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Published online: 11 Feb 2021.

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Debordering and re-bordering in the refugee crisis: a case of 'defensive integration'

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ABSTRACT
We present the reaction of the EU and eight member states to the refugee crisis 2015/16 as a case of 'defensive integration'. In the absence of a joint EU solution, the member states were left to their own devices and took a series of national measures that varied from one country to the other, depending on their policy heritage, and the combination of problem pressure and political pressure which they were facing. As a result, debordering responses prevailed at first. Only in a second stage a set of national and EU measures aiming at internal and external re-bordering were introduced. At this stage, destination states proved to be the most important drivers of a joint solution, with Germany taking the lead. The overall outcome is an example of 'defensive integration', aiming squarely at joint solutions to stop the refugee flow outside the EU but not to manage it inside the EU.

Introduction

In May 2015, the European Commission responded to the rising tide of refugees with the *European Agenda for Migration* which sought to formulate a comprehensive EU approach to the surge in Mediterranean arrivals. Once, in September 2015, the refugee crisis had struck in earnest, the European Commission put forward priority actions to implement the Agenda. In the face of the emergency, these actions were, however, unable to come to terms with the inflow of refugees in the short-term. In the absence of a joint EU solution, the member states were left to their own devices and

took a series of national measures that varied from one country to the other, depending on their policy heritage, and the combination of problem pressure and political pressure which they were facing. As a result, debordering responses prevailed at first. Only in a second stage a set of national and EU measures aiming at internal and external re-bordering were introduced.

In the domain of migration policy, the EU has an open borders framework internally, but external migration restrictions. EU member states cannot control internal movement but can regulate admission of third-country nationals (Geddes & Scholten, 2016). In asylum policy more specifically, the EU's role is still subsidiary to the decisions of its member states. Though matters of asylum are notionally a shared competence between the EU and national governments (article 4 of the TFEU), at the end of the day, it is the member states themselves that decide about the access to their territory, whether and how they will abide by international norms (Schain, 2009), and about the amount of resources they are willing to invest in the assessment of asylum claims, policing efforts against irregular migration, deportation procedures, and the integration of successful asylum applicants. Moreover, the ability of the European Union to control its borders only extends as far as the capacity of the member states at its external borders to fulfill this task. As a result of insufficient control of external borders, the refugee crisis was first of all an instance of debordering of external borders in the southern European border countries most exposed to the inflow of refugees, which led to internal debordering of destination states.

As they struggled to regain control, decision-makers both in the EU supranational institutions and in the member states, particularly those most affected by the refugee crisis due to their country's exposure, implemented a set of measures that amounted to *'defensive integration'* (Schimmelfennig, 2021), i.e., a combination of measures of mainly internal and external re-bordering. In this process, Germany played a key role (Webber, 2019, p. 17). Overall, after initial debordering, the ultimate response to the crisis was a mixture of renationalization of border control and joint external re-bordering. This is what we want to show and explain in this paper, focusing particularly on the policy responses of the countries most involved in the refugee crisis.

Ripoll Servent and Zaun (2020) are right to point out the continuity in the policy responses that were triggered by the 2015–2016 – namely, a shift of responsibility outward and a reinforcement of border control. While we are confirming this assessment, the conceptualization of the Introduction to this Special Issue provides us with a fresh perspective that allows us to give a comprehensive account of the policy measures proposed and ultimately adopted during the refugee crisis both at the level of the EU and of the member states. Moreover, as we are attempting to show, it is not for lack of trying alternative policy options at both levels that the reinforcement of external and internal borders eventually prevailed.

Our empirical material draws on three distinct sources. First, we rely on secondary literature that has documented the evolution of the Common European Asylum System (CEAS) as well as the EU's response to the refugee crisis peaking in the summer and autumn of 2015. Secondly, we collect the policy details for our selected countries from various publications by think tanks and other NGOs (Migration Policy Institute, European Migration Network, Asylum Information Database). Thirdly, we complement this information by a systematic keyword-based search in Factiva[1] to obtain all news reporting in the international mass media on any particular country in matters of asylum and the general response to the crisis.

We start with a brief introduction of what we consider the three driving forces of the policy responses of the EU and its member states to the refugee crisis: policy heritage, problem pressure and political pressure. Next, we provide a conceptualization of policy responses available to the European Union and its member states in the face of this crisis. We distinguish between internal and external de-bordering and re-bordering, following the logic of the Introduction to the Special Issue. Third, we move to the presentation of the major policy responses by the EU and eight member states in light of the driving forces. We separate these countries into frontline (Greece and Italy), transit (Austria and Hungary), and destination states, the latter further divided into two sub-sets – restrictive (France and UK) and open destination states (Germany and Sweden). The classification of Austria as a transit instead of a destination state might be contested, but as we shall see, the data rather point towards Austria having been a transit state. We do not include any bystander states in our analysis.

Factors driving the policy responses in the refugee crisis

We consider three factors as particularly important in driving the policy response in a crisis such as the refugee crisis: the policy heritage, the problem pressure and the political pressure. The policy heritage constrains the policy options available to the policy-makers, whereas the combination of problem and political pressure determines the urgency and uncertainty of the crisis situation that requires a response from them.

The policy heritage

Since 1999, the EU has been working to develop a Common European Asylum System (CEAS) in two phases (1999–2004, 2005–2015). While the CEAS is a multifaceted system with many provisions, perhaps its most controversial aspect is the *Dublin regulation,* according to which border countries are responsible for any asylum-seeker entering the Schengen area through their territory. This principle shifts the obligation of accepting and integrating refugees to the EU border

states, resulting in tensions within the EU, as frontline states in southern Europe complained about the fact that the combination of the Dublin regulation and geography meant that they would have to host a disproportionate number of refugees if they followed proper reception protocols.

The CEAS is essentially a regulation system of the negative integration type. In addition to the Dublin regulation, it consists in three key directives that set common minimum standards for asylum – the Reception Conditions Directive, Qualification Directive and Asylum Procedures Directive, all three revised as of 2013. The common rules of the CEAS, however, largely remain on paper (Scipioni, 2017). Thus, harmonization of asylum policies in the EU has barely led to the implementation of minimum protection standards in the EU, let alone common standards (Niemann & Zaun, 2018, p. 12). As a matter of fact, there are large differences in the countries' asylum regimes, which have resulted in different outcomes even before the crisis struck. Arguably, a good indicator of how the national asylum regimes actually worked in the past is the rejection rate of asylum-seekers prior to the crisis (2010–2014; see *Table A1* in the online appendix). According to these figures, Sweden and Germany have become the most open destination states for asylum-seekers already prior to the crisis, while France and the UK were already more closed before the crisis. Greece and Hungary had the most restrictive asylum regimes, while Italy and Austria had more moderate regimes.

Moreover, the capacity of national asylum systems to deal with asylum requests also varies considerably between member states. Unfortunately, there are no longitudinal data available for this aspect, but the figures in the second column of *Table A1* provide a snapshot rank ordering for the financial resources available for the determining authorities. This rank ordering is closely aligned with the rejection rates, except that the UK has somewhat more resources and Austria a lot less resources than the rejection rates would lead us to expect. As these numbers suggest, the Greek, Hungarian, and French systems fall far short of what would have been required for proper functioning. The Greek asylum system had already been judged to be dysfunctional by the ECHR and the ECJ as of 2011, and in 2012 the UNHCR arrived at the same assessment for the Hungarian asylum system (Trauner, 2016, p. 314). In other words, the national asylum systems of precisely those countries which were supposed to take care of the massive refugee inflow in the refugee crisis were least prepared to do so. Admittedly, annual budgetary appropriations are only one aspect of how effectively a given country's asylum system functions. However, in the context of a sudden spike of requests, the available resources of the system are an important indicator for its capacity to satisfy the country's CEAS obligations.

As a result of the lack of harmonization of the minimum standards between member states and the deficient capacity of some national systems, the entire CEAS rested on what has been called an 'organized

hypocrisy' (Lavenex, 2018; Van Middelaar, 2017, p. 103ff.). Even in terms of the protectionist policies, not to speak of humanitarian values, the system failed to fulfill its task: the states that were supposed to control the external borders were the least able to do so. Even before the crisis exploded, they had reacted by waving the refugees through to other states (Lavenex, 2018, p. 1197), while the northern destination states had turned a blind eye on this kind of disruptive behavior since they had imposed these obligations on frontline states in the first place.

The problem pressure and political pressure

Against this background, it was the external shock of mass displacements that created the crisis situation, i.e., the uncertainty and the urgency of a policy response by the decision-makers at the national and EU-level. This shock came to a head in the summer of 2015, but varied enormously from one country to the other (see *Figure A1* in the online appendix). It is in Austria, Hungary, Germany and Sweden, where the number of asylum applications peaked in the crisis situation of Fall 2015. Relative to the population, the peaks were most important in Hungary and Sweden, followed by Germany. In absolute terms, Germany received by far the largest number of applications. While Germany and Sweden became the key destination states, Hungary and, to a lesser extent, Austria became transit states, most dramatically illustrated by the events of September 4th, 2015 with thousands of asylum seekers marching on the Hungarian highway in their stated goal to reach German soil (Than & Preisinger, 2015).

By contrast, France and the UK have been mostly spared by the crisis in summer/fall 2015. These potential destination states were not accessible for refugees, due to the strict regulatory regime, border control practices and geographical location, rendering them exemplary restrictive destination countries. The inflow of refugees only slightly increased in France, and was essentially non-existent in the case of the UK. Finally, the problem pressure was also rather limited in the front-line states, in spite of the fact that one of them – Greece – was directly hit by the tremendous number of border crossings at the height of the crisis. Greece was not overwhelmed by a large number of asylum requests because most of the refugees arriving in Greece in summer 2015 pursued their way further north and did not register themselves with the Greek authorities. Italy's case is somewhat similar, except for the fact that the number of sea arrivals did not spike in the summer 2015, but had already increased in 2014 (UNHCR, 2019). In Italy's case, too, most of these arrivals did not register in the country.

Political pressure may contribute to the problem pressure and perceived urgency by policy-makers to the extent that the issue in question becomes salient in the general public. We use as indicators for political pressure the

salience of the issue in public opinion, measured by a google trends search for topics related to immigration and refugees. In the case of the refugee crisis, political pressure was added to the problem pressure in precisely those member states, where problem pressure was greatest (see *Figure A1*). The public salience of immigration and refugees spiked in the open destination and transit states at precisely the moment of greatest problem pressure at the peak of the crisis. By contrast, while public salience of immigration and refugees increased in the front-line and restrictive destination states as well, it did so to a much more limited extent. In summer and early fall 2015, when the inflow reached its peak, Greece was in the thrall of the Eurozone crisis, which tended to crowd out any other public concern. In Italy, the salience of immigration had already started to rise in 2014, but reached its peak only in 2017. In the restrictive destination countries, the increase in political pressure was very limited during the crisis in 2015. In France, immigration related issues hardly became more salient, whereas in the UK, immigration had already become more salient before the crisis.

The case of Italy illustrates that problem pressure and political pressure do not necessarily rise and fall in lock-step, even if they did so in the open destination and transit states during the refugee crisis. Importantly, political pressure may actually be constructed by political entrepreneurs for their own purposes, and it may serve as a substitute for problem pressure. Given the limited space, we cannot elaborate this point here. Suffice it to conclude that, given the cumulation of both types of pressure in the open destination and transit states, we would expect these states to become the major protagonists not only in the national responses to the pressure, but also in the search for a joint EU policy response to the crisis. Moreover, we argue that, among these countries, Germany is a special case. Even if it shared the most explosive combination of problem and political pressure with some other member states, the combined pressure became particularly important in the case of Germany because of its size and influence, which enabled it to take the lead for common initiatives. As is suggested by the public goods literature, larger destination (Germany) or frontline (Italy) states are expected to shoulder a disproportionate part of the common burden, since they have potentially more to lose (in absolute terms) from the non-provision of the public good in terms of stability and security, and are also the ones who are able to unilaterally make a significant contribution to the provision of the good (Thielemann, 2018, p. 69).

Possible policy responses in the refugee crisis: debordering and re-bordering

The response to the 2015 inflow could conceivably come either from individual member states, from a cross-national effort of some subset of member

states or from a joint response of the EU. In terms of the possible responses of the different actors, we can first distinguish between debordering and re-bordering responses, each of which is again divided into internal and external measures. Table 1 provides an overview over the possible responses at the various levels.

Let us start with debordering at the national level. Policy-makers in member states have to decide whether they should/can accept additional refugees. Since hosting refugees constitutes a collective burden, member states strive to limit the number of refugees they have to accommodate and they have an incentive to free-ride on the effort of other member states. There are essentially three options for member states. The first one consists in raising borders against the inflow, a response we explore later. The other two involve de-bordering. Thus, member states may 'wave through' the refugee flow and shift the problem to other countries. Waving through is not necessarily a deliberate policy choice, it can also simply occur as the result of porous, poorly guarded borders due to low capacity to handle inflows, as happened prominently in frontline states such as Greece or Italy. We shall call this *non-cooperative* debordering. In some destination states, by contrast, there was an attempt to follow the third possible option, i.e., to accept and host refugees. This type of response is a form of burden-sharing. We shall call this response *cooperative* debordering. By accepting to receive and integrate additional numbers of refugees, destination states like Germany or Sweden contribute to the collective good both of securing human rights and solidarity norms (Suhrke, 1998), and of greater security and stability by reducing tensions at the borders and limiting secondary movements of asylum seekers (Thielemann, 2018, p. 70; Lutz et al., 2020).

At the EU-level, internal debordering consists in measures to increase the burden-sharing between member states. To specify such measures, it is useful

Table 1. Possible responses to the refugee crisis.

Type	National	cross-national/EU
Debordering		
External	frontline states: opening border	opening border
Internal		
- cooperative		
capacity building	reception/integration	providing funding
re-regulation	facilitation of integration	Redistribution
- uncooperative	non-response	non-decision
re-bordering		
External		
- capacity building	frontline states: border control	border control
- externalization	agreement MS-TC	agreement EU-TC
Internal		
- capacity building	destination/transit states: border control	
- regulation	destination states: retrenchment policy	

to distinguish between capacity-building and regulation (Genschel & Jachtenfuchs, 2018). Capacity building involves the investment of resources and the relevant question in the realm of asylum policy is at what level such capacity building is expected to take place. At the EU level, it would involve joint investment in the task of reception and integration of refugees, e.g., the provision of funds for the destination countries that are ready to accept refugees. (Re-)regulation, by contrast, implies the shifting of burdens to the member states via resettlement/relocation schemes, for instance. Cross-national efforts are joint efforts of subsets of member states that involve similar measures as the ones described at the EU level.

Turning to re-bordering measures at the national level, the distinction between frontline and destination states takes on a more prominent role. Frontline states specifically can contribute to *external* re-bordering. In the absence of joint solutions, frontline states may attempt to control the external border on their own. They can do so either by stepping up border controls (including the introduction of transit zones, and of 'legal border barriers'), by building fences at the external border, or by externalizing the border control based on bilateral special arrangements with adjacent third countries.

The destination states, by contrast, have the option of *internal* re-bordering. One way to achieve this is the re-introduction of border controls for refugees – the equivalent of external re-bordering at the national level. This type of response is facilitated by the fact that Article 25 et seq. of the Schengen Borders Code allows for temporary reintroduction of border controls. Destination states can also resort to measures of *internal re-regulation* of asylum procedures domestically to make their country less attractive for asylum seekers. As Thielemann (2018, p. 69) points out, states tend to adopt a restrictive asylum policy to make sure that their country 'will not be seen as a 'soft touch', that is, an overly attractive destination country. Such measures indirectly contributing to internal re-bordering include a wide variety of policies that can be divided into regulations (binding legal provisions that create or constrain rights) and control measures (mechanisms that monitor whether the regulations are adhered to) (see also Helbling et al., 2017).

At the EU level, joint efforts can be made to contribute to *external* re-bordering. Such efforts involve a series of measures of capacity building that include the surveillance and policing of borders ('Frontex'), and physical, logistical, and financial aid to process asylum claims upon asylum-seekers' first arrival on European shores ('hotspots'). The resources required can either be invested internally, or the capacity building can be externalized to third countries. The latter response option depends on the EU's asymmetrical interdependence with states and organizations in its international environment. The more the EU has to offer in return, the more likely it is to find an external partner ready to contribute to the control of its external borders.

The policy responses of the actors in the refugee crisis

With respect to the policy responses of the actors in the refugee crisis it is useful to distinguish between two phases. In the first phase, the de-bordering responses to the combination of the immediate problem and political pressure by the frontline, transit and open destination states set the stage for the second phase, which closely followed upon the first one and during which attempts at internal and external re-bordering were made to come to terms with the unanticipated consequences of the original responses, both at the national and the EU-level.

Debordering

Immediate national responses: uncooperative and cooperative internal debordering

Faced with the wave of arrivals of refugees at the height of the crisis, the frontline states resorted to uncooperative debordering. Thus, the initial response of the Greek state was *a non-response*. In reaction to the refugee inflow, Greece resorted to waving through the arrivals (Lavenex, 2018, p. 1197), while registering only 50'000 asylum applications at the peak of the crisis in 2015 (see *Figure A1*). Having been waved through by Greek authorities, the next member state upon which the refugees hit on their way to northwestern Europe was Hungary. In summer 2015, tens of thousands of refugees were stranded in Budapest's Keleti train station. In the absence of a joint EU solution, the Orbàn government in Hungary began to improvise. Partly, it relied on *uncooperative internal debordering*, allowing the refugees to pass through in the direction of Austria, effectively becoming a transit state (DPA, 2015). Similar to Greece and Hungary, although much less concerned at this point, Italy also failed to register refugees and allowed them to pass through its territory to northern destination states (Caponio & Cappiali, 2018, p. 125).

The destination states adopted different types of measures. Germany and Sweden, at least initially, were the two countries that contributed most in terms of cooperative internal debordering. When the Orbàn government had confronted its Austrian and German counterparts with the choice of either risking a humanitarian catastrophe on the Austro-Hungarian border or continuing to take in the growing wave of refugees streaming northwards, Austria and Germany opened their borders to the refugees (see Webber, 2019, p. 158). At first, the 'welcome culture' in both countries received the refugees with open arms. But, under the mounting political pressure, the mood changed rapidly and the two countries sought to tighten their internal asylum policies and to look for joint EU solutions (see below). Parallel developments occurred in the destination states farther north.

Immediate EU response: cooperative internal debordering

Originally, EU policies on migration and asylum did not include any solidarity mechanisms to deal with disproportionate pressures faced by individual member states (Scipioni, 2017, p. 1363). In spring 2015, however, at the time of the publication of the European Agenda on Migration, the Commission had proposed to use, for the first time, the emergency response mechanism under Article 78(3) to set up a temporary relocation scheme (for a total of 40′000 persons in need of international protection) based on mandatory country quotas to relieve the frontline states from the burden (Monar, 2016). This measure was of the re-regulation type – shifting the burden of capacity building to the member states. Moreover, the number of persons to be relocated seemed quite small, relative to the inflow of persons in need. But even this very limited measure was watered down by the European Council meeting on July 20, 2015: participation in the scheme was to remain voluntary. Then, in his first speech on the State of the Union on September 9, 2015, Commission President Juncker announced a proposal for a second, mandatory, emergency mechanism aimed to relocate a further 120′000 persons seeking international protection from Greece, Italy and Hungary. While the European Parliament endorsed the emergency mechanism on September 17, the plan met with great resistance from Eastern European member states. Nevertheless, under German pressure, at another extraordinary meeting of the Council of Ministers on September 22, arranged by the Germans, the relocation mechanism was adopted by qualified majority voting (Monar, 2016).

As Van Middelaar (2017, p. 110) observes, this 'revolutionary decision', pushed through by the Germans, who did not want to be left alone with the task of receiving and integrating refugees, turned into a fiasco. The Czech Republic, Slovakia, Hungary and Romania voted against the relocation mechanism; Finland abstained. Subsequently, the Visegrad four group (Czech Republic, Slovakia, Hungary and Poland) became the most outspoken opponents to joint EU solutions. Hungary and Slovakia appealed to the ECJ against the decision, and Hungary later on organized a referendum over the relocation quota. Eventually, the ECJ upheld the decision in September 2017, and the Hungarian referendum held on October 3, 2016 failed to reach the quorum due to opposition boycott (Trauner, 2019). Nevertheless, in central- and eastern Europe, the fight for public support for joint solutions had been lost for a long time and acquiescence to any relocation scheme was seen as a submission to Berlin. In the end, the implementation of the decision fell far short of the expected numbers throughout the continent. Having failed in the short-term, the Commission repeatedly proposed to reform the dysfunctional Dublin regulation as a long-term response to the crisis, but to no avail. This crucial internal debordering measure was repeatedly shelved – a blatant case of non-decision making in the face of a major crisis.

Re-bordering

National responses of frontline and transit states: external and internal re-bordering

After efforts at cooperative debordering had floundered, frontline and transit states resorted to re-bordering. Hungary, in addition to uncooperative internal debordering also pursued *external re-bordering*, erecting fences at its southern borders. Its apparent policy-reversal has a lot to do with the necessary time lag to complete its flagship policy of fencing the border, which was only completed in mid-September 2015 (Pardavi et al., 2015, p. 15). Once the Serbian border was fenced, external re-bordering became exclusive Hungarian policy. The fences were extended to the Croatian and Slovenian borders in the autumn of 2015 and they were gradually upgraded and reinforced throughout 2016 and 2017. Moreover, Hungary's asylum policy became even more restrictive than it already had been: despite large numbers of asylum applications, by 2019 only 60 asylum-seekers had been accepted (Hauswedell, 2020).

Italy, due to its large maritime border, had fewer options to apply external re-bordering. Once the EU cooperative solutions it originally pursued came undone, Italy resorted to a mix of policies of debordering and re-bordering. Its policy response was erratic, being heavily influenced by events. Thus, after the infamous Lampedusa shipwreck in October 2013 that cost the lives of more than 300 migrants, Italy had launched the 'Mare Nostrum' surveillance and rescue operation which rescued around 150'000 people. Facing domestic conflict over Mare Nostrum, Italy succeeded to have its costs shared between the European Union member states, which created operation Triton and Mare Nostrum ended. Given the continued absence of a joint EU solution, the Italian Minister of the Interior of the PD government, Minniti, launched a series of initiatives in order to *externalize* the external border control. Thus, in February 2017, Italy signed an agreement with Libya aimed at stemming migratory flows. In this respect, the Italian policy did not change during the Salvini era (the M5S-Lega government 2018–19). But Salvini also attempted an additional bout of external and internal re-bordering, by forcing the port closure for NGO ships, legislating faster deportation procedures, and adopting restrictive asylum and border laws (Bove, 2019).

National responses of destination states: internal re-bordering

With the failure of the first attempt at a European solution, the destination states not only built up their capacity to meet the needs of the increased numbers of asylum seekers, they also resorted to two types of internal re-bordering: the introduction of border controls and the internal re-regulation of their own asylum procedures.

With respect to border controls, Denmark was the first country to close motorways and rail links (with Germany) on September 9 in an attempt to stem the flow of refugees. Germany reintroduced border controls on September 14, even if refugees were still not outright rejected when arriving on German territory. Austria followed on September 16, Slovenia and Hungary on September 17. Observers spoke of a 'domino effect', with one country's closure being followed by subsequent closures further east and south, bottle-necking the refugee inflows at the Balkans and in Italy (see *Table A3*).

In addition, the destination countries resorted to *internal re-regulation* to reduce their attractiveness to asylum-seekers by introducing more restrictive asylum legislation. Thus, almost immediately after having decided to leave the border de facto open, Germany started to tighten its asylum policies. Two packages of asylum law revisions were adopted respectively in October 2015 and February 2016, which, among other measures, provided for the acceleration of asylum procedures and tightened the criteria for family reunification (Alexander, 2018). Sweden took similar measures. Most spectacularly, in addition to border closures, in Fall 2015 the Swedish government announced the introduction of temporary residence permits for a period of three years (Emilsson, 2018, p. 11). Austrian asylum legislation also became ever more restrictive (Gruber, 2017). The residence period for beneficiaries of asylum was restricted to three years, time limits for family reunification and, most controversially, an annual asylum cap were introduced. France and the UK, although hardly affected by the crisis at all, also resorted to internal re-regulation. While France reacted with a certain delay by tightening its asylum and immigration laws only in 2017/2018, the UK continuously made its asylum regime more restrictive (e.g., Immigration Act 2014, Immigration Act 2016) (Mayblin, 2017; Mayblin & James, 2018).

Cross-national response: external re-bordering

External re-bordering was the final policy option which was pursued simultaneously as a cross-national and as an EU policy. The cross-national approach was pursued by Austria, which had originally succeeded in waving through most of the refugees to Germany and countries further north, effectively becoming rather more of a transit state (Knapp, 2015, p. 14), even if it had also accepted a share of the common burden. Beyond non-cooperative debordering, Austria, externally, attempted to create a domino effect: coordinated national border control measures by Austria, Hungary and the countries on the Western Balkans should shut down the Balkan route, creating pressure for a common border control mission on the EU's external borders or at least securing their own borders. At the West-Balkan conference which took place on February 24, 2016 in Vienna, Austria took the lead in advancing this shut-down. Under the slogan of

'managing migration together', the Foreign ministers and the ministers of the interior of four EU-member states (Austria, Bulgaria, Croatia and Slovenia) and of six candidate countries from the Western Balkans (Albania, Bosnia–Herzegovina, Kosovo, Macedonia, Montenegro, Serbia) came to an agreement. The Austrian foreign minister emphasized that all the participants would have preferred a common European solution, but that in the absence of such a solution, their countries were forced to adopt a regional policy response, led by Austria, which considered itself to be 'simply unable to cope'. Immediately after the conference, the participant countries started to close down their borders. As a result, thousands of refugees were stuck at the Greek northern border in Idomeni. The EU soon accepted the de facto closing of the Balkan route (Dilkoff, 2016) and the European Council declared that 'irregular flows of migrants along the Western Balkans route have now come to an end' (Council of the EU, 2016). The closing of the Western Balkans route was, however, not helping Greece, because it left its external borders unprotected. For securing the Greek borders, another type of solution was required.

EU response: external re-bordering by capacity-building and externalization

The EU responded to the task of external re-bordering (including Greece) with a two-pronged strategy that combined internal capacity building with externalization. We first look at internal capacity building, which included several measures, of which we discuss the two most important ones – the hotspot approach and the creation of the European Border and Coast Guard.

The *hotspot approach*, adopted by the European Council, was part of the European Agenda on Migration: the European Asylum Support Office, Frontex and Europol were to work on the ground with frontline member states, in particular Greece and Italy, to swiftly identify, register and fingerprint incoming migrants. Notwithstanding the 'assistance' rhetoric, hotspots are clearly designed to shift back on frontline states all the responsibilities they (theoretically) shoulder under current EU legislation: to identify migrants, to provide first reception, to identify and return those who do not claim protection, and to channel those who do so towards asylum procedures in the responsible state (usually the frontline states). The implementation of the approach in Greece and Italy has been slow, due in part to missing infrastructure, but also due to foot-dragging on the part of the two countries (European Commission, 2017).

The creation of the *European Border and Coast Guard* (EBCG) consisted in an extension of the already existing border control agency 'Frontex'. The proposal for the creation of the EBCG has been drawn up in record time by the Commission in the midst of the crisis situation, between September and December 2015, boosting the former Frontex infrastructure with new

personnel and equipment, funded by explicit contributions by member states (Nieman and Speyer, 2018, p. 32f.). The new EBCG would have funding worth 322 million euros by 2020.

Additionally, the new EBCG format came with increased rights of intervention (Van Middelaar, 2017, p. 123) forcing members to accept EU Council recommendations for EBCG intervention or face possible expulsion from the Schengen zone for non-complying countries. The European Council agreed to a compromise solution: if a member state does not cooperate within thirty days with an emergency plan designed by the EBCG on behalf of the Council, the Commission can start the procedure to suspend the country's membership in the Schengen area. In other words, the EU cannot control the external border against the explicit will of a member state, but it can exclude the country from access to the area of free movement, creating a semi-joint re-bordering mechanism. The new EBCG soon proved to be too limited, however. In his State of the Union speech 2018, Commission President Juncker confirmed that it should have an additional 10'000 border guards by 2020 and he provided a blueprint for the future of the EBCG (Angelescu & Trauner, 2018).

In addition to capacity building, the EU also had recourse to *externalization*. To stop the arrival of refugees on the Greek islands, the EU has sought the help of Turkey. The driving force behind this cooperation with Turkey was once again Germany, pursuing a different kind of joint EU solution. Between October 2015 and May 2016, the German Chancellor Angela Merkel traveled no less than five times to meet President Erdogan in Turkey and to strike a deal. A first joint action plan of the EU with Turkey was agreed on November 29, 2015, but rejected by 11 member governments in mid-December (Webber, 2019, p. 167). Arrivals remained high and the negotiations between Turkey and the EU continued, driven by the German Chancellor, and backed by the European Commission. As Slominski and Trauner (2018, p. 109) point out, the deal was negotiated in a format that shielded the EU member states from the other EU supranational institutions, notably the EP and the ECJ. Negotiations eventually succeeded: the EU-Turkey statement was finally adopted on March 18, 2016.

As of March 20, 2016, new irregular migrants entering Greece from Turkey had to be returned to Turkey. For every Syrian being returned to Turkey from the Greek islands, another Syrian was to be resettled in the EU. The maximum number of people to be returned according to this mechanism was 72'000. Turkey promised to take the necessary measures to prevent new sea or land routes from Turkey to the EU. In return, the EU promised to pay Turkey up to 6 billion euro by the end of 2018. It also promised the upgrading of the customs union, the acceleration of visa liberalization for Turks in the EU, and the relaunching of the accession process. As a result of the deal, the arrivals on the Greek islands dropped sharply, as did registered deaths and missing persons in the Aegean Sea.

With the closure of the Eastern Mediterranean, the focus of the refugee streams shifted back to the Central Mediterranean and to the sea crossing between Libya and Italy. Following up on the Italian deal with Libya, in February 2017 the European Council also turned its attention to the support of Libya in controlling the central Mediterranean route. The Malta Declaration of February 3, 2017 outlined a number of measures as part of a comprehensive strategy to strengthen the EU's border along this route. Subsequently, a series of measures followed, all designed to actively support Libyan authorities in contributing to efforts to disrupt organized criminal networks involved in smuggling of migrants, human trafficking and terrorism, in another example of joint external re-bordering.

Conclusion

In this paper, we presented the highly varied response of the EU and eight of its member states to the refugee crisis in 2015/16. We linked this response to the policy heritage, to the equally variable extent to which the member states were affected by the crisis, and to the political pressure that accentuated the problem pressure in some of the member states. We structured the responses according to the classification of bordering measures introduced in the introduction to this special issue, adding the necessary detail for what such measures amount to in practice in the domain of asylum policy. Table 2, which replicates Table 1, provides an overview over the debordering and re-bordering measures that have been taken at the national and the EU/cross-national levels.

Table 2. Overview over the policy measures taken at the national and EU/cross-national levels.

Type	national	cross-national/EU
Debordering		
External	breakdown of borders in frontline states	
Internal		
- cooperative		
capacity building	Open destination states: Germany and Sweden	
re-regulation		relocation scheme
- uncooperative	Frontline, transit states: waving through	Dublin reform shelved
rebordering		
External		
- capacity building	frontline states: Hungary's fences, Italy's Mare Nostrum, West-Balkan states	EBCG, hotspots
- externalization	Italy-Libya agreement	EU-Turkey agreement, Closing of the Balkan route
Internal		
- capacity building	destination states: border control	
- re-regulation	destination states: retrenchment policy	

As expected, initial attempts at joint internal cooperative debordering were met with great resistance, limiting collective success to the realm of external re-bordering: taken together, the EU-Turkey statement, the closing of the Balkan route, and the much more limited deal with Libya, as well as the hotspot approach and the reinforcement of the European Border and Coast Guard have contributed to reinforcing the EU's external borders. The efforts of some member states – Hungary and Italy most notably, have unilaterally contributed to this end as well. In the end, the response to the crisis was driven by the combination of problem pressure and political pressure and the German initiatives to come to a joint solution, leading to a series of piecemeal, patchwork solutions rather than a coordinated EU response. Policy integration was very circumscribed, indeed, and limited to external re-bordering.

What is particular about this crisis is the fact that it at the same time reinforced external and internal re-bordering, while internal debordering proved to be elusive. As a result of the initial failure of the joint EU-scheme for internal burden sharing member states have dealt with the crisis mostly on their own. While the initial individual responses of the member states strongly depended on their status as frontline, open or restrictive destination, bystander or transit state, which resulted in very diverse combinations of problem and political pressure at the outset of the crisis, the combined result of their individual responses amounted to a combination of internal and external re-bordering.

As expected, destination states proved to be the most important drivers of joint solutions. Thus, in line with expectations, Germany, the largest state, which was carrying the largest burden in absolute terms in contributing to the collective good as a destination state and which had come under heavy domestic political pressure, took the lead in promoting joint solutions – first in the failed attempt to share the burden, then in the successful attempt at externalization. As is observed by Webber (2019, p. 17), its capacity to play the role of a stabilizing hegemonic power in the EU, proved to be limited, however. Germany's efforts to arrive at collective solutions was sabotaged by member states wishing to limit the inflows of refugees at all costs. Joint efforts at externalization, in the form of the EU-Turkey deal, were complemented by the Austrian-led Balkan route closure, which in the end exerted pressure on concluding the former.

The overall outcome is an example of 'defensive integration', aiming squarely at joint solutions to *stop* the refugee flow *outside* the EU but not to *manage* it *inside* the EU. This outcome is provisional and very likely to be modified in the near future, as several of its moving parts are highly fragile. The overall outcome is a sort of fudge that will require severe amendments, given that the structural roots of the refugee crisis in the Middle East and in Africa have not changed at all.

Note

1. The general format of the search consisted of a Boolean combination of three components: a term for refugees (and possible synonyms), a term for policy change (and possible synonyms) and a term for the country for which we applied the search for. Depending on the number and relevance of the hits, we then tightened or loosened the search string with additional keywords or by changing the Boolean operators if necessary. For instance, a baseline search for Sweden looks like: (refugee* or mig*) and (law* or policy* or measure* or decision*) and Sweden. The sources we used were the BBC, Euronews, the Guardian, Reuters, the Associated Press, Agence France Press, and Euractiv.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

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References

Alexander, R. (2018). *Die Getriebenen. Merkel und die Flüchtlingspolitik: Report aus dem Innern der Macht*. Aktualisierte Ausgabe. München: Penguin.
Angelescu, I., & Trauner, F. (2018). 10,000 border guards for Frontex: Why the EU risks conflated expectations. *Brussels: European Policy Centre Policy Brief*, 21 September 2018.

Bove, C. (2019). Country Report: Italy. *AIDA*. Brussels: ecre.

Caponio, T., & Cappiali, T. M. (2018). Italian migration policies in times of crises: The policy gap reconsidered. *Southern European Society and Politics*, *23*(1), 115–132. https://doi.org/10.1080/13608746.2018.1435351

Council of the EU. (2016, March 7). Statement of the EU Heads of State or Government. *Press release*.

Dilkoff, D. (2016, March 7). EU: "Diese Route ist geschlossen". *Die Presse*.

DPA. (2015, August 31). 1ST LEAD refugees in Hungary board trains heading to Western Europe By dpa correspondents. *Deutsche Presse-Agentur*.

Emilsson, H. (2018). *Continuity or Change? The Refugee Crisis and the End of Swedish Exceptionalism*. Malmö Institute for Studies of Migration, Diversity and Welfare (MIM), Malmö University.

European Commission. (2017, February 10). Implementing the European Agenda on Migration: Commission reports on progress in Greece, Italy and the Western Balkans. *Press release*.

Geddes, A., & Scholten, P. (2016). *The Politics of Migration and Immigration in Europe* (2nd ed.). Sage.

Genschel, P., & Jachtenfuchs, M. (2018). From market integration to core state powers: The Eurozone crisis, the refugee crisis and European integration. *JCMS*, *56*(1), 178–196. https://doi.org/10.1111/jcms.12654

Gruber, O. (2017). "Refugees (no longer) welcome". Asylum discourse and policy in Austria in the wake of the 2015 refugee crisis. In M. Barlai, B. Fähnrich, C. Griessler, & M. Rhomberg (Eds.), *The Migrant Crisis: European Perspectives and National Discourses* (pp. 39–57). Lit-Verlag.

Hauswedell, C. (2020). Hungary: Only 60 people granted protection in 2019, *InfoMigrants* Published on: 2020/02/13.

Helbling, M., Bjerre, L., Römer, F., & Zobel, M. (2017). Measuring immigration policies: The IMPIC database. *European Political Science*, *16*(1), 79–98. https://doi.org/10.1057/eps.2016.4

Knapp, A. (2015). *Country Report: Austria*. AIDA. Brussels: ecre.

Lavenex, S. (2018). 'Failing forward' towards which Europe? Organized hypocrisy in the common European asylum system. *Journal of Common Market Studies*, *56*(5), 1195–1212. https://doi.org/10.1111/jcms.12739

Lutz, P., Kaufmann, D., & Stünzi, A. (2020). Humanitarian Protection as a European Public Good: The Strategic Role of States and Refugees. *Journal of Common Market Studies*, *58*(3), 757–775. https://doi.org/10.1111/jcms.12974

Mayblin, L. (2017). Imagining asylum, governing asylum seekers: Complexity reduction and policy making in the UK Home Office. *Migration Studies*, *7*(1), 1–20. https://doi.org/10.1093/migration/mnx060

Mayblin, L., & James, P. (2018). Asylum and refugee support in the UK: Civil society filling the gaps? *Journal of Ethnic and Migration Studies*, *45*(3), 375–394. https://doi.org/10.1080/1369183X.2018.1466695

Monar, J. (2016). Justice and Home Affairs. *JCMS*, *54*(Annual Review), 134–149. https://doi.org/10.1111/jcms.12409

Niemann, A., & Speyer, J. (2018). A neofunctionalist perspective on the 'European Refugee Crisis': The case of the European border and Coast Guard. *JCSM*, *56*(1), 23–43. https://doi.org/10.1111/jcms.12653

Niemann, A., & Zaun, N. (2018). EU refugee policies and politics in times of crisis: Theoretical and empirical perspectives. *JCMS*, *56*(1), 3–22.

Pardavi, M., Matevžič, G., Iván, J., & Bakonyi, A. (2015). Country Report: Hungary. *AIDA*. Brussels: ecre.

Ripoll Servent, A., & Zaun, N. (2020). Asylum policy and European Union Politics*, Oxford Research Encyclopedia of Politics*, Oxford University Press. https://doi.org/10.1093/acrefore/9780190228637.013.1057.

Schain, M. (2009). The state strikes back: Immigration policy in the European Union. *European Journal of International Law*, *20*(1), 93–109. https://doi.org/10.1093/ejil/chp001

Schimmelfennig, F. (2021). Rebordering Europe: external boundaries and integration in the European Union. *Journal of European Public Policy*. https://doi.org/10.1080/13501763.2021.1881589

Scipioni, M. (2017). Failing forward in EU migration policy? EU integration after the 2015 asylum and migration crisis. *Journal of European Public Policy*, *25*(9), 1357–1375. https://doi.org/10.1080/13501763.2017.1325920

Slominski, P., & Trauner, F. (2018). How do member states return unwanted migrants? The strategic (non-)use of 'Europe' during the migration crisis. *JCMS*, *56*(1), 101–118. https://doi.org/10.1111/jcms.12621

Suhrke, A. (1998). Burden-sharing during refugee emergencies: The logic of collective versus national action. *Journal of Refugee Studies*, *11*(4), 396–415. https://doi.org/10.1093/jrs/11.4.396

Than, K., & Preisinger, I. (2015, September 5). Austria and Germany opens borders to migrants offloaded by Hungary. *Reuters*.

Thielemann, E. (2018). Why refugee burden-sharing initiatives fail: Public goods, free-riding and symbolic solidarity in the EU. *JCMS*, *56*(1), 63–82. https://doi.org/10.1111/jcms.12662

Trauner, F. (2016). Asylum policy: The EU's 'crises' and the looming policy regime failure. *Journal of European Integration*, *38*(3), 311–325. https://doi.org/10.1080/07036337.2016.1140756

Trauner, F. (2019). The renationalisation of policy-making in the EU: how populist radical right parties seek control over EU migration policy, Paper to be presented at the workshop 'Bordering Europe', European University Institute, 30/31 May 2019.

UNHCR. (2019). Europe - Refugee and Migrant arrivals and dead and missing data. https://data2.unhcr.org/en/situations/mediterranean/location/5205.

Van Middelaar, L. (2017). *De nieuwe politiek van Europa*. Historische Uitgeverij.

Webber, D. (2019). *European Disintegration? The Politics of Crisis in the European Union*. Macmillan. pp. 1–18.