Home Affairs area (JHA). More in particular, the Maastricht Treaty classified the powers of the Union into three distinct areas, commonly referred to as pillars, such as the first pillar of the European Communities; the Common Foreign and Security Policy (CFSP); and police and judicial cooperation in criminal matters (JHA).

The primary objective of the pillar was to ensure the effective functioning of the single market and to promote harmonious, balanced, and sustainable economic development, as well as the attainment of a high level of employment, social protection. The second pillar, known as the common foreign and security policy (CFSP), mandated the Union to define and implement a unified foreign and security policy through intergovernmental means. Member States were expected to actively support this policy, fostering loyalty and mutual solidarity. The objectives of the CFSP were to safeguard the common values, fundamental interests, independence, and integrity of the Union, in accordance with the principles enshrined in the United Nations Charter. Additionally, the CFSP sought to enhance the Union's security through various means, promote international cooperation, and foster the development and consolidation of democracy, the rule of law, as well as respect for human rights and fundamental freedoms. Lastly, the aforementioned third pillar focused on cooperation in the fields of justice and home affairs, and its objective was to promote collaborative action in

these areas through intergovernmental methods, thereby providing citizens with a high level of safety within an area characterized by freedom, security, and justice. This pillar covered several key aspects, including the establishment of rules and controls governing the crossing of the Union's external borders, combating terrorism, serious crime, drug trafficking, and international fraud. Furthermore, it encompassed judicial cooperation in both criminal and civil matters, the creation of the European Police Office (Europol) facilitating information exchange among national police forces, efforts to manage illegal immigration, and the formulation of a common asylum policy. Collectively, these pillars established a comprehensive framework for the Union's endeavors, blending supranational and intergovernmental approaches to address a diverse range of challenges and advance the common interests of its Member States. However, as highlighted by Martiniello (2009), the creation of the pillars with the Maastricht treaty of 1992 did not result in a clear common migration policy. Only visa policy was included in the supranational first pillar, whereas the other features of immigration policy were relegated to the third pillar, created in order to limit centralized, supranational policy harmonization (Seilonen, 2016). Therefore, the Treaty of Maastricht reflected the institutional implications of this political compromise. The establishment of the third pillar led to the creation of an intergovernmental negotiating arena that marginalized the Community institutions in the decision-making process, notably the European Commission; the European Parliament, whose involvement was limited to consultation; the Court of Justice of the EU (CJEU), which could have bolstered policy accountability and judicial oversight, was excluded from jurisdiction over JHA matters (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323). The JHA Council became the primary decision-making body, significantly reducing the European Commission's usual role as the initiator of European legislation. As emphasized by Emek M. Uçarer in *European Politics* (2022),

the requirement for unanimous decisions in the third pillar frequently resulted in deadlock. Nevertheless, when unanimity was attained, the outcomes often represented a compromise based on the least ambitious elements, leaving few stakeholders satisfied. These negotiations were conducted with a high degree of secrecy, and the mentioned European Parliament's limited involvement further exacerbated the situation. The context outlined proved to be particularly problematic as the Union was making concerted efforts to enhance its democratic reputation in order to fight the criticisms regarding the Union's democratic deficits (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323).

A pivotal turning point in the trajectory of European asylum policies occurred with the advent of the Treaty of Amsterdam in May 1999, that replaced Justice and Home Affairs with the Area of Freedom, Security and Justice (AFSJ). The Amsterdam transfers important substantive areas from Title VI TEU to the new Title IV in the EC Treaty, notably, from the third to the first pillar of the Union. The transfer of these matters to the first pillar represents a significant and fundamental change (Hailbronner, 1998). Until the Treaty of Amsterdam was signed in 1999, there was not a unified migration policy in place. In this respect, it is important to highlight that, before the signing of the Treaty of Amsterdam, the Union had limited capacity to implement legally binding measures in the area of Justice and Home Affairs.

The idea to consolidate the national asylum laws of all Member States into a unified European framework originated at that time. In fact, as the 1990s ended, there was an increasing belief that asylum and immigration matters should be addressed within the scope of the EU Treaties, as part of establishing a single market without internal borders. Moreover, the notion gained momentum due to the challenges associated with managing significant influxes of displaced individuals following the Balkan conflicts and the fall of communist regimes in Eastern Europe.

The Amsterdam Treaty recognized asylum and immigration as domains falling within the supranational competence of the European Union, thus signifying a momentous stride towards the establishment of a cohesive and harmonized European asylum system. Therefore, the AFSJ area would play a role in addressing borders issues, including the unrestricted movement of individuals, safeguarding basic rights, combating terrorism and organized crime, and handling asylum and immigration concerns (CONSILIUM, 2019). Specifically, issues pertaining to asylum, immigration, external border control, fraud prevention, customs collaboration, civil judicial cooperation, and certain elements of Schengen Agreement collaboration were transferred from the third pillar to the Community method (Seilonen, 2016). This change signals a transition from an intergovernmental approach to a unified approach, wherein the European Commission is granted exclusive authority to propose legislation in this domain. In this regard, the paradigm shift involves replacing the cooperation among Member States within an essentially intergovernmental framework with Community action driven by supranational legislation. Moreover, the Treaty of Amsterdam established the legal framework for the creation of the Common European Asylum System (CEAS), outlining the legal foundations for such a harmonized system. However, EU Member States have shown great hesitancy in acknowledging the binding nature of immigration and asylum policies.

Nevertheless, the Treaty of Amsterdam has marked a significant milestone in the establishment of common rules, binding the Council to adopt measures on asylum, refugees, and immigration policy within five years of its entry into force. Specifically, article 73(k) of the Treaty, outlined the areas in which the Council was required to take action in the following years (Seilonen, 2016). These areas included measures on asylum, such as determining the responsible Member State for processing asylum applications, setting minimum standards for reception and qualification of refugees,

and establishing procedures for granting or withdrawing refugee status. The Treaty also mandated measures on refugees and displaced persons, including providing temporary protection and promoting fair distribution of efforts among Member States. Furthermore, it encompassed measures on immigration policy, covering conditions of entry and residence, standards for long-term visas and residence permits, combatting illegal immigration and residence, and defining the rights of legally residing third-country nationals in other Member States (European Parliament, 2018).

Therefore, it follows that Treaty of Amsterdam was a crucial step forward in shaping a comprehensive approach to these issues and fostering cooperation among EU Member States (Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts).

The Tampere Summit, which took place in 1999, was called with the purpose of assessing the effects of the Treaty of Amsterdam, and to engage in discussions regarding future advancements. More in particular, The Tampere Program set in motion the establishment of the Common European Asylum System and it resulted in the adoption of multiple EU laws. As part of this integrated approach, specific measures were implemented to establish uniformity in reviewing claims and providing care to asylum applicants, alongside comparable regulations for recognizing refugees. To oversee and streamline policy proposals related to asylum, the Commission was appointed as the designated coordinator. Consequently, the Commission promptly introduced a series of proposals, encompassing aspects like reception conditions for refugees, standardized minimum criteria for assessing asylum claims, and cohesive family reunification schemes for refugees. Moreover, the Union authorized the establishment of the European Refugee Fund, aimed at extending support to EU recipient states during periods of substantial refugee inflows, such as those observed during the aftermath of conflicts in Bosnia and Kosovo (Cini and Pérez-Solórzano

Borragán, 2022, pp.308–323). These initiatives collectively contributed to a more cohesive and cooperative response to immigration, asylum, and security matters across the European Union.

Therefore, in Tampere, a comprehensive approach concerning immigration and asylum matters was outlined, with a focus the nexus between Justice and Home Affairs policies and foreign policy tools, specifically on development cooperation and economic relations. In this regard, the Union demonstrated its commitment to adopting an integrated approach that acknowledges the interdependence of JHA policy domains by effectively dealing with matters concerning immigration, asylum, and security (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323).

II.V The first phase of the CEAS

From 1999 to 2005, six legislative instruments were enacted to establish asylum standards. These included the Eurodac Regulation, the Temporary Protection Directive, the Reception of Asylum Seekers Directive, the new Dublin Regulation (that replaced the 1990 Dublin Convention), the Qualification Directive, and the Asylum Procedures Directive (European Commission, 2020).

The aforementioned instruments constitute the initial phase of the CEAS (Common European Asylum System), marked by the implementation of a shared minimum standards in the near future, and a plan to establish a consistent asylum procedure and a standardized status for those individuals who are granted asylum, applicable uniformly across the entire Union in the long run. Hence, it is possible to detect an initial stage in the establishment of a unified legal framework for asylum, which will subsequently undergo numerous adjustments or incentives for implementation. At time, the CEAS included the instruments highlighted in the following chart.

Instruments of the first phase of CEAS *Date of entry*

<i>Eurodac REGULATION</i>	15 December 2000
<i>Temporary Protection Directive</i>	7 August 2001
<i>Dublin Regulation II</i>	17 March 2003
<i>Reception Directive</i>	06 February 2003
<i>Qualification Directive</i>	20 October 2004
<i>Asylum Procedures Directive</i>	2 January 2005

Table 1

First, one of the measures adopted within the framework, and on to which the present text will focus in the following chapter, was the Temporary Protection Directive (TPD). The latter was devised to promptly and provisionally extend safeguarding provisions in situations where a substantial influx or imminent surge of displaced individuals from non-European Union nations occurs, rendering them incapable of returning to their respective countries of origin (European Commission, 2022). As stated in the text, the application of the Temporary Protection mechanism occurs when the Council, based on a proposal put forth by the Commission, identifies the presence of a significant “mass influx”. More in particular, the former element pertains to cases in which there is a concern that the regular asylum system may face challenges in managing the influx of displaced persons, thereby posing a potential disruption to the effective functioning

of the asylum system. According to the Temporary Protection Directive (TPD), refugees fleeing conflict can enjoy up to one year of temporary protection in any of the EU countries after arrival, renewable for another two years. The TPD enables fast and comprehensive access to protection without putting undue load on national asylum systems (Rasche, 2022). Under the TPD, displaced persons are able to enjoy harmonized rights across the EU, such as the right to residence, access to the labor, market and housing, medical assistance, social welfare assistance and access to education for children (Council of the European Union, 2022).

Secondly, another important instrument was adopted, notably The Dublin Regulation II. The latter succeeded the 1990 Dublin Convention, and it bears resemblances to its predecessor as it establishes a structured hierarchy of criteria aimed at identifying the responsible Member State for processing asylum claims within the European Union (EU). The core objectives of this regulation are twofold: firstly, to guarantee that each asylum claim made within the EU is thoroughly examined by a Member State, and secondly, to effectively prevent the occurrence of multiple asylum claims and secondary movements of asylum seekers across the EU territory (European Council on Refugee and Exiles, 2006).

Dublin Regulation II is intricately connected to EURODAC, a sophisticated database responsible for the storage and management of fingerprints obtained from asylum seekers who enter Europe. More in particular, the European Dactyloscopy constitutes the European fingerprint database for asylum seekers and persons irregularly apprehended whilst crossing an external border of the European Union, as established by Council Regulation (EC) No. 2725/2000 of 11 December 2000. By comparing fingerprints, Member States can check whether an asylum seeker or a foreign national, who is illegally on its territory, has already lodged an application in another Member State or whether an asylum seeker has entered the territory of the Union irregularly. In

addition to the fingerprints, the data transmitted by the Member States indicate the Member State of origin, the place and date of the asylum application, if any, the sex, an identification number, as well as the date on which the fingerprints were taken and the date on which the data were transmitted to EURODAC.

However, since its approval, the system established by the Dublin Regulation measures has faced significant criticism and objections. On the one hand, the European Commission, as stated in its 2007 report, has asserted that the objectives of the Dublin system (European Commission, 2007) outlined in Article 28 of the Dublin Regulation (Council of the European Union, 2003) have been achieved, NGOs and Academia have, on the contrary, emphasized the system's deficiencies.

In its Summary Report concerning the implementation of The Dublin II Regulation in Europe, the European Council of Refugees and Exiles drew attention to a critical aspect of the system, such as its reliance on a level of harmonization of EU asylum systems that is essentially absent in practice (European Council on Refugee and Exiles, 2006). The intricate interplay between the Dublin system and the notable divergences in protection and reception standards across the Member States engenders a lamentable consequence, where a significant number of asylum seekers are deprived of the opportunity to undergo a comprehensive and impartial evaluation of their protection claims.

The aforementioned perspective was shared by the United Nations High Commissioner for Refugees (UNHCR) during the initial stages in 1990 when the Dublin Convention was adopted. The UN agency, at that time, expressed concern regarding the notable disparities existing among the asylum procedures of the Member States (MS). These discrepancies were seen as potentially perpetuating the very issues that the Dublin Convention aimed to address and resolve (UNHCR, 2006)

Therefore, it is feasible to identify several shortcomings within the elements proposed in the Dublin Regulation. Firstly, the Regulation emphasis on irregular entry and the requirement for asylum seekers to apply in a specific Member State is deemed to disregard their potential preferences, in terms of linguistic or cultural connections to a particular country of the Union, as well as their sense of belonging to a specific community present in one of the MS. Hence, the limitation undermines the consideration of asylum seekers' individual circumstances and affiliations. Secondly, the Dublin system is also viewed as a potential challenge to the principle of free movement, which is a fundamental tenet of the Area of Freedom, Security, and Justice within the European Union (European Council on Refugee and Exiles, 2006).

Moreover, the Regulation's impact on broader European human rights principles was brought to attention. For instance, the Dublin II Report by ECRE/ELENA (European Legal Network on Asylum), of March 2006, highlighted that Member States are increasingly detaining asylum seekers during transfer procedures. The report documented a noteworthy and growing trend of detention in the context of Dublin transfers. The latter practice raises concerns as it may potentially contravene Article 5 of the European Convention on Human Rights, which addresses the right to liberty and security (European Legal Network on Asylum, 2006).

Furthermore, the allocation of responsibility for Dublin transfers often remains unfulfilled due to the persistence of multiple claims and irregular movements, leading to the imposition of a costly bureaucratic layer on an emerging European asylum system (European Council on Refugee and Exiles, 2006). In this regard, low transfer rates are the primary challenge in the effective implementation of the Dublin system, as less than half of the agreed-upon transfers end up being finalized. Consequently, the process of determining responsibility for asylum applications frequently yields no concrete outcomes (European Council on Refugee and Exiles, 2006).

Moreover, the process of evaluation envisaged by Dublin demands considerable time and financial resources, even in cases where no transfer request is initiated or when an erroneous transfer occurs, therefore resulting in a substantial slowdown in terms of time in the processing of asylum claims.

The Dublin system further raises concerns about the substantial public expenditure associated with its implementation. The expenses encompass various aspects, including the number of staff employed by Member States exclusively for Dublin processing, the operational and material costs involved in handling transfer requests, and the expenses incurred during the actual transfer process (European Council on Refugee and Exiles, 2006). Additionally, the cost of accompanying transferees, the burden on court systems due to Dublin inquiries and appeals, the additional responsibilities imposed on police and immigration officers in states without dedicated Dublin offices, the rectification of erroneous transfers, and various other cost categories must all be taken into consideration in order to best assess the efficiency of the system (European Council on Refugee and Exiles, 2006).

Additionally, the report drew early attention on to the pressing issue of the burden faced by EU states at the external borders. This latter aspect would then evolve into a pressing concern with considerable impact on the Union, moreover, it continues to be a prominent subject of discussion within institutional circles, by shaping the characteristics for a further revision of the system. Specifically, due to their geographical location, Member States in the EU's southern and eastern regions serve as the primary destination for a majority of protection seekers arriving by land or sea. Furthermore, the report emphasizes the system's tendency to disproportionately allocate responsibility to EU regions with less developed asylum systems and, at times, relatively lower economic prosperity (European Council on Refugee and Exiles, 2006).

Lastly, the Dublin system got harshly criticized for compromising the rights of refugees. In this regard, it was pointed out that the system's failure to address the situation of secondary movements, and its lack of recognition of the differing treatment of asylum seekers in different Member States have perpetuated the so called "asylum lottery" across Member States (European Council on Refugee and Exiles, 2006).

The latter measures were then followed by the 2003 Reception Directive, which set minimum standards for the reception conditions of asylum applicants, with the primary objective of ensuring a dignified standard of living for them. Additionally, the Directive seeks to ensure that comparable living conditions are provided to asylum applicants across all Member States. Furthermore, it addresses the issue of limiting asylum applicants' secondary movements within the EU (EU Monitor, 2008).

The Qualification Directive of 2004 included crucial principles pertaining to the recognition of individuals from stateless countries as refugees or those requiring international protection. Additionally, it established minimum standards regarding the scope and nature of the protection provided. The primary objective of this directive was twofold: firstly, to ensure uniform criteria across all Member States for identifying individuals genuinely in need of international protection, and secondly, to guarantee that a basic level of support and assistance is accessible to such individuals in every Member State. The Directive on the one hand, reaffirmed the notion of a refugee already derived from the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol, and specified the requirements for its granting in the member states of the Union. On the other hand, it creates a new beneficiary status of "subsidiary protection" and establishes the conditions for its granting, thus recognizing the existence of situations different from those to which the Geneva system has regard, but nevertheless deserving of protection (Directive 2004/38/EC of the European Parliament and of the Council). By implementing these common criteria and minimum

provisions, the Directive aimed to enhance consistency and fairness in the treatment of asylum seekers and refugees across the European Union (Council of the European Union, 2004).

Lastly, the primary objective of the 2005 Asylum Procedures Directive is to establish a set of minimal standards for handling asylum procedures within European Union (EU) member states, specifically focusing on the processes of granting and withdrawing refugee status. Notably, the Directive was applicable solely to third country nationals and stateless individuals. Furthermore, the preamble of the Directive articulates the foundational principles underlying its formulation, such as highlighted in paragraph 2, that emphasizes the commitment made by the Council during the Tampere meeting in 1999 to develop a Common European Asylum System. This envisioned system is rooted in the comprehensive application of the Geneva Convention, ensuring the principle of non-refoulement, which safeguards against returning any individual to a situation where they might face persecution (European Council on Refugees and Exiles, 2006).

Lastly, it is important to note that in addition to the primary instruments constituting the Common European Asylum System (CEAS), there are other pertinent pieces of secondary legislation that were adopted during the initial phase. These regulations, while not formally belonging to the CEAS, are highly relevant in the realm of asylum. Specifically, they encompass the Family Reunification Directive of 2003, the directive on long-term residents of 2003, and the Return Directive of 2008 (European Asylum Support Office, 2016).

Despite being part of the EU's common immigration policy, these instruments are closely interconnected with the EU asylum policy, as mentioned at the beginning of this chapter. This linkage is crucial since the EU asylum policy significantly affects matters concerning residence rights and welfare benefits for refugees and individuals

under subsidiary protection, as well as related policies on family reunification (European Asylum Support Office, 2016).

II.VI The second phase of the CEAS

In 2004, the Hague Program initiated the adoption of instruments and measures pertaining to the second phase of the CEAS, which was scheduled to be implemented by the end of 2010. This demonstrated the EU's ambition to surpass mere minimum standards and instead, aimed to establish a unified asylum procedure with shared guarantees and a standardized status for individuals granted protection. The intention was to further harmonize and strengthen the asylum system across the European Union, moving towards a more cohesive and comprehensive approach to asylum and protection (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323).

In 2007, the Commission introduced a Green Paper aimed at exploring potential options for structuring the second phase of the CEAS (Common European Asylum System). This initiative was followed by an extensive consultation process, which played a significant role in raising relevant issues and offering suggestions that served as the foundation for the formulation of the Policy Plan on Asylum in 2008. This document laid out a comprehensive roadmap for the upcoming years and outlined the measures that the Commission intends to propose to successfully conclude the second phase of the CEAS (Peers, 2013).

The Policy Plan acknowledged the implications of the Lisbon Treaty, specifically, its ratification in 2009 facilitated the explicit incorporation of the previously agreed objectives from Tampere into Article 78 TFEU (Peers, 2014). As stated in the mentioned article: *“The Union shall develop a common policy on asylum, subsidiary protection, and temporary protection with a view to offering appropriate status to any*

third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.” (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community).

Moreover, Article 80 of the Lisbon Treaty explicitly enshrines the principle of solidarity and fair sharing of responsibility, including financial burdens, among Member States (Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community). As a consequence, policies concerning asylum must abide by this principle. Furthermore, the Treaty introduced a substantial alteration in the decision-making process for asylum matters, establishing the co-decision procedure as the standard approach (European Parliament, 2019).

However, it is important to note that, the 2004 Hague Program initially required the adoption of common standards by 2010, but the deadline was extended to 2012 by both the 2008 Policy Plan on Asylum and the 2009 Stockholm Program.

The Stockholm Program defined a five-year political and strategic plan to guide cooperation among EU Member States in the areas of Justice and Home Affairs from 2010 to 2014. The latter set the guidelines for addressing matters related to fundamental rights, privacy, minority rights, vulnerable groups, and EU citizenship. Moreover, it included measures for border-crossing data exchange and Internet surveillance, by prioritizing fundamental freedoms and privacy alongside security in Europe. The Program also tackled issues regarding steps to enhance migration and asylum policies (European Commission, 2009). Additionally, as pointed out by Cini and Pérez-Solórzano Borragán, (2022), the Stockholm Program aimed to finalize the completion of the Common European Asylum System as well as to integrate its objectives into the external policies of the EU. The Program envisioned an expansion

of Europol and proposed various measures to improve police cooperation. Moreover, it aimed to strengthen Frontex, the EU's agency responsible for external border management (Cini and Pérez-Solórzano Borragán, 2022, pp.308–323),

Nevertheless, the second phase of harmonization for the Common European Asylum System was eventually accomplished in mid-2013 (Bauloz et al., 2015, pp.19–35). In this context, decisions were taken to recast many of the legislative measures mentioned earlier. Indeed, in June 2013, the second phase of the CEAS was successfully concluded with the adoption of revised derivative legislation stemming from the aforementioned measures. It is important to note that the Temporary Protection Directive remained unaltered during this process. This outcome marked a significant milestone in the evolution of the CEAS and its efforts to achieve comprehensive harmonization on migration matters.

Instruments of the second phase of CEAS *Date of entry*

<i>Eurodac REGULATION (Recast)</i>	19 July 2013
<i>Dublin Regulation III</i>	19 July 2013
<i>Reception Directive (Recast)</i>	19 July 2013
<i>Qualification Directive (Recast)</i>	9 January 2012
<i>Asylum Procedures Directive (Recast)</i>	19 July 2013

Table 2

Furthermore, the second phase of the Common European Asylum System presented an opportunity to rectify these shortcomings by implementing more robust protection standards (Bauloz et al., 2015, pp.19–35). The initial minimum standards established during the first phase of the CEAS needed to be substituted with uniform and comprehensive standards. Certain instruments have reported enhancements in the treatment of asylum seekers within the EU.

Firstly, the Qualification Directive underwent significant changes. As highlighted by Peers (2013), alterations were made to the general rules regarding qualification for international protection status, encompassing both refugee and subsidiary protection status. Moreover, adjustments were implemented to facilitate a smoother process for individuals to qualify for refugee status, aiming to enhance access to this form of protection. Lastly, the Directive introduced improved standards and provisions for individuals granted subsidiary protection, ensuring a higher level of care and support for this group.

Secondly, significant safeguards were also introduced pertaining to detention in the Recast Reception Conditions Directive. Furthermore, the recast also incorporates enhancements related to access to education and employment for asylum-seekers and individuals with subsidiary protection (Peers, 2013).

Additionally, improvements were made regarding legal counseling and interviews in the Recast Procedures Directive, which now extend to subsidiary protection claims as well. As summarized by Peers (2013), the changes made to the Asylum Procedures Directive encompassed various aspects, including access to the procedure, standards during administrative decision-making, including deadlines, the scope of judicial review, the right to stay on the territory, and standards in special procedures. These changes aimed to simplify the system and reduce the number of exceptions. However,

Member States still possessed considerable flexibility to establish relatively low standards concerning special procedures. Additionally, in certain respects, such as new listings of 'super-safe third countries' and exceptions from the right to legal aid, the standards have been lowered (Peers, 2013).

However, the new Dublin III Regulation, despite the large number of criticism that the Dublin mechanism attracted in the first phase, maintained much of the formulation of the past text (Bauloz et al., 2015, pp.19–35). As pointed out by Peers (2013), despite receiving criticism, a comprehensive overhaul of the Dublin rules was not seriously entertained during the negotiations. In fact, the Commission chose to retain the responsibility rules largely unaltered. The focus of the proposal was directed towards implementing a series of amendments aimed at enhancing the efficiency of the system and elevating the level of protection afforded to asylum-seekers within the Dublin system (Peers, 2013).

With regard to the EURODAC Recast, in addition to the implementation of new data protection standards and extended deadlines, a significant distinction between the first phase and second phase Eurodac Regulation lies in the widened access to the database (Peers, 2013). The second-phase regulation permits national law enforcement agencies and Europol, to access the database. Nonetheless, this particular change has been subject to criticism, as there are concerns that it could potentially contribute to the stigmatization of asylum-seekers and individuals who have crossed an external border without proper authorization (Peers, 2013).

Peers (2013) provided a comprehensive analysis of the new recast instruments, highlighting several key elements. Firstly, if on the one hand these instruments focus on subsidiary protection, aligning with the Commission's original policy plan, on the other there is no mention to specific EU law dealing with vulnerable groups who receive national forms of protection granted by individual Member States (Peers,

2013). In fact, whilst progress has been made in treating refugees and individuals with subsidiary protection equally, it is necessary to highlight that some unjustified differences persist, thereby affecting access to social welfare, the validity of residence permits, and family reunion processes (Peers, 2013).

Secondly, the absence of EU-level rules on the transfer of protection undermines the right of refugees and persons with subsidiary protection who become long-term residents to move between Member States (Peers, 2013). Additionally, according to the Recast of the EURODAC Regulation, law enforcement authorities have access to data on subsidiary protection beneficiaries for three years, even though their first residence permit is valid for only one year. Another incoherence stands when considering the new time limits imposed for granting employment access to asylum-seekers (9 months), which bears no relation to the new time limit for making a decision on applications (6 months).

Lastly, the failure to properly implement the new legislation due to divergences in applying EU rules and ensuring correct implementation is another fundamental issue that, according to the scholar, could be worsened by the new regulations.

However, many of the vulnerabilities thoroughly examined in the present chapter came to the fore during the 2015 European refugee crisis. As it will be further developed in next, some Member States, notably those located in Mediterranean Europe, experienced disproportionately larger waves of displaced populations originating from Turkey and Libya compared to other nations. The event resulted from a combination of factors, such as political unrest and armed conflict in countries like Libya and Syria, alongside economic hardship in certain parts of Africa. As a consequence, the European Union has been compelled to reevaluate and adapt the policies accurately highlighted in this chapter in order respond to this complex challenge.

III. The two crisis (2015-2022)

“I say quite simply: Germany is a strong country. The attitude with which we approach these things has to be: We have done so much; we can do this!”

A. Merkel, 2015 (Wir schaffen das speech)

III.1 The context of the 2015 Refugee crisis

In recent years, migratory fluxes have significantly impacted European Union’s policies. Although the phenomenon of migration and of asylum seeking is not exclusive to Europe, its scale and scope have undergone significant transformations in recent years (Alink, Boin, and T’Hart, 2001). Indeed, as a consequence of the 2015 migratory crisis, the topic has become a fundamental part of the dialogue between EU’s Member States.

The 2015 crisis was triggered by a combination of factors, which include political unrest and armed conflict in countries like Libya and Syria, as well as economic hardship in certain parts of Africa. During the crisis, hundreds of thousands of migrants and refugees made the perilous journey across the Mediterranean Sea to reach the shores of Europe. In fact, many arrived in overcrowded and unsafe boats, leading to a significant number of deaths at sea. This event was described using strong language such as "existential," "biblical," and "political" by various sources (Almustafa, 2021). Many politicians perceived the arrival of asylum seekers on European shores as a threat to national security, cultural identity, and social homogeneity. For instance, the British National Party accused Chancellor Merkel of perpetrating "a genocide against Europeans," while the British Home Secretary at the time, Theresa May, expressed reluctance to assist refugees, considering them to be "the ones who are strong and rich enough to come to Europe" (Almustafa, 2021).

The sheer number of arrivals overwhelmed the Mediterranean countries infrastructure and resources, and the member states struggled to cope with the influx of new arrivals: during the 2015 refugee crisis, approximately 1,015,078 people reached Europe by sea in 2015 according to UNHCR data.

The member states most interested by the migratory flows were those belonging to the Mediterranean areas such as Greece, Italy and Spain. More in particular, Greece recorded the highest number of refugees, with over 844,176 arrivals. In addition, the number of asylum seekers who arrived in Italy was 152,700, while the total number of arrivals in Spain was 3,592. The event marked a discontinuity between the past and the future of the Union, contributing to the redefinition of the European asylum system. In their article titled "Refugee crisis" or crisis of European migration policies?" (2015), Manuela Bojadžijev and Sandro Mezzadra examined the origins of the crisis and its subsequent politicization. The authors argue that this phenomenon initially unfolded along the Mediterranean coastline, particularly on a beach near Bodrum, Turkey, where a Turkish journalist captured a photograph depicting the lifeless body of a Syrian Kurdish child on 3 September. Alan Kurdi, a young boy, tragically drowned on 2 September 2015 in the Mediterranean Sea alongside his mother and brother. Alan and his family were Syrian refugees who embarked on the perilous journey from Turkey in an attempt to reach Europe (BBC, 2015). François Hollande, French President at the time, made a phone call to President Erdogan of Turkey regarding the distressing images of the drowned Syrian boy, emphasizing the need for a unified European Union refugee policy in response to the refugee crisis: *"If the picture went viral around the world, it must also get a round of responsibilities... I think about all the victims that are never photographed, and the future victims if we do nothing...I believe that today what exists is no longer enough, so, we will need to go further"* (Daily Sabah, 2015). The telephone conversation highlights the profound implications

of the tragic event and points out the pressing appeal for heightened collaboration among European Union member states to navigate the complexities of the refugee crisis systematically and effectively.

Moreover, Alan Kurdi's photo provoked a strong reaction in civil society in 2015. An illustrative case in point is exemplified through the narrative of Oscar Camps, the founder of the non-profit organization Open Arms. Prompted by the poignant image of Alan Kurdi, Camps made a transformative decision to relinquish his role as a lifeguard along the shores of Barcelona and instead venture to Lesbos (Merli, 2021).

Furthermore, Bojadžijev and Mezzadra (2015) identified another significant event during the refugee crisis. The mentioned occurred on September 4, the day after the tragic incident involving Alan Kurdi. That day, thousands of migrants and refugees marched from Budapest to Vienna. In this regard, the authors argue that this march marked the true onset of the "crisis" in a governmental sense. Indeed, the march brought about a significant shift in the geographic focal point of the crisis, displacing it from the Mediterranean to the heart of Europe. It also showcased the active agency and determination of the migrants and refugees, who articulated their demands in an explicitly political manner. One widely circulated photograph captured during the march depicted a man leading the procession while carrying the flag of the European Union. Moreover, the march served as a catalyst for the emergence and proliferation of a vast network of solidarity with migrants and refugees. It challenged the perception of countries like Hungary, often criticized for their democracy-related issues, by highlighting the existence of a significant support system.

Nevertheless, this incident was not the first, a significant and sorrowful maritime disaster had already captured the focus of European nations in 2013, prompting actions within their own borders. More in particular, the deaths of over 350 migrants in the 2013 sinking of a smuggling vessel off the Italian island of Lampedusa prompted the

EU to set up search-and-rescue operations (Lloyd-Damnjanovic, 2020). The event led to the implementation of Operation “Mare Nostrum”, Italian-led SAR program aimed at decreasing the number of deaths at sea. Conducted as a maritime security endeavor involving units from the Italian Navy and Air Force, Mare Nostrum encompassed a vast area of 70,000 square kilometers in the Mediterranean, strategically encompassing regions adjacent to the Libyan coastline. The operation was equipped with an array of resources, including two submarines, coastal radar technology, infrared-capable helicopters, drones, and a workforce of 900 personnel. Remarkably effective, Mare Nostrum significantly reduced fatalities at sea, successfully rescuing approximately 156,400 individuals over its one-year duration. Additionally, the operation excelled in detecting and apprehending human smugglers; it led to the arrest of over 350 smugglers and the seizure of nine vessels (Lloyd-Damnjanovic, 2020). However, the strategy was ultimately discarded due to the exorbitant expenses and growing opposition in the country, as extensively elaborated by Camilli (2019).

III.II The European response to the 2015 migration crisis: The Agenda for Migration

Following the peak of the migration crisis in 2015, the EU has taken steps to enhance its management of external borders and the movement of migrants. The initiatives originally proposed by the new elected Juncker Commission in 2014 for a new migration policy faced significant challenges due to the influx of migrants following heightened tensions in North Africa. Initially introduced within the Guidelines for the new European Commission in 2014, the project aimed to position the EU as an attractive migration destination similar to Australia, Canada, or the United (European Parliamentary Research Service, 2014). More in particular, priority point number 8 of

Jean-Claude Juncker's political guidelines encompassed several objectives. Firstly, the comprehensive implementation of the recently ratified common asylum system was put forward, entailing the rectification of divergences in its national execution. An exploration into the potential role of the European Asylum Support Office in providing assistance to third countries and Member States' authorities during refugee and asylum crises was undertaken. Secondly, a concerted effort was directed towards the advancement of a fresh European policy concerning legal migration. This strategic approach aimed to address specific skill deficits and navigate demographic challenges. As an initial step, a comprehensive evaluation of the 'Blue Card' legislation and its prevailing state of insufficient implementation was initiated. Thirdly, a more robust approach to managing irregular migration materialized, characterized by enhanced collaboration with third countries and an emphasis on readmission protocols. Fourthly, the appointment of a Commissioner vested with special responsibility for migration was realized. Lastly, an endeavor to fortify Europe's borders was undertaken. This encompassed the strengthening of operational capabilities of the European border agency, Frontex.

However, the key cornerstone of the European strategy is embodied in the European Agenda on Migration, a pivotal initiative launched by the European Commission on May 13, 2015. The Agenda represented a comprehensive framework designed to enhance migration management across all facets. Moreover, it outlines vital priorities concerning migration, asylum, and border policies for the upcoming years (European Commission, 2015).

The significance of the plan became evident during the press conference that unveiled the agenda to the public, which commenced with an address by First Vice-President Timmermans, followed by HR/VP Mogherini, and subsequently, Commissioner for

Migration, Home Affairs, and Citizenship, Avramopoulos (Carrera, Blockmans and Gros, 2015).

Furthermore, the Agenda highlighted a series of short-term policy measures for the European Union, encompassing several proposals. Firstly, the introduction of a temporary and emergency-based relocation mechanism, aimed at assisting member states facing higher influxes of asylum-seekers within the EU, such as Italy and Greece. This would be guided by a novel redistribution key criterion, responsible for assessing asylum applications. As articulated in the Agenda text, the provisional measure represents an initial step toward an enduring resolution. In this context, it advocated for the establishment of a permanent framework aimed at apportioning responsibility among member states concerning the considerable volume of refugees and asylum seekers. To this effect, the European Commission put forth a proposition to introduce a legislative initiative by the year 2015, which would establish a mandatory redistribution mechanism with automatic activation. This mechanism would facilitate the equitable allocation of individuals with evident requirements for international protection across the European Union in the event of a substantial influx.

Secondly, the proposal involved the resettlement for 20,000 refugees originating from outside the EU. To facilitate this effort, an additional budget of €50 million for the years 2015-16 was earmarked. Thirdly, a substantial reinforcement of the capabilities and financial resources allocated to the EU External Border Agency (Frontex) was proposed. This initiative would particularly focus on amplifying joint border control and surveillance operations in the Mediterranean region, to the operation 'Triton' and 'Poseidon'.

Fourthly, in recognition of the challenges faced by frontline EU member states, a reinforcement of emergency funding by €60 million was suggested. Alongside, the introduction of a new 'hotspot approach' was outlined, wherein EU agencies including

Frontex, Europol, and the European Asylum Support Office (EASO) would collaborate on-site to aid frontline states in the registration, identification, and fingerprinting of migrants.

Fifthly, to combat the smuggling of migrants via maritime routes, a reinforcement of Europol's collaborative maritime information efforts in the Mediterranean was recommended. Moreover, the Agenda proposed the establishment of a Common Security and Defence Policy (CSDP) Operation in the Mediterranean. This operation would be dedicated to dismantling the networks of traffickers and the operational model of smugglers. Its objectives encompassed the identification, capture, and destruction of vessels employed by smugglers.

Lastly, the strategic response to the crisis subsequently entailed the formulation of a collaborative framework with third nations aimed at preemptively addressing migratory movements within regions of origin and transit. In this context, the European Commission and the European External Action Service (EEAS) proffered a comprehensive plan for engagement with partner countries, centered upon the operationalization of tangible measures to obviate hazardous migration trajectories. These delineated actions predominantly encompass three pivotal facets.

Primarily, the European Union (EU) committed itself to an increase in the provision of aid to countries experiencing massive refugee inflows, notably those situated within North Africa, the Horn of Africa, and the Middle East. Secondly, a multifaceted pilot center was set for establishment in Niger' by the end of 2015. The center was to be designed as a network of dissemination of pertinent information, localized protection mechanisms, and avenues for resettlement to individuals necessitating such provisions. Analogous establishments in countries of provenance or transit shall be proficient in proffering prospective migrants an accurate apprehension of the prospect's attendant to a prosperous voyage, while concurrently presenting facilitated

channels for voluntary repatriation to irregular migrants. As a third point, migration management will be incorporated as a distinct element within ongoing missions of the common security and defense policy in nations like Niger and Mali, with an enhanced emphasis on bolstering border management capabilities.

These actions will be intertwined with comprehensive political strategies aimed at fostering stability, with a special emphasis on the situation in Libya. Furthermore, the Agenda further planned commitment towards stabilizing and promoting development both within the nation itself and in support of Syrian refugees situated in countries such as Lebanon, Jordan, Turkey, and Iraq. Additionally, the proposal underscores a deliberate focus on Eastern partners, the Western Balkans, and Asia, achieved through the facilitation of existing cooperative frameworks.

The new ambitious plan was also characterized by four long-term key pillars. The first aimed at reducing incentives for irregular migration, whilst the second focused on effective border management to ensure both the preservation of lives and the security of external borders. Moreover, the third pillar emphasized Europe's duty to provide strong protection through a unified asylum policy. Lastly, the fourth pillar addressed a novel approach to tackle legal migration.

In addition, at the EU-Africa summit in Valletta in November 2015, economic assistance for regional development was created through the establishment of the EU Emergency Trust Fund for Africa (EUTF). The stated objective of this fund is to address the root causes of irregular migration and contribute to better management of migration flows. The Trust Fund targets 26 countries divided into 3 regions: Sahel/Lake Chad, Horn of Africa and North Africa. The EUTF, which has projects worth €253 million in Niger, has supported anti-smuggling efforts by training border personnel and offering small business projects to former smugglers as a livelihood alternative. At the Summit of La Valletta, a comprehensive action plan has been

collectively devised, with a strategic focus on addressing the foundational causes underpinning irregular migration and the involuntary displacement of individuals; the enhancement of initiatives that promote and organize legal channels for migration; increase of protection mechanisms for migrants and asylum seekers; combat the insidious practices of migrant exploitation and human trafficking. Furthermore, by recognizing the complexities surrounding migrant return and reintegration, the action plan places a substantial emphasis on fostering greater collaboration among involved parties. This includes coordinated efforts to facilitate the return of migrants to their countries of origin, promote effective readmission processes, and ensure successful reintegration through comprehensive support systems.

The Agenda of 2015 faced substantial criticism from non-governmental organizations (NGOs) as well as academics, including ECRE (2015), Amnesty International (2015), and SOLIDAR (2015). SOLIDAR pointed out that the paper seemed to validate the EU leaders' inclination to prioritize border restrictions above the welfare of those in search of refuge, so advancing the reinforcement of the Fortress Europe's strategy (SOLIDAR, 2015). In addition, the Commission has faced criticism from Amnesty International for its failure to address the need of establishing a search and rescue operation under the European Union, with the aim of preventing more fatalities at sea subsequent to the termination of Italy's Operation Mare Nostrum (Amnesty International, 2015) (European Council on Refugees & Exiles, 2020).

The goal of the mentioned relocation scheme was to transfer up to 160,000 refugees from Greece and Italy to other EU nations. Under the program, the EU aimed to relocate up to 160,000 refugees from these two countries to other EU member states. The program was based on a mandatory quota system, which required each EU member state to accept a certain number of refugees based on its size, wealth, and other factors. The system was designed to ensure a fair distribution of the refugee

burden among EU member states. However, the program faced significant challenges and was only partially successful. In fact, many member states were reluctant to accept refugees, and some refused to participate in the program altogether. This led to delays in the relocation process and a backlog of refugees in Greece and Italy. The Relocation and Resettlement proposal was met with several criticisms and harsh comments. In 2015, the President of the Republicans and former French President, Nicolas Sarkozy, drew a comparison between the EU migrant plan and "*patching up a leaking pipe by spreading water throughout the house while ignoring the leak*" (Samuel, 2015). Moreover, Sarkozy expressed disapproval of Merkel's choice to permit tens of thousands of individuals to enter Germany, arguing that it would result in even more people migrating to Europe, with a sizable proportion "inevitably" ending up in France due to the EU's open-border policies and the welfare system in France (Samuel, 2015). In the end, within the Relocation Program, only around 34,000 refugees were relocated under the program, far short of the original target of 160,000. Despite its limitations, the program did help to provide some relief for Greece and Italy, which were struggling to cope with the large numbers of refugees arriving on their shores. As mentioned, in addition to the relocation program, the EU also launched a separate resettlement program aimed at bringing in refugees directly from conflict zones outside Europe. This program was also based on a quota system and aimed to resettle up to 22,500 refugees in EU member states. However, the program was also only partially successful, with only around 18,000 refugees being resettled by the end of 2017.

Italy, Germany, France, Austria, the Netherlands and Sweden still took the majority of the refugees within their jurisdictions, comprehending of a total of 90% in 2017, while 18 other members just took in 5% of the total of the same year (UNHCR, 2020). Members' migration policies have been guided exclusively by the differentiation between irregular and regular migrants, therefore placing many asylum seekers under

the umbrella definition of irregular migrant. Because they were treated as such, many have been detained or even deported. Another contentious kind of classification of border control practices of refugees has been the one of country of origin and citizenship. Data from Eurostat in 2019 demonstrated that positive judgements on refugee statuses in the EU have been mainly circumscribed to a limited number of nationalities. Notably, asylum seekers from Syria, Afghanistan, Iraq and Eritrea have been granted international migration in the majority of cases. Nevertheless, these same nationalities have also been targeted by a high number of deportation operations towards them (Brandariz, & Fernández-Bessa, 2020).

For what concerns the other Member States, which did not allow for a proportional relocation of refugee quotas, the so-called Visegrad Four countries (Czech Republic, Hungary, Poland and Slovakia) stand out in this respect. Furthermore, the group represent the most prominent objectors to the homogenization of immigration and asylum policies within the Union. With the EU Council's authorization of mandatory relocation quotas of refugees placed both in Greece and in Italy following the 2015 migratory crisis and a Commission's proposal on the matter (European Commission, 2015b), some of them went as far as to challenge this European policy. In fact, Hungary and Slovakia challenged the quota in front of the European Court of Justice (ECJ) demanding its annulment. Nevertheless, the Court rejected their case and upheld EU's right to mandate Member States to take in refugees in September 2017 (Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council, [2017]). The mandatory quota entailed that countries such as France and Germany had to receive 20 and 15 percent of refugees, while countries such as the Visegrad Four were only due to take in around 3,000 migrants between them. In the end, Slovakia accepted 16, the Czech Republic 12 and Hungary and Poland none (Martin, 2017). Most notably, the Hungarian Prime Minister Victor Orbán was the most outspoken opponent of any

refugee deal between Member States even summoning a national referendum in September 2016 to stop refugees to be relocated in the country. In the end, because of several Member States' reservations on the contents of the proposal, the Commission later withdrew it on 21 June 2019 (Kirkhope, 2023).

At the same time, the southern and border countries like Greece, Italy, Spain, Cyprus and Malta, which were notably the ones at the forefront of the 2015 crisis and asking for the relocation of the refugees' quotas, are the most hindered by the lack of cooperation between, therefore further developing resentment on the migration issue and the strengthening of border checks and procedures that impair the compliance of refugees and migrants' human rights.

III.III The European response to the 2015 migration crisis: Externalization measures

In this context, it can be contended that the European Union's combined response was characterized by a sense of restriction, marked by heightened border controls and security measures. Furthermore, distrust deepened between countries seeking assistance and those hesitant to provide it.

As a consequence, there has been a noticeable deterioration in the rapport among Member States, which aimed to establish a cohesive and inclusive approach to migration policy or clearly defined strategies concerning migrants from third countries. The escalation of this phenomenon was notably intensified by the proliferation of populist movements across Europe, primarily centering their electoral strategies on employing migrants as political targets and demonizing inclusive migration policies. Moreover, in this context, as briefly mentioned above, the EU has taken steps to manage external borders and migration flows, including border externalization (Frelick, Kysel and Podkul, 2016). The concept of externalization of migration control

pertains to the endeavors of states to obstruct the entry or lawful acceptance of migrants, including those seeking asylum, without a thorough assessment of the legitimacy of their claims for protection. The latter involves various forms of action, including unilateral, bilateral, and multilateral engagements, and it may also include the assistance of private actors. The actions taken may range from direct methods such as interdiction and preventive policies to more indirect approaches, such as supporting security or migration management practices in third countries (Frelick, Kysel and Podkul, 2016). As a result, a transition can be observed from a decentralized framework of national rescue operations to a focal point on border management (Carrera, Blockmans and Gros, 2015).

As it was previously outlined, with the establishment of the Schengen area of free movement, the EU has been juxtaposing the opening of its internal borders between Member States and the stiffening of its external ones. The latter aspect is also criticized extensively by Campesi (2022), that pointed out that European mobility governance is characterized by the free movement of its citizens, which in turn is made possible by the control of border authorities of those not allowed to enter it.

At the same time, the Schengen system, as elaborated in the previous chapter of the present work, whilst allowing freedom of movement within the area, it made possible the implementation of additional security measures especially at its external borders. It is upon this foundation that the actions taken in response to the situation should be examined. More specifically, the European Union placed emphasis on two main strategies, notably the establishment of EU specialized agencies and the negotiation of international agreements addressing migration issues with third countries. Among them, the most relevant ones have been the European Union Agency for Asylum and Frontex. Previously denominated European Asylum Support Office (EASO), now transformed into the European Union Agency for Asylum (EUAA), the EUAA was

created in 2010 to enhance Member States' cooperation in administering asylum requests. Since the humanitarian crisis of refugees of 2015, the EUAA, obtained an increasing operational role.

On the other hand, founded in 2004 under the name European Agency for the Management of Operational Cooperation at the External Borders, Frontex was initially tasked with coordinating border control among Member States, fostering the exchange of intelligence, and aiding in the repatriation of third-country nationals who entered the bloc without proper authorization. Operation Triton was launched by Frontex in 2014, and it focused primarily on border surveillance and law enforcement. Indeed, when compared with the previous Mare Nostrum Operation, Triton had restricted ability to conduct search-and-rescue operations. In fact, as declared by Fabrice Leggeri in 2015 (Frontex Director until 2022), Triton was not intended to replace Mare Nostrum (Lloyd-Damnjanovic, 2020). Moreover, he stated that SAR operations were not within Frontex's mandate, nor within the mandate of the EU (Lloyd-Damnjanovic, 2020). Following another two maritime disasters during April 2015, Triton's operational scope was enhanced (Carrera, Blockmans and Gros, 2015). Concurrently, the European Union inaugurated a comprehensive military endeavor named the European Union Naval Force Mediterranean (EU-NavFOR Med), commonly referred to as Operation Sophia, with the primary objective of tackling trafficking and smuggling with greater efficacy (Carrera, Blockmans and Gros, 2015).

In December 2015, during the peak of the migration and refugee crisis, the European Commission put forth a proposal to expand Frontex's scope, envisaging its responsibility for the comprehensive management of the European Union's borders and granting it executive authorities akin to those held by national border agencies. Therefore, in 2016, Frontex was nominated the European Border and Coast Guard Agency as part of the broader response to the 2015 European migrant crisis. In this

regard, many scholars expressed concern regarding the agency's accountability in cases of human rights violations occurring in remote locations like high seas, during joint return flights, and within third-country detention centers.

In this regard, it is crucial to highlight that, before 2016 Frontex was limited to supporting functions to the Member States at the Union's borders, such as technical aid and provision of useful information for the supervision of the frontiers. Moreover, via the latest reform of 2019 (EUR-Lex, 2019), and the enforcement of the Border and Coast Guard, Frontex duties have since been strengthened. In fact, the Border and Coast Guard has been fundamental for managing return operations and supporting forced repatriation of irregular migrants in the UE.

The absence of a unified response, stemming from the principle of solidarity, necessitated the pursuit of these objectives through the external endeavors of the European Union. Third-country agreements constitute a pivotal element within the framework of interactions between the European Union and third nations, which serve as either the source or transit points for migrants. The efficacy and commitment of stakeholders in engaging collaboratively to manage migration, particularly through the effective prevention of irregular migration, significantly shape these relationships. More in particular, the approach of Frontex heavily relied upon the cooperation of third countries or their agencies. In this regard, in 2002, the European Commission first explicitly integrated in a Communication the link between migration issues and the EU's relations with third countries (European Commission, 2002). One of the key policies was the transferal of refugee's protection functions to neighboring or third countries of origin. This meant techniques of border control and capacity-building of centers for migration and asylum management. Moreover, the procedures of return of dismissed asylum seekers were intensified and facilitated through the creation of international agreements on readmission between the EU and these countries (Boswell,

2003). Therefore, the main aim of these externalization agreements has been the prevention of third-country citizens flow, whether it be asylum seekers or economic migrants. These projects implemented by these agreements are also executed unilaterally by some Member States alone through bilateral agreements.

Nevertheless, the non-EU countries engaging in cooperation, facilitated by these agreements, and receiving funding, frequently consist of governments with authoritarian tendencies. More in particular, these governments are often considered to be responsible for violations of human rights, compelling individuals to seek refuge by fleeing their own homelands. Notable examples of such countries encompass Libya, Niger, Turkey, Chad, Belarus, and Niger.

The externalized border mechanism implemented by the EU in Turkey serves as a noteworthy illustration of the aforementioned elements. In 2015, the European Commission introduced the Joint Action Plan in collaboration with Turkey, to effectively stem the substantial influx of irregular crossings originating from Turkey to the Greek island of Lesbos. In fact, by October 2015, the count of irregular arrivals from Turkey to the Greek islands had surpassed the significant milestone of half a million (BBC, 2015b). With Greece's inability to ensure applicants for protection a level of compatibility with the fundamental rights' minimum standards, it became imperative to establish an intensified discourse with Turkey to collectively address the pressing situation. The EU necessitated a collaborative effort aimed at effectively addressing the emergency through close and concerted cooperation.

These actions were then followed by important developments in 2016, more in particular, the European Union unveiled an agreement with Turkey that entailed preventing unauthorized migrants from entering the EU in return for financial compensation and the relaxation of the visa requirements for Turkish citizens (European Council, 2016). The EU and Turkey reached a comprehensive agreement

that encompassed several key provisions. Firstly, starting from 20 March 2016, any new irregular migrants crossing from Turkey to the Greek islands would be promptly returned to Turkey. Additionally, a balanced one-for-one resettlement framework was established, stipulating that for each Syrian returned to Turkey, another Syrian would be resettled within the EU. Turkey committed to taking necessary measures to prevent the emergence of new irregular migration routes to the EU via its territory. A Voluntary Humanitarian Admission Scheme would come into effect once irregular crossings between Turkey and the EU were significantly reduced. Furthermore, accelerated efforts were undertaken to expedite visa liberalization for Turkish citizens, with the aim of lifting visa requirements by the end of June 2016, contingent upon Turkey's fulfillment of stipulated criteria. Financially, the EU pledged to expedite disbursement of the initial €3 billion allocated for the Facility for Refugees in Turkey, with the possibility of an additional €3 billion by the end of 2018. Collaboration on upgrading the Customs Union was acknowledged, while the accession process would be re-energized, including the opening of Chapter 33 during the Dutch Presidency, with preparations for other chapters proceeding at an accelerated pace. Lastly, both parties committed to jointly improving humanitarian conditions within Syria (Perchoc, 2019). As a reciprocal arrangement, alongside the initial disbursement of the allocated EUR 3 billion through the refugee instrument, Turkey secured a tangible acceleration of the visa liberalization roadmap encompassing all participating Member States. This acceleration aimed to eliminate visa requirements for Turkish citizens by no later than the end of June 2016, subject to the fulfillment of all stipulated benchmarks. Notably, the prospect of Turkey's accession to the European Union was also outlined. In fact, since the Joint Declaration of 29 November 2015, both the EU and Turkey reaffirmed their dedication to promptly revitalize the suspended process of Turkey's accession to the European Union, which had been dormant for an extended period (European

Council, 2016). It is important to highlight that the EU-Turkey deal signified a crucial juncture in the European Union's approach to the migration crisis, signifying the moment when European leaders overtly embarked on actions beyond their own borders (Buttapietra, 2019).

Another noteworthy development within the framework of externalization practices pertains to the 2017 Libya-Italy memorandum. This memorandum, inked at the Italian Prime Minister's Office in Rome, signifies the culmination of negotiations instigated by the Italian government and led by Interior Minister Marco Minniti. The Italian Prime Minister Paolo Gentiloni and the Head of the Government of National Reconciliation of the State of Libya, recognized by the European Union and Italy, Fayez Mustapa Serraj both agreed to deal with the emergency represented by the landings on Italian shores of citizens from Libya. The resulting agreement, spanning a three-year duration, initially envisaged an implicit potential for renewal beyond its initial term. More in particular, the agreement was officially aimed at stabilizing the country, combating human trafficking, and cooperating against terrorism. The text further emphasizes the desire to put an end to deaths at sea and hopeful voyages run by human traffickers.

The preface outlines the diverse aims of the memorandum, situating it within the continuum of agreements previously established between Italy and Libya. These agreements are deemed instrumental for implementing the commitments undertaken between the parties. Notably, this includes the Treaty of Friendship, Partnership, and Cooperation, signed in Benghazi on 30 August 2008, as well as the 2012 Tripoli Declaration. Indeed, certain fundamental principles enshrined in these earlier agreements are reasserted, particularly those pertaining to the sovereignty, independence, territorial integrity, and unity of Libya, in conjunction with the principle of non-interference in internal affairs (Memorandum d'intesa sulla cooperazione nel

campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana).

The Memorandum comprises a total of eight articles, delineating Italy's commitment to extend support for growth-oriented initiatives in regions contending with the impact of unauthorized migration. Such assistance is projected to encompass a diverse array of sectors, notably including but not limited to renewable energy, infrastructure development, healthcare provisioning, transportation networks, human resource capacity building, educational advancements, workforce training, and scientific exploration. Furthermore, the Italian counterpart has proffered a proposition to furnish technical and technological aid to the Libyan entities tasked with addressing the issue of irregular immigration. These entities are principally represented by the border and coastal defense units operating under the purview of the Ministry of Defence, in conjunction with the pertinent organs and divisions functioning within the Ministry of the Interior. Additionally, the Memorandum outlines provisions for Italian financial support aimed at bolstering Libyan reception centers. This support extends to the training of Libyan personnel stationed within these designated reception centers, equipping them with the necessary skills to manage the challenges posed by illegal migrants. The memorandum further extends its assistance to Libyan quest centers engaged in this domain. These collaborative efforts are geared towards enhancing the capacity of such centers to actively participate in identifying optimal strategies for addressing the pressing issues of illegal migration and human trafficking.

This agreement is situated within the broader context of the European Union's externalization strategy for border management, however highlighting the significance of bilateral efforts among European nations. The endorsement of the Memorandum gained traction during the Malta Summit of February 2017, as stated by the Malta

Declaration of the European Council, which delved into the external dimensions of migration. Member states displayed their backing for the Memorandum of Understanding and affirmed their willingness to assist Italy in its effective execution (European Council, 2017).

III.IV The European response to the 2015 migration crisis: The external dimension of migration

Following the implementation of the Migration Agenda and the EU-Turkey agreement, the European Union proceeded with its trajectory of externalization, culminating in the establishment of the Migration Partnership Framework (MPF) in 2016 (Buttapietra, 2019). The Commission introduced the MPF as a mechanism intended to contribute to crisis resolution by delivering prompt and quantifiable outcomes, thereby redirecting attention towards the African context in alignment with the guidance outlined by the aforementioned Valletta Summit (Buttapietra, 2019). In this regard, it is crucial to highlight that, the MPF, constitutes an integral component of a comprehensive array of recent EU initiatives aimed at addressing migration challenges in Africa, encompassing various strategic measures, including the 2015 European Agenda on Migration, the Valletta Summit, and the corresponding Valletta Action Plan, as well as the establishment of the EU Trust Fund for Africa (EUTF). Additionally, the EU has entered into pivotal agreements such as the Common Agenda on Migration and Mobility (CAMM) with nations like Ethiopia and Nigeria. Moreover, it is imperative to contextualize the MPF within the backdrop of the EU's longstanding engagement with Africa in matters concerning migration. This involvement encompasses initiatives such as the EU-Africa Migration and Mobility Dialogue (MMD), which has fostered ongoing discussions and collaboration. Furthermore, the regional processes

in Rabat and Khartoum have been instrumental avenues through which the EU and African nations have cooperatively navigated the complex terrain of migration management and cooperation. Overall, it follows that the main purpose of the MPF is to consolidate prior initiatives previously mentioned in this work.

The MPF comprises both short-term and long-term actions. The initial group encompasses measures aimed at increasing the return of irregular migrants and dismantling networks of traffickers and smugglers. Secondly, the latter set is aimed at supporting development in third countries. However, it should be emphasized that the overarching objective is to decrease the influx of migrants into the EU.

More in particular, these partnerships represent a dynamic mix of political, humanitarian, and security interactions envisioned by both the European Union and its constituent MS. These engagements, the so-called “compacts”, are meticulously tailored to suit the circumstances of each country. Moreover, they exhibit emphasis evolving in tandem with shifting contextual dynamics or alterations in the level of collaborative actions. This adaptive approach underscores the nuanced nature of these partnerships, which remain attuned to the fluidity of external conditions and the evolving nature of cooperative efforts.

Nonetheless, according to the analysis put forth by Castillejo (2017), the Migration Partnership Framework diverges in its tone, operational philosophy, and incentive structure from previous EU migration initiatives such as the Valletta Action Plan. These differences underline a distinctive evolution in the European Union's migration strategies, indicating a shift towards a more transactional, incentive-based, and nuanced engagement approach. Furthermore, the MPF was addressed to countries of origin and transit, namely Mali, Nigeria, Niger, Senegal, and Ethiopia (European Commission, 2016b). In the priority countries, key activities comprehend political dialogue involving the European Union and its member states, facilitated by the

presence of dedicated European migration liaison officers within EU delegations. Moreover, financial commitments and programming efforts from the EU highlight were set up, as well as security support through the existing Common Security and Defence Policy (CSDP) missions and operations. Furthermore, EU agency engagement in partner nations has been reinforced, with notable involvement of Frontex and EUROPOL. A notable dimension of innovation is evident through the development of advanced IT solutions tailored to streamline migration management processes. Overall, these activities collectively reflect a comprehensive and multifaceted approach aimed at enhancing migration governance within the designated priority countries. The financial assistance for the project was set to be provided by the EUTF. However, the MPF priority countries also would benefit from other sources of funding, as well as migration-related assistance from member states, such as the investments provided by the European External Investment Plan (EIP). In particular, the EU has recognized Niger as a crucial point for migration flows to the Mediterranean. In this regard, targeted actions have been taken toward the city of Agadez, known as the "gateway to Africa," which connects the western region of the continent to the Sahara. At the Summit, European and African leaders made a commitment to enhance their collaboration with the aim of enhancing the control of migration streams. Their accord centered around five fundamental spheres: tackling the fundamental drivers of migration, instituting lawful migration avenues, safeguarding migrants and individuals seeking asylum during their journeys, countering human trafficking, and cooperating on the repatriation and reacceptance of migrants (European Council, 2015).

Furthermore, in Niger, the EU is involved on the ground in actions of implementation of civilian missions to impede migratory movements. Commencing in 2012, the EUCAP Sahel Niger has been dedicated to assisting the authorities of Niger in

enhancing their capabilities to counteract terrorism, combat organized crime, and, since 2015, address irregular migration.

However, analysts have raised significant controversy surrounding the Migration Partnership Framework (MPF), with various aspects drawing particular scrutiny. Castillejo's study (2017) delves into these contentious dimensions, shedding light on the veiled tensions and discord that exist among EU member states concerning the migration partnership approach. These tensions stem from their divergent interests in migration matters and the distinct nature of their relationships with African partner nations. Furthermore, the study underscores disparities within EU institutions, with certain entities staunchly advocating for the MPF strategy, while others raise questions about its pronounced emphasis on returns and border control.

A particularly noteworthy aspect of contention revolves around the employment of positive and negative incentives to secure partner collaboration in accordance with the EU's migration agenda. This approach has sparked criticism, as it is perceived as potentially undermining the core principles of the EU, specifically in terms of development aid and human rights. Castillejo's analysis highlights that the utilization of reduced migration as a central tenet of development assistance, coupled with the selective targeting of aid based on migration rather than poverty indicators, and the explicit wielding of development aid as both a reward and a punitive measure to elicit partner cooperation, deviates from established norms of sound development practices. As it will be further developed, this response and the measures put in place by the EU stand in stark contrast to the ones relative to Ukrainian refugees following the Ukraine's war that blew out in 2022.

III.V Attempts to reform

On April 6th, 2016, within the document titled "Communication from the Commission to the European Parliament and the Council: A Reformation of the CEAS and Advancement of Legal Pathways to Europe," the Commission clarified its objectives in the area of Migration and Asylum. Specifically, the aim was to transition away from a system that unfairly burdened certain Member States and fostered unregulated and irregular migration patterns. Instead, the goal was to establish a more equitable framework that offers structured and safe routes to the European Union for third-country nationals seeking protection or capable of contributing to the EU's economic progress. In this context, the Commission called for the establishment of a strong and efficient mechanism for managing sustainable migration in the future, which would be founded upon the principles of accountability and unity (European Commission, 2016). A significant aspect of the document pertains to the Commission's explicit recognition of deficiencies inherent in the configuration and execution of the prevailing system, most notably the 'Dublin' arrangements. More specifically, particular attention was directed towards the observation that the considerable influx of migrants and asylum seekers stemming from the Refugee crisis of 2015 has exerted substantial pressure upon both the asylum mechanisms of individual Member States and the foundational framework of the Comprehensive European Asylum System at large. As stated by the Commission: "*The Dublin system was not designed to ensure a sustainable sharing of responsibility for asylum applicants across the EU, a shortcoming that has been highlighted by the current crisis. The main criterion in practice for allocating responsibility for asylum claims is irregular entry through one Member State's territory*" (European Commission, 2016).

It was in this context that, the Commission called for the imperative reform of the CEAS. More in particular, five different policy priorities to address the shortcomings of

this system were presented. First, the document explicitly states the need to amend the Dublin III Regulation, with the aim of establishing a more valid mechanism capable of rapidly determining the Member State responsible for processing international safeguard requests, as well as fairly distributing obligations among states in the event of significant volumes of asylum seekers. Secondly, the amendment of the Regulation was to be supplemented by a revision of the Eurodac system, with the aim of bringing it into line with the changes introduced in the Dublin III regulation. Thirdly, the necessity to attain alignment within the EU asylum system was addressed. In this regard, further harmonization of the regulations within the Common European Asylum System are deemed crucial in order to ensure equitable treatment across the entirety of the EU, therefore mitigating unwarranted incentives for migration towards the EU. In this regard, the Commission proposed the introduction of a novel Regulation for a unified asylum procedure throughout the EU, amending the current Asylum Procedures Directive. Additionally, there will be the introduction of a new Qualification Regulation, with focused refinements to the Reception Conditions Directive. Furthermore, to avoid the dynamic of secondary movements within the EU, the Commission planned to incorporate new procedural measures into its propositions within the newly drafted Asylum Procedures and Qualification Regulations, as well as the Reception Conditions Directive, as to discourage and penalize irregular transfers. Lastly, in the document, a brand-new mandate for the EU's Asylum Agency was envisioned, encompassing both a novel role in policy implementation and a fortified operational capacity.

In light of the goals outlined in the communication, the Commission proposed the reforms outlined in two policy packages in May and July of that year. The first, presented on May 4, 2016, contained proposals for a Dublin IV regulation, a recast of the Eurodac Regulation, and a Regulation to transform the EASO into the European

Union Asylum Agency. Moreover, the second, presented on July 13, 2016, containing proposals to reform the Reception, Qualification and Procedures Directives.

Following amendments made by Parliament, the reform of the Dublin III encountered a significant impasse during discussions within the Council. Bulgaria, having the EU Council presidency during that period, engaged in prolonged efforts to broker a compromise between the version of the reform approved by Parliament and the positions held by the MS most resistant to change (European Parliament, 2023). The failure to reach an agreement on the proposed compromise, as suggested by the Bulgarian presidency, highlighted the inability of member states to find common ground on the matter of Dublin IV. This effectively brought the reform initiative initiated in 2016 to a standstill (European Parliament, 2023). In conclusion, the Council was unable to achieve consensus regarding the revision of both the Dublin Regulation and the Asylum Procedures Regulations. However, the sole reform proposition within the Common European Asylum System (CEAS) that has been successfully enacted as law up to this point is the 2021 regulation pertaining to the EU Agency for Asylum (EUAA).

Followingly, in May 2020, the recently established Von der Leyen Commission disclosed its intentions to introduce the New Pact on Migration and Asylum (European Commission, 2023). In light of the critical issues that emerged from the 2015-2016 refugee crisis, it was therefore necessary to establish a new and lasting European framework.

Vice-President Schinas, commenting on the New Pact on Migration and Asylum, stated that: *“We made this mistake in 2016, when the Commission proposals presented only half the picture: we presented a strong solidarity framework – rightly so in the wake of a humanitarian crisis – but without the corresponding responsibility elements in the form of border and screening procedures. This is the picture we are now trying*

to complete” (European Commission, 2020). Moreover, he also noted that the 2015’s events have made it clear that migration affects each Member State uniquely. Therefore, Italy's experience with migration differs from that of Greece, just as Germany's perspective contrasts with that of France, and the situation in Austria is unlike that in Denmark. Each country faces distinct and individual challenges, and it's fair to say that no one's concerns hold more validity than others. It follows that, every single perspective warrant recognition, acknowledgment, and resolution (European Commission, 2020).

However, it should be noted that the Commission's new legal framework does not supersede all the reforms from 2016, discussed and elaborated in the preceding paragraph. In fact, the New Pact brings changes to two current legislative propositions, notably the Regulation for Asylum Procedures (APR) and the Eurodac Regulation. Additionally, it introduces three novel proposals, such as a new Screening Regulation, Regulation on Asylum and Migration Management, (AMMR) and a Crisis and force majeure Regulation. More in particular, the Asylum Procedure Regulation aims to establish a common asylum procedure across the EU, streamlining procedural arrangements and setting standards for the rights of asylum seekers. On the other hand, the Asylum and Migration Management Regulation (AMMR) is intended to replace the heavily criticized Dublin Regulation, determining the MS responsible for processing asylum applications. The mentioned proposals were complemented by recommendations from the Commission covering a new Blueprint for migration and crisis response, pathways to legal protection within the EU, protocols for search and rescue operations by private vessels (SAR), and guidance on the Facilitators Directive. The Pact aimed to be a signal of unity among member states by establishing more effective procedures inspired by the criteria of responsibility and solidarity. In fact, the Pact aimed to overhaul and integrate the Common European Asylum System (CEAS),

offering a potential resolution to the impasse. Moreover, the new European approach to migration envisioned by the Commission, aims to represent a transition from a migration management system based on reaction instruments, to a more coordinated, unified system, based on prevention and anticipation (Carta, 2021).

The Pact's foundation rests on four main principles. Firstly, it emphasizes the need for efficient processes, which encompasses pre-entry screenings. Secondly, it places significant importance on the concepts of responsibility and solidarity, with the establishment of a new solidarity mechanism. Thirdly, it highlights the value of forming advantageous collaborations with third countries to tackle issues like migrant smuggling and readmissions. Ultimately, the Pact adopts a comprehensive strategy that encompasses a unified EU system for returns, cohesive governance for migration with improved strategic foresight and intensified oversight, enhanced control of external borders, as well as a reliable policy for legal migration and integration.

Nevertheless, as emphasized by the European Council on Refugees and Exiles (2020), rather than departing from the flawed strategies of the European Union's past approach and presenting a new beginning, the Pact could potentially intensify the emphasis on externalization, detention, and containment of migrants. Moreover, the Pact failed to seize the chance to enact substantial reforms to the Dublin system, resulting in the continued practical allocation of responsibility for evaluating asylum requests to the first nation of entry. Furthermore, a suggested framework involves the activation of a complex system in which a certain manifestation of unity is stimulated.

However, it is possible to detect some positive features, such as the broadening of the concept of family to include siblings, a diverse array of family members in the context of unaccompanied children, and the acquisition of a diploma or other certification from a Member State (European Council on Refugees & Exiles, 2020).

In September 2022, the EP and the five rotating Presidencies of the Council came together to sign a shared statement outlining the schedule for the approval of the proposals of the New Pact, as to finalize negotiations by February 2024, before the conclusion of the legislative period.

More recently, during the 8 of June 2023, at the JHA Council in Luxembourg, the Council has achieved consensus on APR and on AMMR Regulations. However, in the final vote held by the European Council on June 30, 2023, Poland and Hungary opposed the new rules proposed by the Council of the EU due to their opposition to relocations. On the other hand, Malta, Lithuania, Slovakia, and Bulgaria abstained. As a result of their objection, the chapter within the document related to migration was cancelled from the final text of the meeting between the 27 heads of State and Government of the European Union. The proposed reforms will now proceed to the European Parliament for review and approval as the next phase of the process.

III.VI The 2022 Russian invasion of Ukraine

On February 24, 2022, the Russian armed forces initiated a sweeping invasion of Ukraine, leading to the emergence of significant conflict zones within Ukrainian territory, prompting the displacement of numerous individuals. Coinciding with this, the European Council promptly and emphatically denounced Russia's unprovoked and unwarranted military incursion into Ukraine, vehemently stressing the imperative of upholding Ukraine's territorial integrity, sovereignty, and independence (European Council, 2022).

Based on UNHCR data, the Russian invasion of Ukraine has sparked the most rapidly escalating displacement crisis observed since the Second World War. Over the course of 2022, approximately one-third of the Ukrainian population was compelled to

abandon their residences (UNHCR, 2022). As the year drew to a close, the number of internally displaced individuals surged to an estimated 5.9 million (UNHCR, 2022). Furthermore, Europe witnessed the presence of nearly 5.7 million refugees and asylum-seekers from Ukraine seeking shelter across its expanse. Additionally, as of June 2023, a staggering count of 6.3 million refugees originating from Ukraine have been documented on a global scale (UNHCR, 2023). The majority of migrants are hosted in neighboring countries pertaining to the EU, such Poland, Romania, as well as Hungary.

The prompt reception of Ukrainians fleeing Russian aggression has been the focus of widespread debate in the media. In particular, numerous media outlets and NGOs, such as the International Federation of Red Cross and Red Crescent Societies, have accused the European Union, highlighting the "double standard" toward Ukrainian refugees, as opposed to the responses adopted following other humanitarian crises. In terms of numerical magnitude, this refugee crisis has far surpassed the influx of nearly 2.5 million refugees, primarily hailing from Syria, Iraq, and Afghanistan, who arrived in Europe during the period of 2015-2016 (Morrice, 2022).

Moreover, concerns among some analysts regarding the tone adopted by certain media outlets when attempting to provide a backdrop to the war and the consequent influx of refugees have been pointed out. They have been observed to describe Ukraine as a more "civilized" nation than others, such as Syria, Afghanistan, or Iraq. A noteworthy example is a CBS News report by correspondent Charlie D'Agata, who, while reporting from Kyiv, commented that Ukraine "*is not a place, with all due respect, like Iraq or Afghanistan, that has been torn apart by conflict for decades. This is a relatively civilized, relatively European city where one would not expect or hope for such things to happen*" (Allison & Andrews, 2022). Nevertheless, he was not the only professional employing the same tone and terms when reporting the situation in

Ukraine. While covering from a train station in Kyiv, ITV News, British news channel, correspondent Lucy Watson expressed that something “unimaginable” had occurred to the Ukrainian people. She emphasized that Ukraine was not a developing third-world country but a part of Europe. She said, *"This is not a developing third-world nation. This is Europe"* (Allison & Andrews, 2022). Moreover, former Deputy Prosecutor General of Ukraine, David Sakvarelidze, appeared on a segment of the BBC, where described the distressing sight of *"European people with blue eyes and blond hair being killed, children being killed every day"* (Allison & Andrews, 2022). Bulgarian Prime Minister Kiril Petkov commented to journalists that the Ukrainian refugees are distinct from the typical refugees they are used to seeing. He stated, *"These people are Europeans. They are intelligent, educated people... This is not the usual refugee wave we are accustomed to, where people's identities are uncertain, their pasts unclear, and where they could potentially be terrorists"* (The Associated Press, 2022).

Following Russia's invasion of Ukraine, Hungarian Prime Minister Viktor Orbán, the main strongman of the anti-immigrant right in the EU, stated that it was imperative to provide a safe haven for those crossing the border from Ukraine into his nation (Coakley, 2022), (MTI-Hungary Today, 2022).

It follows that, since the beginning of the Russia-Ukraine war, it is possible to detect a significant shift in responses and discourses regarding refugees in Europe. In the past, the mentioned political officials were close allies of Putin, as well as vehement opponents of liberal refugee policies are now publicly supportive of refugees. In this regard, many commentators have proposed that the difference in sentiments stems from racism against non-Europeans.

In fact, in this regard, physical proximity has been pointed out. However, it is to be considered that Italy is geographically closer to Tunisia and Libya than it is to Ukraine,

but its response to migration flows from these countries was considerably less welcoming. The latter highlights a second significant component, namely the assumption that Ukrainians are culturally similar. According to the research conducted by Hainmueller and Hopkins, anti-immigrant sentiment is generated by the impression of cultural/ethnic difference and is hence intrinsically related with racialization dynamics (Hainmueller & Hopkins, 2014). Thirdly, Russia's invasion of Ukraine has been widely portrayed as a war against Europe, and the fighting itself, as well as the stories of refugees and their dreadful living conditions, have been extensively featured in the media. The latter element highlights the influence of media cues on the interpretation of events by policymakers and individuals.

III.V The European response: the activation of the TPD

The procedures taken by the EU on this occasion significantly defied the logic of closure pursued in the past. In early March, the European institutions agreed to allow the implementation of a now more than 20-year-old European Directive (Directive 55/2001) on an entirely exceptional basis. As previously mentioned in Chapter 2, according to the Temporary Protection Directive (TPD), refugees fleeing conflict can enjoy up to one year of temporary protection in any of the EU countries after arrival, renewable for another two years. However, the latter was intended for people fleeing warring Balkan countries but triggered for the first time by the Russian invasion of Ukraine on 24 February 2022. For this reason, it has been referred to by Lucas Rasche of the Jacques Delors Centre as the “sleeping beauty” of EU asylum policy.

The TPD enables fast and comprehensive access to protection without putting undue load on national asylum systems (Rasche, 2022). Under the TPD, displaced persons to enjoy harmonized rights across the EU, such as the right to residence, access to the labor, market and housing, medical assistance, social welfare assistance and access to

education for children (Council of the European Union, 2022). As mentioned, the directive was originally authorized for one year, however, it and has already been extended till March 4, 2024. Moreover, depending on how the situation in Ukraine develops, the EU paved the possibility for it to be extended for another year, until March 2025.

The decision recognizes that Russia is waging an aggressive war against Ukraine and that everyone who departs this country does so in search asylum. The latter comes in stark contrast to the sometimes contentious and emotionally charged arguments and decision-making in this area (De Somer and Horst Neidhardt, 2022). According to this reasoning, there is no need to subject these individuals to intrusive processes; rather, their speedy integration is aided (Costa Santos, Deleixhe, El Moussawi, Ngo, & Lou Vertongen, 2022). In this regard, the EU has broken another political taboo regarding the so-called secondary migration (Costa Santos, Deleixhe, El Moussawi, Ngo, & Lou Vertongen, 2022). As previously mentioned, the term defines the movements occurring when refugees or asylum-seekers move from the country in which they first arrived to seek protection or for permanent resettlement elsewhere. The European Union has always sought to limit secondary migration. Indeed, the Dublin Regulation stipulates that a person seeking asylum must apply in the first member state through which he or she enters the territory of the Union. According to Steve Peers, a British academic and specialist on European Union law, the new model of EU asylum law constitutes an absolute "*Copernican revolution*" (Peers, 2022).

By activating the TPD, the Council made it clear that member states would not return those who were previously granted temporary protection in another member state, and Ukrainians offered temporary protection were free to move onwards. Indeed, to ensure a more balanced and fair distribution among member states, migrants are recommended to leave the countries bordering Ukraine. More in particular, Ukrainians

are encouraged to relocate to nations where they have friends or relatives. In this respect, it is possible to observe a shift from bureaucratic considerations to a more social and human dimension underpinning the organization of migration in Europe in the aftermath of the Ukraine crisis (Costa Santos, Deleixhe, El Moussawi, Ngo, & Lou Vertongen, 2022).

The question of why the TPD was triggered in the context of the displacement from Ukraine but not before still stands. Indeed, in 2011, in the early stages of the inflow of migrants caused by the Arab Spring, the Justice and Home Affairs Council rejected requests from the Italian and Maltese governments to activate the directive on the grounds that the prerequisites for activating the TPD were not satisfied. In 2015, MP Elisabetta Gardini inquired whether the Commission concurred that the legal prerequisites for invoking the Temporary Protection Directive had been satisfied in light of the Syrian conflict and the resulting Mediterranean crisis, and if a proposal to the Council was necessary. However, despite this, the Directive was once again not put into effect.

In this regard, Meltem İneli Ciğer (2018), points out were six reasons behind the non-implementation of the Directive in the former cases mentioned. Firstly, the TPD's definition of mass inflow is to be regarded as ambiguous, and there are no obvious objective signs of a large influx scenario. However, as the author has lately noted (Ineli-Ciger, 2018, pp. 149–197), the aforementioned factor did not prove to be problematic. In reality, the Commission determined that there was a massive inflow and urged the activation the TPD a few days after the outbreak of violence in Ukraine. Secondly, although the activation mechanism of the TPD was initially deemed complex and required lengthy procedures, it ultimately proved to be a non-issue. This is because the Council swiftly adopted the Commission's proposal to activate the TPD on March 4, 2022, in just a matter of days (Ineli-Ciger, 2018, pp. 149–197). Moreover,

in 2015 only a limited number of Member States were significantly impacted by the influx situation, therefore, it was challenging to obtain a qualified majority vote in the Council due to political opposition. In addition, the activation of the TPD was believed by many Member States to potentially create a "pull factor" for migrants seeking entry to the EU. Lastly, according to the study on the Temporary Protection Directive by İneli Cığır, some Member States were hesitant to activate the TPD as they perceived the level of rights provided to be relatively high. Furthermore, MS believed their asylum systems could manage significant numbers of refugees with the EU's support without the TPD.

Moreover, on April 4, 2022, the Council enacted legislative revisions enabling member states to repurpose resources from Cohesion Policy funds to provide support for refugees fleeing the Russian military incursion into Ukraine (European Council, 2022a). The latter was achieved through the adoption of the regulation governing Cohesion's Action for Refugees in Europe (CARE), thereby amending the existing 2014-2020 legal framework that governs the European Structural and Investment Funds (ESIF) along with the Fund for European Aid for the Most Deprived (FEAD) (European Council, 2022a).

In addition, pertaining to the financial dimension, the Council also adopted a revision to the 2014-2020 Home Affairs funds, as well as the 2021-2027 asylum, migration, and integration fund. The latter adjustment has been made in order to allocate supplementary resources to facilitate the reception of individuals seeking refuge from the conflict. Furthermore, the text introduced a provision enabling member states and other potential donors, public or private, to offer extra financial contributions to the 2021-2027 fund as external assigned revenue. This external assigned revenue mechanism will serve to support the financing of asylum and migration-related

activities within member states during times of crises, encompassing situations arising from events such as the invasion of Ukraine.

IV. Addressing the lessons

As previously put forward, the present study aims to investigate the lessons Europe has learned from the previous migration crisis, with reference to the 2015 Refugee Crisis, and the migratory fluxes stemming from the conflict in Ukraine.

The term crisis refers to a critical juncture in which substantial transformation is impending, encompassing both advantageous and detrimental outcomes (Falkner, 2016). Moreover, it denotes a circumstance that has reached a crucial and perilous juncture. Therefore, a crisis emerges when politicians are confronted with the need to make pivotal choices while simultaneously facing constraints in terms of time and resources for executing imperative changes (Falkner, 2016). As mentioned previously, such changes can challenge the essential pillars, principles, and norms of a collective entity, whether it an institution, a nation, or a local governing body (Deverell, 2009). It follows that policymakers can leverage the insights and knowledge derived from these policy lessons to craft an informed and effective policy response when faced with a crisis (May, 1992). This entails utilizing information and experiences gathered from previous events to formulate a strategic and well-informed approach to addressing the challenges presented by the crisis at hand.

After having considered the institutional evolution of the migration and asylum policy area, as well as the decisions taken in the aftermath of the 2015 refugee crisis and 2022 Ukrainian crisis, the work will now draw parallels between the two strategic responses implemented by the EU. More in particular, the present text will employ the comprehensive 4-dimensional framework devised by Deverell (2009) as extensively elaborated in the first chapter.

Based on the outlined framework, this chapter will examine the notion of single or double loop learning. Additionally, this study will explore the contrasting approaches

of preventive or responsive tactics, elucidating the divergent responses to the two crises under consideration. Furthermore, the analysis will include both crisis-induced measures and measures developed during times between the mentioned events. Finally, the analysis explores the juxtaposition between distilled knowledge and its actual implementation, pointing out the significance of translating acquired insights into tangible measures to enhance crisis management.

Through the exploration of this inquiry, the objective of the present work is to provide a nuanced evaluation of how the European Union has effectively incorporated previous experiences into concrete policy measures. This endeavor will contribute to a more thorough comprehension of the progression of the EU's strategy in response to migration, as they have evolved over time. Moreover, these insights will prove to be crucial resources for effectively navigating the ambiguous landscape of upcoming crises.

Most importantly, it is crucial to highlight a cardinal element in the issue of migration, notably that the subject is marked by unique difficulties and uncertainties, as new migratory paths continue to arise while simultaneous tensions and instabilities persist in the regions close to the EU. As this work develops, there is a growing trend of people undertaking perilous journeys from Tunisia through maritime routes with the aim of reaching Italy. In this regard, it is possible to highlight a notable increase in the number of departures. More in particular, at the onset of the current year, Italy has witnessed an influx of 44,151 individuals originating from Tunisia (ASGI, 2023). The socio-economic problems encountered by Tunisia are a symptom of enduring structural concerns that have plagued the country over a prolonged amount of time. Furthermore, it is noteworthy to mention that a mere portion of this population comprises Tunisian citizens, as the majority consists of individuals hailing from West Africa (ASGI, 2023).

Moreover, it should be highlighted that, as recently, a great number of individuals from sub-Saharan Africa have sought refuge in Italy due to the escalating incidents of racism and violence perpetrated against them by various institutions in North Africa. More in particular, the Tunisian government has been accused by human rights organizations of specifically targeting migrants from sub-Saharan Africa and allowing the propagation of racist narratives against them (Info Migrants, 2023). A collective statement was issued by 23 human rights organizations, including the Tunisian Forum for Economic and Social Rights (FTDES), whereby the government was indicted for its alleged negligence in addressing the proliferation of discriminatory and xenophobic discourse on social media platforms and select media channels (Info Migrants, 2023). In close proximity to the Tunisian coast, there has been a notable escalation in the frequency of maritime accidents including shipwrecks and incidents of migrant boats going missing on their journey towards Italy. The aforementioned distressing circumstance serves as a manifestation of an escalating dilemma. Moreover, it is through these lens that the Memorandum of Understanding signed on July the 16th between the European Union and Tunisia should be read. Migration management is a fundamental component of the deal, as the European Union (EU) commits to give an extra 100 million euros to Tunisia (ASGI, 2023). This financial support aims to enhance border control, bolster search and rescue operations in maritime areas, and implement "anti-trafficking" measures. The ultimate goal is to mitigate the influx of individuals arriving from Tunisia. However, it is crucial to ensure that the acceptance of the deal is obtained via the consent of all 27 member states of the European Union. Given the persistent and evolving intricacies at hand, the insights acquired from past experiences will continue to serve as a lasting foundation of resilience and flexibility for societies and governments as they navigate the unanticipated obstacles that lie ahead.

IV.I Single or double loop learning

First, the study aims to determine whether the lessons derived from these measures pertain to single or double loop learning. As presented before, single-loop learning is obtained when divergencies and flaws are detected, without inquiring into basic organizational premises and norms (Deverell, 2009). On the other hand, double loop learning pertains to detection and correction of errors by inquiring into the norms, policies, and objectives of the organization.

Following the Russian invasion of Ukraine, the European Union has enacted the Temporary Protection Directive (TPD), a policy mechanism aimed at establishing legal regulations to effectively address the influx of individuals on a large scale. This marks the first instance in which the European Union has activated this directive in its history. In fact, as mentioned previously, the latter was intended for people fleeing warring Balkan countries in the late 90s and is part of the first normative policy asylum tools developed by the Union.

Simultaneously, the European Commission promptly initiated efforts to collaborate with member states of the European Union in order to collect pertinent data on the prevailing circumstances.

As such, it is apparent that one of the main mechanisms used pertains to single-loop type of learning, as the EU activated a previous mechanism that was part of its policy arsenal, therefore, without questioning its “*fundamental organizational norms*” (Deverell, 2009). The aforementioned approach is in opposition to the steps and activities implemented during the crisis of 2015.

Indeed, the refugee crisis that occurred in 2015 is widely regarded as one of the most significant and complex migration occurrences in recorded history. The massive influx of migrants has triggered tensions among member states of the European Union.

Therefore, during the aforementioned time frame, the European Union encountered a distinct array of conditions and adopted a novel strategy in its response. The reaction demonstrated a more intricate educational process, distinguished by the practice of double-loop learning, which included the critical examination and reevaluation of core norms and policies. In contrast, it follows that the prevailing circumstances of the Ukraine crisis have compelled the European Union to place reliance on its policy tools. The current use of a single loop learning mechanism in the Ukrainian context highlights the European Union's aspiration to maintain a state of consistency, as it sought to effectively address the present difficulties it faces while minimizing disturbances to its overall framework by activating a pre-existing mechanism without fundamentally undermining its organizational rules.

Nevertheless, one may argue that the 2016 reform effort can be seen as an instance of double-loop learning, given it ventured to challenge the very norms and policies of the European Union. Likewise, the 2020 Pact, despite its evident lack of success, raised concerns over several aspects of the preceding arrangement that had been in place thus far.

Indeed, as previously outlined, with the implementation of the Lisbon Treaty in 2009, the European Parliament was granted the status of a full co-legislator in the areas of asylum and immigration. The concept of "Lisbonization" (Brower et al., 2021) refers to a shift away from the intergovernmental methods of collaboration that were formerly prominent in European Union (EU) activities related to Justice and Home Affairs (JHA) policy. Nevertheless, after a span of over ten years, many aspects of the Pact reintroduce this intergovernmental rationale.

Moreover, in this context, the underlying issue of double standards in the treatment of refugees coming from Ukraine versus those coming from elsewhere remains evident. The TPD mechanism was not employed during recent humanitarian crises that contributed to migration movements. Instances may be seen in the Afghan crisis of 2021, as well as the Belarus border crisis in the latter part of 2021. In this regard, the UN Syria Commission chair Paulo Pinheiro, highlighted the matter when comparing the treatment received by Syrians and Ukrainians fleeing the Russian invasion: "*There is openness and generosity vis-a-vis the Ukraine that I don't criticize at all. They deserved it. But I would like very much that the same treatment will be applied to the Syrian refugees*" (Ghadakpour, 2022).

In relation to this issue, during an interview with EURACTIV (Brzozowski, 2023), Ylva Johansson, Commissioner for Home Affairs, expressed the opinion that the decision not to use the European Union's Temporary Protection Directive in 2015 was an erroneous choice. Johansson expressed her initial skepticism over the EU's ability to effectively handle the influx of millions of migrants, had she been asked over a year ago. However, she acknowledged that the EU has indeed managed to address this crisis (Brzozowski, 2023). Therefore, it is possible to argue that, in terms of lesson learned, a discernible lesson for the European Union resides in its departure from the response witnessed in the year 2015.

It is however essential to emphasize that the crisis of 2015 was the first instance in which the European Union encountered an emergency of such magnitude.

In response to the refugee crises of 2015 and the increase in asylum claims, the EU struggled to maintain unity and solidarity among its member states, as previously mentioned in Chapter 3. Particularly, this stemmed from the principle of the Dublin Convention, which proved divisive and especially challenging for EU first entry countries. The dynamics led to intense tensions among MS, tensions that did not occur

during the response to the invasion of Ukraine as a result of the TPD-imposed mechanism.

According to Commissioner Johansson, the Ukraine lesson serves as an instructive experience for forthcoming scenarios pertaining to migrants (Brzozowski, 2023). Moreover, when questioned on the potential applicability of these solutions to future migration crises, Johansson expressed confidence in the collective efforts of member states, the Commission, and relevant agencies. She emphasized the strength and capacity of this collaborative approach, highlighting it as a crucial lesson learnt (Brzozowski, 2023).

In this regard, Deverell (2009) argues that single-loop learning can potentially initiate double-loop learning, resulting in the development of new organizational strategies and assumptions investigating broader facets of the work processes. Therefore, it is possible that in the near future, the UE will turn its attention back on the success of the Ukrainian response, which was based on direct humanitarian aid, emergency civil protection assistance, border support, and protection for those fleeing the war, by prompting future double-loop learning.

IV.II Preventive or responsive strategies

The analysis will now seek to investigate whether the measures are preventive or responsive strategies. Prevention involves identifying the underlying factors contributing to a crisis and implementing measures to ensure its non-recurrence. This pertains to acquiring knowledge on how to prevent oneself from experiencing a comparable catastrophe in subsequent instances. On the contrary, the concept of reaction involves the act of mitigating the negative outcomes of a same or comparable occurrence via the improvement of crisis management capabilities. The latter pertains

to the acquisition of skills necessary for effectively addressing crisis situations, whether they are now occurring or anticipated in the future.

To address the 2015 refugee crisis, the European Union (EU) has implemented preventing strategies, as it enacted measures aimed at improving its control of external borders and the flow of migrants. Specifically, the policies related to externalization, such as bilateral or multilateral agreements, primarily attempt to limit the influx of third-country nationals, including both asylum seekers and economic migrants. As it was presented, the EU-Turkey of 2016 deal falls under this umbrella, as it was drafted to stop the flow of irregular migration via Turkey to Europe. Furthermore, the Migration Partnership Framework (MPF) of 2016 is also to be interpreted in this light, as its underlying goal is to decrease the influx of migrants into the EU.

On the other hand, the measures implemented in the aftermath of the large influx of refugees coming from the Ukraine belong to a responsive set of behavior, as they acted from a perspective aimed at enhancing crisis management capabilities.

In the framework of responsiveness and prevention, it is vital to study the various responses the European Union (EU) chose when confronted with two major crises. The comparison demonstrates how the EU's methods developed and changed to face the particular problems given by each crisis.

Firstly, the EU's approach to the 2015 Refugee Crisis was distinguished by a comprehensive framework characterized by long-term aims largely focused on prevention. The EU participated in a multidimensional strategy, which included not only resolving the present issues but also taking actions to avoid future crises of a similar sort.

In this regard, the EU introduced steps that attempted to strengthen external management. One essential feature of this strategy was the strengthening of EU agencies to enhance the control of the exterior borders. The EU, via the development

of the powers of FRONTEX (the European Border and Coast Guard Agency), aimed to defend its borders, making it increasingly difficult for illegal migration to occur. This proactive posture intended to lessen the possibility of repeat crises by discouraging prospective migrants and boosting border control procedures.

Moreover, after the 2015 refugee crisis, the EU also strengthened the European Union Asylum Agency (EUAA), formerly called the European Asylum Support Office (EASO), with the primary objective of improving cooperation between EU member states in the field of asylum claims management.

Contrastingly, in the context of the EU's reaction to the Ukrainian situation, it is possible to detect a distinct set of policies in place. In this particular scenario, the EU's policy was not mainly focused on long-term prevention but rather on mitigating the immediate impacts of the occurrence. Therefore, a more reactive and crisis management-oriented approach was implemented during the Ukrainian conflict.

Once again, the two different kinds of strategies that correlate to the two different types of directives that were highlighted during the examination of the first dimension of the framework are pointed out.

However, in this dimension as well, it is possible to argue that acknowledging the failure of a more comprehensive response framework following the 2015 crisis, the EU triggered the activation of a response mechanism to deal with the Ukrainian influx of refugee based on different factors.

IV.III Intra-crisis and inter-crisis derived measures

The research investigates if the measures considered are generated from experiences within a particular crisis setting or whether they are obtained from observations made

during the intervals between crises. The analysis aims to provide insights into the extent and scope of their application.

As previously delineated, inter-crisis learning refers to the proactive effort to extract useful insights and lessons from a particular crisis occurrence, and then using those insights to bring about changes that enhance readiness and resilience for future crises. In contrast, intra-crisis learning refers to the acquisition of knowledge and skills that take place throughout the course of a singular crisis event, with the aim of enhancing response tactics tailored to the unique characteristics and demands of that particular scenario. It is essential to acknowledge that while some lessons may emerge during the crisis itself, a more comprehensive evaluation and analysis often take place during the inter-crisis phase. Following the resolution of a crisis, it is customary to undertake official organizational inquiries and investigations in order to address the lessons learned.

Consequently, it is plausible to assert that the European Union embarked upon an initial phase of intra-crisis learning within the context of the 2015 Refugee Crisis, subsequently transitioning to a phase of inter-crisis learning. In this respect, it is possible to see how the measures implemented in 2015, and the proposals of 2016, along with a broader willingness to reform CEAS put forward in 2020, are to be read in this regard.

More in particular, the recognition of a broader mechanism based on the principle of solidarity, and a need to address shortcomings of the Dublin system fall within this category.

However, it is worth noting that throughout the course of seven years, from the 2015 refugee crisis to the Russian invasion of Ukraine, the UE has failed to establish a consensus on how to address migration and asylum-related matters. In this regard, the New Pact of 2020, as presented in the previous sections, has been considered as a novel

initiative in the realm of migration and asylum. However, if on the one hand the reform package presented by the Commission exhibits a notable departure from the existing state of affairs, including numerous novel components, such as the stress on the issue of solidarity, it also demonstrates a significant degree of consistency with the goals, aims, and efforts that have been undertaken at the European Union level in preceding years (Brower et al., 2021).

However, the inter-crisis lessons were not considered in the context of the Ukrainian crisis. As discussed above, a different methodology was implemented, such as the enactment of the TPD, part of the instruments set forth in the first phase of the Common European Asylum System (CEAS). Hence, within the framework of the Ukrainian crisis, intra-crisis developments occurred.

The establishment and impact of intra-crisis learning from the Ukrainian crisis will need to be assessed as it may prompt further reflection in an inter-crisis strategy.

However, the absence of agreement concerning matters pertaining to migration and asylum remains an enduring circumstance. Most recently, the Justice and Home Affairs Council of the European Union, held on June 8-9, 2023, has endorsed a set of measures that modify the operation of the common asylum system. This development comes after a prolonged period of strained relations and negotiations among member states. Regrettably, it is worth noting that these changes do not result in a significant overhaul of the Dublin mechanism (Barana, 2023).

Furthermore, it should be noted that the nation accountable for processing the asylum application continues to be the nation where the individual first entered Europe. Additionally, the duration for which a state assumes responsibility for migrants who have arrived within its borders is extended, specifically from twelve to twenty-four months. This implies that countries located at the borders will continue to bear the greatest burden in this regard (Barana, 2023).

However, as previously presented, the proposals did not succeed in the final vote held by the European Council on June 30, 2023 (European Council, 2023).

IV.IV Distilled knowledge versus active application

Lastly, it will examine whether the measures are merely distilled knowledge or actively implemented, indicating the practical implementation and effectiveness of the strategies. As mentioned in the first chapter of this work, distilled lessons pertain to concepts that are recognized but have not yet been implemented into tangible changes. Conversely, when those concepts are applied, and result in observable modifications in behavior, it is referred to implemented lessons.

First and foremost, it is essential to highlight the contrasting approaches the European Union adopted in responding to two distinct crises. Therefore, it might be possible to argue that the Union underwent a significant evolution in terms EU's handling of migration-related challenges.

Following the 2015 crisis, the European Union primarily focused its early efforts on addressing the influx of migrants. However, these endeavors were hindered by the opposition from some member states regarding the procedures for allocating refugees across the EU. Furthermore, the European Union's current approach was found to be deficient in terms of a comprehensive, long-term plan. Therefore, it started formulating plans aimed at effectively handling the future influx of migrants, such as the mentioned Migration Partnership Framework of 2016, as well as the bilateral agreements with third countries, and the attempts to reform the CEAS in 2016 and later in 2020. Nevertheless, the efforts to implement these reforms encountered significant obstacles and received substantial criticism, resulting in stagnation at the institutional level. Regardless, in this regard, is possible to talk about lessons implemented, as the

establishment of collaborative partnerships with third nations, and the initiation of talks with many stakeholders in order to tackle the challenges associated with migration have become core elements of the European Union's long-lasting migration policy strategy.

During the second crisis considered, most notably the influx generated by the 2022 invasion of Ukraine, the European Union adopted a response that significantly departed from its previous behavior. This became clear when it enacted the TPD, the so-called 'sleeping beauty' of European asylum, a solidarity mechanism that had not been implemented during any of the previous crises before. As mentioned, it is noteworthy to observe that the European Union further refrained from using the TPD a year prior, afterwards the crisis provoked by the Taliban takeover in August 2021. Hence, it is possible to deduce that, in 2022, the European Union has internalized a pivotal understanding, notably to avoid the previously used methodologies when addressing increases in migration fluxes. Furthermore, it is noteworthy to mention that the Council adopted the resolution to enact the TPD unanimously, therefore avoiding the customary impasses or institutional conflicts and tensions among Member States. The latter element unequivocally demonstrates the Council's unwavering support of Ukraine and its citizens.

However, it may also be argued that the Ukrainian crisis potentially represented a unique circumstance and therefore it did not inherently indicate a significant change in the European Union's strategy. Therefore, in order to ascertain the potential institutionalization of the actions implemented during the Ukrainian crisis, it is necessary to closely monitoring the unfolding of future crises.

Unfortunately, it is infeasible to disregard the latest advancements in the area, that do not augur well in relation to this matter. More in particular, mention should be made to the institutional impasse in the developments of the European Council on June 30,

2023, during which Poland and Hungary expressed their dissent against the reforms of AMMR and APR.

The Ukrainian crisis, therefore, might not have established a conclusive model for the European Union's response to crises. Nonetheless, it concretely constituted a substantive departure from prior strategies, potentially charting the course for a broader reflection.

In this context, the previously mentioned Commissioner Johansson's statements again substantiate this argument, as she articulated that the lessons gained from the Ukrainian scenario hold instructional significance for forthcoming migrant-related scenarios (Brzozowski, 2023).

Furthermore, when asked about the possible relevance of these solutions for future migration crises, Johansson expressed her trust in the joint endeavors of member states, the Commission, and pertinent organizations. She underscored the robustness and capability of this cooperative approach, deeming it a pivotal lesson gained (Brzozowski, 2023). Hence, it can be inferred that the effectiveness of the measures integrated into the EU's institutional framework may be evaluated when confronted with a future crisis.

Overall, it is possible to detect a dual strategy that has defined the European Union's reaction to the migration difficulties. The first approach is based on the fundamental principles of fair distribution of responsibility and unity, as outlined in the treaties of the European Union in Article 80. More in particular, the article under consideration addresses the tenets of solidarity and equal distribution of responsibility, as well as its financial consequences, as the guiding factors for the policies of the Union and their implementation among the Member States.

The aforementioned tactic highlights the European Union's idealistic dedication to a cooperative and collaborative framework, in which member states collectively

shoulder the duties and obligations pertaining to the resolution of migration-related matters. Moreover, the former approach underlines the collaborative effort aimed at promoting justice and equality in addressing the complexities presented by migration. The second dimension of the strategy is however distinguished by the implementation of securitization and externalization plans, as best highlighted in the Migration Partnership Framework of 2016, in the 2016 EU-Turkey deal, as well as in the mentioned memorandums that member states of the EU made with third countries, and in re-admission deals. The dimension of externalization recognizes the need of protecting the security interests of European Union member states while simultaneously aiming to control migration beyond the frontiers of the EU. As mentioned, the strategy encompasses many measures, including the implementation of border controls, collaboration with foreign nations to mitigate irregular migration, and the enhancement of security infrastructure in third countries.

More in particular, the present work delved into the details of the 2016's EU-Turkey deal, and of the Italian-Libyan Memorandum of 2017. In 2017, the Italian Prime Minister Paolo Gentiloni and the Head of the EU-recognized Government of National Reconciliation of Libya, Fayeza Mustapa Serraj, agreed to handle the issue of departures from Libya to Italian coasts. Moreover, as previously mentioned, on the 2nd of February 2020, Italy and Libya agreed to renew for the first time the Memorandum of Understanding pertaining to the management of migration in the Central Mediterranean region.

More recently, the Memorandum of Understanding on Migration between Italy and Libya was extended for a further three years on November 2nd, 2022. This agreement has been extended for a duration of three years despite the appeals made by prominent human rights organizations, such as Doctors Without Borders and Amnesty International, urging for the cancellation of the agreement.

According to Article 8, the Memorandum will remain in effect for a duration of three years and will automatically renew for an equal time unless either party provides written notice of termination at least three months prior to the expiry date. Neither former Prime Minister Mario Draghi before nor the new government led by Giorgia Meloni have requested a reassessment of the agreement (Il Sole 24 Ore, 2022).

The report published in June 2022 by the United Nations Independent Fact-Finding Mission on Libya reveals that migrants residing in the nation endure a range of severe human rights violations, including but not limited to murder, enforced disappearance, torture, slavery, sexual violence, rape, and other forms of cruel treatment (Tranchina, 2023). Moreover, the Prosecutor of the International Criminal Court issued a statement in September 2022, asserting that, based on the preliminary evaluation conducted by their office, the mistreatment of migrants in Libya had the potential to be categorized as crimes against humanity and war crimes (Tranchina, 2023).

Moreover, as briefly mentioned, on July 16, 2023, a Memorandum of Understanding was signed between the European Union and Tunisia. The Memorandum is the result of joint efforts made by Ursula von der Leyen, accompanied by Italian Prime Minister Giorgia Meloni and Dutch Prime Minister Mark Rutte, that embarked on a visit to Tunisia with the purpose of engaging in further discussions with Tunisian President Kais Saied. As reported by POLITICO, Prime Minister Rutte emphasized the importance of migration as a key component of the deal (POLITICO EU, 2023). Moreover, as stated by Von der Leyen, the European Union (EU) will commit to provide €100 million to Tunisia for the purpose of enhancing border control, search and rescue operations, anti-smuggling efforts, and other activities aimed at addressing the migratory challenge.

Von der Leyen made a statement emphasizing the significance of the recent maritime tragedies, which led to the unfortunate loss of several lives, and highlighted the

pressing need for immediate intervention. Furthermore, the President of the Commission called for the adoption of resolute actions to address the criminal networks comprised of smugglers and traffickers (POLITICO EU, 2023).

The Memorandum of Understanding encompasses five key areas, such as macroeconomic stability, trade and investment, transition to green energy, people-to-people contacts, and most importantly migration. The implementation of the initiative will be carried out through several avenues of collaboration between the European Union and Tunisia, in accordance with the relevant rules and appropriate processes (European Commission, 2023c).

Nevertheless, it is essential to highlight that the Ukrainian issue has imparted a profound lesson about the European Union's aptitude for cooperation and its proficiency in reconciling ostensibly disparate policies. Therefore, the European Union's reaction to the migratory difficulties arising from the Russian invasion into Ukraine has shown its capacity to unite member states behind a shared objective, successfully blending fair burden-sharing and security measures.

Within this particular framework, the European Union has shown its capacity to endure and adjust in response to intricate and dynamic obstacles. In this regard, the Ukrainian lesson could be considered a concrete example of the European Union's capacity to establish a unified and equitable strategy that not only protects its security concerns but also preserves its principles of solidarity, collaboration, and humanitarianism. Consequently, this may serve as a paradigm for effectively resolving future crises.

However, it is to be stressed that European Union's ability to successfully integrate and institutionalize the lessons learned from the Ukrainian crisis is a matter yet to be determined, which would prove its value in relation to future crisis.

Conclusions

As I write the conclusions for the present work, I found myself in the Island of Lampedusa, where a novel intense series of disembarkments is unfolding.

As of midnight on Tuesday, September 12th, the number of registered individuals in Lampedusa surpassed 6,000, topping the previous peak of 3,042, which was recorded in late August. The majority of these vessels were small iron ferries that originated from Tunisia, notorious for their frail materials and limited dimensions.

On the evening of Wednesday, a tragic incident occurred when a five-month-old infant drown in the surrounding waters of the Island. As of the morning of September 14th, the population inside the Lampedusa hotspot reached 7,000 individuals, surpassing its designated maximum capacity of 400 occupants.

I was able to visually witness the patrol boats belonging to the Guardia di Finanza and the Capitaneria di Porto engaged in ongoing rescue efforts for the vessels that had entered the territorial seas of Italy. Several vessels, with assistance from the Coast Guard and other entities, came to the dock autonomously. Throughout the day, migrants were often compelled to endure exposure to direct sunlight while patiently for their opportunity to exit.

Commission President Ursula Von Der Leyen's arrival to the island on September 17th was accompanied by a statement emphasizing the significance of her attendance with Italian authorities. Von Der Leyen claimed that the matter of illegal immigration is a shared obligation for the European nations, hence requiring a European cohesive and synchronized strategy. The aforementioned comments serve as a catalyst for fostering a renewed sense of optimism in prompting a new process of introspection on the complex issue of migration. This novel contemplation may include an evaluation of

existing policies, enhanced collaboration across European states, and an augmented emphasis on the human rights and dignity of those engaged in the process of migration. In conclusion, this research aimed to examine the insights gained by Europe from the migration crisis it encountered in 2015 and the consequent implications for its response to the war in Ukraine in February 2022. The research employed Deverell's comprehensive 4-stage framework (2009) in order to undertake the examination of the actions implemented by the European Union when dealing with migration challenges. In order to achieve this goal, the use of Rose's (1991) theoretical concept of lesson drawing was implemented, serving as a basis for comprehending the process of extracting insights from historical occurrences. Furthermore, the present study included the relevant research completed by Deverell (2009) and Radaelli (2022) in order to enhance the analytical framework.

Moreover, this research had provided an analysis of the European Union's migration and asylum policies, exploring its historical progression from the signing of the Treaty of Rome in 1957 through the impact of the oil crisis in 1974 as well as the significant changes that occurred during the 1980s. Subsequently, it analyzed the significant junctures characterized by the Maastricht Treaty and the Amsterdam Treaty, which established the foundation for a more integrated European framework for migration. Moreover, it explored the origins of the Common European Asylum System (CEAS), examining its two discrete stages and their consequential impact on the formulation of migration policy within Europe.

Followingly, the work has shed light on two of the most significant migratory crises that profoundly impacted Europe, notably the 2015's migration crisis, and the Russian invasion of Ukraine in 2022. The background and the European reaction to the 2015 Refugee Crisis, focusing specifically on the Agenda for Migration and the implementation of externalization policies was thoroughly examined. Subsequently,

the focus was shifted to an in-depth exploration of the 2022 incursion by Russia into Ukraine, to examine the reaction of the European member states, with a particular focus on the implementation of the Temporary Protection Directive (TPD), drafted in 2001 and part of the policy instruments of the first phase of the CEAS.

This study has therefore attempted to elucidate the complex fabric of Europe's migration history and the corresponding policy measures, with the intention of providing insights into the acquired knowledge and the forthcoming obstacles.

By employing the framework outlined in chapter 1, the present research investigated the characteristics of the actions undertaken by the EU. More in particular, the analysis focused on to whether the insights obtained from these measurements were applicable to single or double loop learning. In this regard, the findings indicated that the reaction to the crisis in 2022 mostly exhibited single-loop learning, since it relied on established procedures without critically examining underlying organizational norms. In contrast, several changes implemented in the following years of the 2015's crisis exhibited characteristics of double-loop learning, as the approach adopted questioned existing the policies and aims pursued before by the UE. Most notably, the present text made mention of the actions of externalization and the creation and the strengthening of the capabilities of FRONTEX.

Furthermore, the investigation examined whether the interventions implemented were classified as anticipatory or response tactics. The reaction to the crisis in 2015 was primarily centered upon implementing anticipatory measures, which included the implementation of stricter border controls and the imposition of restrictions on the entry of migrants. Nevertheless, the reaction to the Ukrainian crisis exhibited a mostly reactive approach, focusing on crisis management rather than proactive prevention.

Followingly, the present research examined the origins of crisis-driven measures and inter-crisis derived measures, specifically investigating whether these measures were

generated from experiences during a specific crisis or pulled from observations made during periods between crises. The study revealed that the process of learning post-2015, notably intra-crisis and later inter-crisis, resulted in the formulation of recommendations aimed at changing the Common European Asylum System (CEAS) and rectifying its deficiencies. However, the execution of these actions exhibited inconsistencies and variations as thoroughly explained in Chapter 3. On the other hand, the Ukraine war exhibited elements of intra-crisis learning.

Finally, the research investigated whether the measures reflected distilled knowledge or active application. The analysis of the latter aspect has posed difficulties, primarily due to the multifaceted nature of the EU's strategy, which, in some areas, exhibits a lack of coherence. However, the European Union has used insights from past crises to build cooperative alliances and start discussions aimed at tackling migratory concerns. It is to be highlighted that, the reaction to the Ukrainian crisis represented a complete deviation from prior conduct, as it included the activation of procedures, such as the Temporary Protection Directive (TPD), that were never enacted before. However, the efficacy of these measures in becoming firmly established within the European Union's framework has still to be determined.

On one hand, it can be inferred that the European Union has assimilated a fundamental comprehension, specifically aiming to steer clear from previously employed methodologies in addressing surges in migration flows. Nonetheless, conversely, it is unfeasible to overlook the perpetuation of externalization and the persistence of the partnership approach that the European Union is maintaining. This is evident in the emergence of new bilateral agreements, exemplified by the one between Italy and Tunisia, as well as the renewal of its agreement with Libya.

Furthermore, it is possible to highlight a two-fold approach, one based on equitable responsibility-sharing and the principle of solidarity as delineated in the EU Treaties,

and the other rooted in a securitization and externalization strategy. However, it is therefore crucial to stress that the Ukrainian lesson has demonstrated the European Union's capacity for such solidarity and its ability to embrace strategies by acting in unity.

In conclusion, the present work aimed to analyze and dynamic character of Europe's reaction to migratory crises, whereby insights gained, and tactics used differ among crises and evolve over time. The efficacy of the European Union in assimilating and institutionalizing these lessons is a topic that should continue to be examined, as its success will hinge upon future developments in the realm of migration policies.

Bibliography

Akkerman, M. (2016). Border wars: the arms dealers profiting from Europe's refugee tragedy. Wapenhandel/TNI

Akkerman, M. (2018). Expanding the fortress. The policies, the profiteers and the people shaped by EU's border externalisation programme. Amsterdam: Transnational Institute. <https://www.tni.org/en/publication/expanding-the-fortress>

Alexander, H. (2015, May 27). EU asks member states to take 40,000 migrants from shelters in Italy and Greece. Retrieved March 1, 2023, from www.telegraph.co.uk website: <https://www.telegraph.co.uk/news/worldnews/europe/eu/11632857/EU-asks-member-states-to-take-40000-asylum-seekers.html>

Alink, F., Boin, A., & T'Hart, P. (2001). Institutional crises and reforms in policy sectors: the case of asylum policy in Europe. *Journal of European Public Policy*, 8(2), 286–306. <https://doi.org/10.1080/13501760151146487>

Allison, S., & Andrews, T. M. (2022, February 27). “They seem so like us”: In depicting Ukraine's plight, some in media use offensive comparisons. *Washington Post*. Retrieved from <https://www.washingtonpost.com/media/2022/02/27/media-ukraine-offensive-comparisons/>

Almustafa, M. (2021). Reframing refugee crisis: A ‘European crisis of migration’ or a ‘crisis of protection’?. *Environment and Planning C: Politics and Space*, 40(5), p.239965442198970. doi:<https://doi.org/10.1177/2399654421989705>.

ASGI (2023). *Memorandum Ue-Tunisia: l'Ue sottoscrive rastrellamenti, deportazioni illegali e violenze contro i migranti*. [online] Asgi. Available at: <https://www.asgi.it/notizie/memorandum-tunisia-ue-sottoscrive-rastrellamenti-deportazioni-illegali-e-violeze-contro-migranti/> [Accessed 10 Sep. 2023].

- Barana, L. (2023). *Cosa prevede l'accordo sul Nuovo patto sulle migrazioni e l'asilo*. [online] Affari Internazionali - Politica ed economia estera. Available at: <https://www.affarinternazionali.it/laccordo-sul-nuovo-patto-sulle-migrazioni-e-lasilo/> [Accessed 23 Aug. 2023].
- Bauloz, C., Ineli-Ciger, M., Singer, S. and Stoyanova, V. (2015). *Seeking Asylum in the European Union*. BRILL, pp.19–35.
- BBC (2015a). Canada denies Alan Kurdi's family applied for asylum. *BBC News*. [online] 3 Sep. Available at: <https://www.bbc.com/news/world-us-canada-34142695> [Accessed 24 Oct. 2020].
- BBC (2015b). Migrant crisis: One million enter Europe in 2015. *BBC News*. [online] 22 Dec. Available at: <https://www.bbc.com/news/world-europe-35158769>.
- Berigazzi, J., Coi, G., Busquets Guardia, A., Hirsch, C., Ball, T., & Randerson, J. (2022, May 12).
- Boccardi, I. (2002). *Europe and refugees : towards an EU asylum policy*. The Hague ; New York: Kluwer Law International.
- Bojadžijev, M. and Sandro Mezzadra (2015). 'Refugee crisis' or crisis of European migration policies?. *Focaalblog*. [online] Available at: <https://www.focaalblog.com/2015/11/12/manuela-bojadzijeve-and-sandro-mezzadra-refugee-crisis-or-crisis-of-european-migration-policies/> [Accessed 15 Aug. 2023].
- Boswell, C. (2003). The "External Dimension" of EU Immigration and Asylum Policy. *International Affairs* (Royal Institute of International Affairs 1944-), 79(3), 619–638. <http://www.jstor.org/stable/3569366>
- Brandariz JA and Fernández-Bessa C (2020) A changing and multi-scalar EU borderscape: The expansion of asylum and the normalisation of the deportation of EU

and EFTA citizens. *International Journal for Crime, Justice and Social Democracy* 9(3): 21-33. <https://doi.org/10.5204/ijcjsd.v9i3.1587>

Brandariz, J. A., Fernández-Bessa, C. (2020) A changing and multi-scalar EU borderscape: The expansion of asylum and the normalisation of the deportation of EU and EFTA citizens. *International Journal for Crime, Justice and Social Democracy* 9(3): 21-33. <https://doi.org/10.5204/ijcjsd.v9i3.1587>

Brower, E., Campesi, G., Carrera, S., Cortinovis, R., KARAGEORGIU, E., Vedsted-Hansen, J. and VOSYLIŪTĖ, L. (2021). *The European Commission's legislative proposals in the New Pact on Migration and Asylum*. [online] Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies. Available at: <https://www.ceps.eu/ceps-publications/the-european-commissions-legislative-proposals-in-the-new-pact-on-migration-and-asylum/> Study commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs on request of the Parliament's Committee on Civil Liberties and Justice.

Brzozowski, A. (2023). *EU should have used Temporary Protection Directive before Ukraine, says Johansson*. [online] www.euractiv.com. Available at: <https://www.euractiv.com/section/europe-s-east/interview/eu-should-have-used-temporary-protection-directive-before-ukraine-says-johansson/> [Accessed 2 Jun. 2023].

Buttapietra, A. (2019). The European Migration Crisis: A Pendulum between the Internal and External Dimensions. *Istituto Affari Internazionali (IAI)*, 19.

Camilli, A. (2019). *La legge del mare*. Rizzoli.

Campesi, G. (2021). *Policing mobility regimes : Frontex and the production of the European borderscape*. [S.l.]: Routledge.

Campesi. (2022). Policing mobility regimes: Frontex and the production of the European borderscape. Routledge.

Carrera, S., Blockmans, S. and Gros, D. (2015). *The EU's Response to the Refugee Crisis Taking Stock and Setting Policy Priorities*. CEPS Leading Independent Think Tank on European Policies.

Carta, M.C. (2021). Il 'nuovo' Patto europeo sulla migrazione e l'asilo: recenti sviluppi in materia di solidarietà ed integrazione . *Freedom, Security & Justice: European Legal Studies* , 2.

Cini, M. and Pérez-Solórzano Borragán, N. (2022). *European Union politics*. 7th ed. Oxford Oxford University Press, pp.308–323.

Coakley, A. (2022). *Hungary's Orban defends response to Ukraine war refugees*. [online] www.aljazeera.com. Available at: <https://www.aljazeera.com/news/2022/3/3/hungarys-orban-defends-response-to-ukraine-war-refugees>.

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A EUROPEAN AGENDA ON MIGRATION.

CONSILIUM (2019). *An area of freedom, security and justice: general aspects | Fact Sheets on the European Union | European Parliament*. [online] Europa.eu. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/150/an-area-of-freedom-security-and-justice-general-aspects>.

Consolidated version of the Treaty on the Functioning of the European Union, 26 October 2012, 2012/C 326/01, art.80

Costa Santos, A., Deleixhe, M., El Moussawi, H., Ngo, S., & Lou Vertongen, Y. (2022). #3 A review of the reception model in Brussels: the Ukrainian lesson. *Brussels Studies, BSI Position Papers* (3). Retrieved from <https://bsiposition.hypotheses.org/1660>

Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, art. 2(b)

Council of the European Union (2003). *Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national*. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32003R0343> [Accessed 25 Jul. 2023].

Council of the European Union (2004). *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0083> [Accessed 25 Jul. 2023].

Council of the European Union. (2022). EU solidarity with Ukraine. Retrieved March 1, 2023, from www.consilium.europa.eu website: <https://www.consilium.europa.eu/en/policies/eu-responseukraine-invasion/eu-solidarity-ukraine/#:~:text=The%20EU%20has%20approved%20regulations>

Court of Justice of the European Union, Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council, 6 September 2017, Luxembourg.

DAILY SABAH (2015). *French President calls Erdoğan over images of drowned Syrian boy, calls for common EU refugee policy*. [online] Daily Sabah. Available at: <https://www.dailysabah.com/diplomacy/2015/09/03/french-president-calls-erdogan-over-images-of-drowned-syrian-boy-calls-for-common-eu-refugee-policy>.

De Somer, M., & Horst Neidhardt, A. (2022). *EU responses to Ukrainian arrivals – not (yet) a blueprint*. European Policy Centre. Retrieved from European Policy Centre website: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://epc.eu/content/PDF/2022/EU_response_to_Ukrainian_arrivals_DP.pdf](https://epc.eu/content/PDF/2022/EU_response_to_Ukrainian_arrivals_DP.pdf)

De Tinguy, A. (2022). Le géant empêtré. La Russie et le monde de la fin de l'URSS à l'invasion de l'Ukraine. *Perrin*

de Vreese, C.H. and Boomgaarden, H.G. (2005). Projecting EU Referendums. *European Union Politics*, 6(1), pp.59–82. doi:<https://doi.org/10.1177/1465116505049608>.

Deverell, E. (2009). Crises as Learning Triggers: Exploring a Conceptual Framework of Crisis-Induced Learning. *Journal of Contingencies and Crisis Management*, 17(3), pp.179–188. doi:<https://doi.org/10.1111/j.1468-5973.2009.00578.x>.

Dipartimento per le Politiche Europee (2020). *Trattati di Roma*. [online] Dipartimento per le Politiche Europee. Available at: <https://www.politicheeuropee.gov.it/it/normativa/approfondimenti-normativa/trattati-di-roma/> [Accessed 17 Jul. 2023].

Directive 2004/38/EC of the European Parliament and of the Council. Available at: <https://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=50ed43ea2>.

Dunlop, C.A. and Radaelli, C.M. (2012). Systematising Policy Learning: From Monolith to Dimensions. *Political Studies*, 61(3), pp.599–619. doi:<https://doi.org/10.1111/j.1467-9248.2012.00982.x>.

Dunlop, C.A. and Radaelli, C.M. (2015). Policy learning in the Eurozone crisis: modes, power and functionality. *Policy Sciences*, [online] 49(2), pp.107–124. doi:<https://doi.org/10.1007/s11077-015-9236-7>.

Dunlop, C.A. and Radaelli, C.M. (2018). The lessons of policy learning: types, triggers, hindrances and pathologies. *Policy & Politics*, 46(2), pp.255–272. doi:<https://doi.org/10.1332/030557318x15230059735521>.

EU Monitor (2008). *Directive 2003/9 - Minimum standards for the reception of asylum seekers - EU monitor*. [online] www.eumonitor.eu. Available at: https://www.eumonitor.eu/9353000/1/j4nvk6yhcbpeywk_j9vvik7m1c3gyxp/vitgbgid a8zn [Accessed 29 Jul. 2023].

EUAA (2023). *2.1.1 First and second phases of CEAS and the 2016 reform proposals*. [online] European Union Agency for Asylum. Available at: <https://euaa.europa.eu/easo-asylum-report-2021/211-first-and-second-phases-ceas-and-2016-reform-proposals> [Accessed 22 Jul. 2023].

Eurofound (2022). Policies to support refugees from Ukraine. *EU PolicyWatch Database*. Available at: <https://www.eurofound.europa.eu/publications/article/2022/policies-to-support-refugees-from-ukraine> [Accessed 1st March 2023]

European Asylum Support Office (2016). *Un'introduzione al sistema europeo comune di asilo per i giudici*. [online] European Asylum Support Office. Available at: https://euaa.europa.eu/sites/default/files/easo-introduction-to-ceas-ja_it.pdf EASO Professional Development Series for members of courts and tribunals.

European Commission (2007). *Report from the Commission to the European Parliament and the Council on the evaluation of the Dublin system*. [online] Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0299:FIN:EN:PDF> [Accessed 25 Jul. 2023].

European Commission (2009). *Stockholm Programme*. [online] [home-affairs.ec.europa.eu](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/stockholm-programme_en). Available at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/stockholm-programme_en [Accessed 29 Jul. 2023].

European Commission (2015a). *European Agenda on Migration*. [online] [home-affairs.ec.europa.eu](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/european-agenda-migration_en). Available at: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/european-agenda-migration_en.

European Commission (2015b). *Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person*. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015PC0450>.

European Commission (2016). *COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL TOWARDS A REFORM OF THE COMMON EUROPEAN ASYLUM SYSTEM AND ENHANCING LEGAL AVENUES TO EUROPE*. [online] [Europa.eu](https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A52016DC0197). Available at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A52016DC0197>.

European Commission (2020). *Speech by Vice-President Schinas on the New Pact on Migration and Asylum*. [online] European Commission - European Commission.

Available at:

https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1736.

European Commission (2022). *Temporary protection*. [online] home-affairs.ec.europa.eu. Available at:

https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en.

European Commission (2023a). *Migration management: Welcoming refugees from Ukraine*. [online] home-affairs.ec.europa.eu. Available at:

https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/migration-management-welcoming-refugees-ukraine_en.

European Commission (2023b). *Pact on Migration and Asylum*. [online] home-affairs.ec.europa.eu. Available at:

https://home-affairs.ec.europa.eu/policies/migration-and-asylum/new-pact-migration-and-asylum_en.

European Commission, Communication on Integrating Migration Issues in the European Union's Relations with third Countries, COM (2002) 703 final.

European Council (2023). *Conclusions by the President of the European Council on the external dimension of migration*. [online] <https://www.consilium.europa.eu/>.

Available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/30/conclusions-by-the-president-of-the-european-council-on-the-external-dimension-of-migration/>.

European Council (2016). *Dichiarazione UE-Turchia, 18 marzo 2016*. [online] www.consilium.europa.eu. Available at:

<https://www.consilium.europa.eu/it/press/press-releases/2016/03/18/eu-turkey-statement/>.

European Council (2022a). *Ukraine: €17 billion of EU funds to help refugees*. [online] www.consilium.europa.eu. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2022/04/04/ukraine-council-unlocks-17-billion-of-eu-funds-to-help-refugees/>.

European Council (2022b). *Ukraine: Council Unanimously introduces Temporary protection for Persons fleeing the War*. [online] www.consilium.europa.eu. Available at: <https://www.consilium.europa.eu/en/press/press-releases/2022/03/04/ukraine-council-introduces-temporary-protection-for-persons-fleeing-the-war/>.

European Council on Refugee and Exiles (2006). *SUMMARY REPORT ON THE APPLICATION OF THE DUBLIN II REGULATION IN EUROPE*. [online] ECRE. Available at: chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Summary-Report-on-the-Application-of-the-Dublin-II-Regulation-in-Europe_March-2006.pdf.

European Council on Refugees & Exiles (2020). *Joint Statement: The Pact on Migration and Asylum: to provide a fresh start and avoid past mistakes, risky elements need to be addressed and positive aspects need to be expanded | European Council on Refugees and Exiles (ECRE)*. [online] <https://ecre.org/>. Available at: <https://ecre.org/the-pact-on-migration-and-asylum-to-provide-a-fresh-start-and-avoid-past-mistakes-risky-elements-need-to-be-addressed-and-positive-aspects-need-to-be-expanded/> [Accessed 23 Aug. 2023].

European Council on Refugees and Exiles (2006). *EUROPEAN COUNCIL ON REFUGEES AND EXILES CONSEIL EUROPEEN SUR LES REFUGIES ET LES EXILES ECRE Information Note on the Council Directive 2005/85/EC of 1 December*

2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status. [online] Available at: https://ecre.org/wp-content/uploads/2016/07/ECRE-Information-Note-on-the-Asylum-Procedures-Directive_October-2006.pdf.

European Council. (2016). EU-Turkey statement <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

European Council. (2017). Malta Declaration by the Members of the European Council on the External Aspects of Migration: Addressing the Central Mediterranean Route, <https://www.consilium.europa.eu/en/press/press-releases/2017/02/03/malta-declaration/>

European Legal Network on Asylum (2006). *REPORT ON THE APPLICATION OF THE DUBLIN II REGULATION IN EUROPE* . [online] Available at: https://ecre.org/wp-content/uploads/2016/07/ECRE-ELENA-Summary-Report-on-the-Application-of-the-Dublin-II-Regulation-in-Europe_March-2006.pdf.

European Parliament (2018). *Migration and Asylum: a challenge for Europe*. [online] Available at: [https://www.europarl.europa.eu/RegData/etudes/PERI/2017/600414/IPOL_PERI\(2017\)600414_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/PERI/2017/600414/IPOL_PERI(2017)600414_EN.pdf).

European Parliament (2019). *Asylum Policy | Fact Sheets on the European Union | European Parliament*. [online] Europa.eu. Available at: <https://www.europarl.europa.eu/factsheets/en/sheet/151/asylum-policy>.

European Parliament (2023). *EU pact on migration and asylum State of play* . [online] Available at: [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)739247](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)739247).

European Parliament and the Council, 13 November 2019, Regulation (EU) 2019/1896, on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

European Parliamentary Research Service (2014). *The ten points of Jean-Claude Juncker's political guidelines*. [online] Available at: <https://www.europarl.europa.eu/EPRS/EPRS-Briefing-538963-Setting-EU-Priorities-2014-19-FINAL.pdf>.

Falkner, G. (2016). The EU's current crisis and its policy effects: research design and comparative findings. *Journal of European Integration*, 38(3), pp.219–235. doi:<https://doi.org/10.1080/07036337.2016.1140154>.

Frelick, B., Kysel, I. and Podkul, J. (2016). The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants. *Journal on Migration and Human Security*, 4(4), pp.190–220. doi:<https://doi.org/10.14240/jmhs.v4i4.68>.

Garson, J.-P. and Loizzillon, A. (2003). Changes and Challenges Europe and Migration from 1950 to present. [online] The Economic and Social Aspects of Migration. OECD. Available at: <chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://www.oecd.org/migration/mig/15516948.pdf>.

Ghadakpour, N. (2022). *Treat Syrian refugees the same as Ukrainians, says UN commission chair*. [online] euronews. Available at: <https://www.euronews.com/my-europe/2022/07/04/syrian-and-ukrainian-refugees-should-receive-same-treatment-says-un-commission-chair>.

Gibney, M. (2004). Introduction. In *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (pp. 1-22). Cambridge : Cambridge University Press. doi :10.1017/CBO9780511490248.001

- Giordano, A. (2020). *EU asylum policy: The past, the present and the future*. [online] The New Federalist. Available at: <https://www.thenewfederalist.eu/eu-asylum-policy-the-past-the-present-and-the-future?lang=fr>.
- Goujon, A. (2023). L'Ukraine de l'indépendance à la guerre. *Le Cavalier Bleu*
- Gros, P., Delory S. & Tourret V. (2022), Strategies russes et guerre en Ukraine : état des lieux. *Fondation pour la recherche stratégique*, note n.03/22.
- Hailbronner, K. (1998). European Immigration and Asylum Law Under the Amsterdam Treaty. *Common Market Law Review*, 35(Issue 5), pp.1047–1067. doi:<https://doi.org/10.54648/188634>.
- Hainmueller, J. & Hopkins, D. (2014). Public attitudes toward immigration. *The Annual Review of Political Science*. 17:225-49
- Haring, M. (2021). Ukraine in the Crosshairs. *Foreign Affairs*. Available at: <https://www.foreignaffairs.com/articles/ukraine/2021-11-19/ukraine-crosshairs>
[Accessed 28th February 2023]
- Hurwitz, A. (1999). The 1990 Dublin Convention: a Comprehensive Assessment. *International Journal of Refugee Law*, [online] 11(4), pp.646–677. doi:<https://doi.org/10.1093/ijrl/11.4.646>.
- Hyndman, J. (2011). A Refugee Camp Conundrum: Geopolitics, Liberal Democracy, and Protracted Refugee Situations. *Refuge: Canada's Journal on Refugees*, 28(2), 7–16. <https://www.jstor.org/stable/48648626>
- İneli Cığır, M. (2022, April 7). 5 Reasons Why: Understanding the Reasons behind the Activation of the Temporary Protection Directive in 2022 – EU Immigration and Asylum Law and Policy. Retrieved March 2, 2023, from Droit Et Politique De l'Immigration Et De l'Asile De l'UE website: <https://eumigrationlawblog.eu/5->

reasons-why-understanding-the-reasons-behind-the-activation-of-the-temporary-protection-directive-in-2022/

Ineli-Ciger, M. (2018). *Temporary protection in law and practice* (pp. 149–197). Leiden: Brill. International Organization for Migration (2019) Glossary on migration, IML Series No. 34.

International Organization for Migration. (2021). Number of recorded deaths of migrants in the Mediterranean Sea from 2014 to 2021 [Graph]. In Statista. Retrieved February 09, 2023, from <https://www.statista.com/statistics/1082077/deaths-of-migrants-in-the-mediterranean-sea/>.

IOM report, (2017). Four Decades of Cross-Mediterranean Undocumented Migration to Europe

Jahan, S. and Papageorgiou, C. (2014). *What Is Monetarism? - Back to Basics - Finance & Development, March 2014*. [online] Imf.org. Available at: <https://www.imf.org/external/pubs/ft/fandd/2014/03/basics.htm>.

Judgment in Joined Cases C-643/15 and C-647/15 Slovakia and Hungary v Council [2017] (Court of Justice of the European Union).

Kirkhope, T. (2023). Permanent EU relocation mechanism. Civil Liberties, Justice and Home Affairs – LIBE. <https://www.europarl.europa.eu/legislative-train/package-strong-asylum-policy/file-permanent-eu-relocation-mechanism>

Ladi, S. and Tsarouhas, D. (2020). EU economic governance and Covid-19: policy learning and windows of opportunity. *Journal of European Integration*, 42(8), pp.1041–1056. doi:<https://doi.org/10.1080/07036337.2020.1852231>.

Lehne, S. (2016). *How the Refugee Crisis Will Reshape the EU*. [online] Carnegie Europe. Available at: <https://carnegieeurope.eu/2016/02/04/how-refugee-crisis-will-reshape-eu-pub-62650>.

- Lehne, S. (2022). *The EU and the Creative and Destructive Impact of Crises*. [online] Carnegie Europe. Available at: <https://carnegieeurope.eu/2022/10/18/eu-and-creative-and-destructive-impact-of-crises-pub-88145#:~:text=Since%20the%20beginning%20of%20the>.
- Lloyd-Damnjanovic, I. (2020). *Criminalization of Search-and-Rescue Operations in the Mediterranean Has Been Accompanied by Rising Migrant Death Rate*. [online] migrationpolicy.org. Available at: <https://www.migrationpolicy.org/article/criminalization-rescue-operations-mediterranean-rising-deaths> [Accessed 15 Aug. 2023].
- Martin, D. (2017). The EU migrant relocation and resettlement scheme. Deutsche Welle. <https://www.dw.com/en/the-eu-migrant-relocation-and-resettlement-scheme-what-you-need-to-know/a-40378909>
- Martiniello, M. (2009). *Immigration and the transformation of Europe*. Cambridge: Cambridge University Press, pp.298–324.
- Massardo, A. (2021). *Il doppio volto della Francia, sangue e violenza nelle banlieue*. [online] InsideOver. Available at: <https://it.insideover.com/societa/il-doppio-volto-della-francia.html> [Accessed 22 Jul. 2023].
- May, P.J. (1992). Policy Learning and Failure. *Journal of Public Policy*, 12(4), pp.331–354. doi:<https://doi.org/10.1017/s0143814x00005602>.
- McLaren, L.M. (2002). Public Support for the European Union: Cost/Benefit Analysis or Perceived Cultural Threat? *The Journal of Politics*, 64(2), pp.551–566. doi:<https://doi.org/10.1111/1468-2508.00139>.
- Merli, G. (2021). *Oscar Camps: 'Quei morti sono conseguenza degli accordi con le milizie libiche'*. [online] il manifesto. Available at: <https://ilmanifesto.it/oscar-camps->

quei-morti-sono-conseguenza-degli-accordi-con-le-milizie-libiche [Accessed 15 Aug. 2023].

Mirati, A. (2017). *UE propone riforma diritto di asilo/ Open Migration*. [online] Open Migration. Available at: <https://openmigration.org/analisi/qui-non-passa-lo-straniero-le-proposte-europee-di-riforma-del-diritto-dasil/> [Accessed 20 Aug. 2023].

Monnet, J. (1978). *Memoirs*. [online] *Google Books*. Collins. Available at: <https://www.google.com/books/edition/Memoirs/5dBmAAAAMAAJ?hl=en&gbpv=1&bsq=sum%20of%20solutions> [Accessed 20 Nov. 2022].

Morrice, L. (2022). Will the war in Ukraine be a pivotal moment for refugee education in Europe? *International Journal of Lifelong Education*, 41(3), pp.251–256. doi:<https://doi.org/10.1080/02601370.2022.2079260>.

Moyson, S., Scholten, P. and Weible, C.M. (2017). Policy learning and policy change: theorizing their relations from different perspectives. *Policy and Society*, 36(2), pp.161–177. doi:<https://doi.org/10.1080/14494035.2017.1331879>.

MTI-Hungary Today (2022). *PM Orbán: All Refugees from Ukraine Taken Care of in Hungary*. [online] Hungary Today. Available at: <https://hungarytoday.hu/orban-ukrainian-refugees-ukraine-migrants/>.

Mungianu, R. (2016). The EU, Frontex and Non-Refoulement : Constructing Scenarios. In *Frontex and Non-Refoulement: The International Responsibility of the EU* (Cambridge Studies in European Law and Policy, pp. 205-221). Cambridge: Cambridge University Press. doi:10.1017/CBO9781316459904.008

New York Times (2022). Maps: tracking the Russian invasion of Ukraine. Available at: <https://www.nytimes.com/interactive/2022/world/europe/ukraine-maps.html#:~:text=Ukraine%E2%80%99s%20military%20has%20had%20significant%20momentum%20sin> [Accessed 27th February 2023]

- Palm, E. (2020). Externalized Migration Governance and the Limits of Sovereignty: The Case of Partnership Agreements between EU and Libya. *Theoria*, 86: 9-27. <https://doi.org/10.1111/theo.12224>
- Peers, S. (2013). *The second phase of the Common European Asylum System: A brave new world - or lipstick on a pig?* [online] State Watch. Available at: <https://www.statewatch.org/news/2013/april/statewatch-analysis-the-second-phase-of-the-common-european-asylum-system-a-brave-new-world-or-lipstick-on-a-pig-by-professor-steve-peers-university-of-essex/>.
- Peers, S. (2014). *The EU Asylum System: Challenges and Shortcomings*. [online] www.iemed.org. Available at: <https://www.iemed.org/publication/the-eu-asylum-system-challenges-and-shortcomings/> [Accessed 25 Jul. 2023].
- Peers, S. (2022, February 27). EU Law Analysis: Temporary Protection for Ukrainians in the EU?
- Perchoc, P. (2019). *EU-TURKEY STATEMENT & ACTION PLAN*. [online] *European Parliament*. Available at: <https://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>.
- POLITICO EU (2023). *EU finalizes migrant deal with Tunisia*. [online] POLITICO. Available at: <https://www.politico.eu/article/eu-migration-deal-tunisia-migrants-africa-european-commission/> [Accessed 12 Sep. 2023].
- Radaelli, C.M. (2022). Policy Learning and European Integration. *Journal of Common Market Studies*. doi:<https://doi.org/10.1111/jcms.13432>.
- Rasche, L. (2022, June 24). Implementing Temporary Protection in the EU: From crisis response to long-term strategy. Retrieved March 12, 2023, from Jacques Delors Centre website:

<https://www.delorscentre.eu/en/detail/publication/temporaryprotection#:~:text=By%20activating%20the%20Temporary%20Protection>

Rose, R. (1991). What is Lesson-Drawing? *Journal of Public Policy*, 11(1), pp.3–30. doi:<https://doi.org/10.1017/s0143814x00004918>.

Rygiel, K., Baban, F., & Ilcan, S. (2016). The Syrian refugee crisis: The EU-Turkey “deal” and temporary protection. *Global Social Policy: An Interdisciplinary Journal of Public Policy and Social Development*, 16(3), 315–320. <https://doi.org/10.1177/1468018116666153>

Samuel, H. (2015, June 19). Nicolas Sarkozy compares EU migrant plan to “fixing a burst water pipe with water.” Retrieved March 2, 2023, from www.telegraph.co.uk website: <https://www.telegraph.co.uk/news/worldnews/nicolas-sarkozy/11686558/NicolasSarkozycompares-EU-migrant-plan-to-fixing-a-burst-water-pipe-with-water.html>

Seilonen, J. (2016). *Fortress Europe – a brief history of the European migration and asylum policy : A historical institutionalist analysis of the migration and asylum policy, and the impacts of the current migration crisis*.

Single European Act. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11986U/TXT>.

The Associated Press. (2022, February 28). Europe Welcomes Ukrainian Refugees but others, Less so. *NPR*. Retrieved from <https://www.npr.org/2022/02/28/1083423348/europe-welcomes-ukrainian-refugees-but-others-less-so>

The EU’s real refugee policy: Division and delay. Retrieved from POLITICO website: <https://www.politico.eu/article/ukraine-war-refugees-europe-real-policy-brussels-migrationdivisiondelay/>

The European Communities (1985). *Bulletin of the European Communities Guidelines for a Community policy on migration*. [online] Office for Official Publications of the European Communities. Available at: <http://aei.pitt.edu/1256/>.

Tondo, L. (2022, March 4). Embraced or pushed back: on the Polish border, sadly, not all refugees

Treaty establishing the European Economic Community. Available at: <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-of-rome-eec.html> [Accessed 29 Jul. 2023].

Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:11997D/TXT>.

Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A12007L%2FTXT>.

UN High Commissioner for Refugees (UNHCR), *The Dublin II Regulation*. A UNHCR Discussion Paper, April 2006, available at: <https://www.refworld.org/docid/4445fe344.html> [accessed 25 July 2023]

UNCHR (February 2023). Cumulative number of border crossings from and to Ukraine after Russia's invasion from February 24, 2022, to February 14, 2023. Statista. Available at: data2.unhcr.org [Accessed 28th February 2023]

UNCHR (February 2023). Ukraine refugee situation. Statista. Available at: unhcr.org [Accessed 28th February 2023]

UNHCR (2022). *Ukraine Situation*. [online] Global Focus. Available at: <https://reporting.unhcr.org/operational/situations/ukraine-situation>.

UNHCR (2023). *EMERGENCY APPEAL Ukraine emergency*. [online] UNHCR. Available at: <https://www.unhcr.org/emergencies/ukraine-emergency> [Accessed 18 Aug. 2023].

United Nations High Commissioner for Refugees (2020) UNHCR Statistical Yearbooks. <http://www.unhcr.org/statistical-yearbooks.html>

