



ORTAK AVRUPA SIĞINMA SİSTEMİNDE GÖÇ- GÜVENLİK BAĞININ ANALİZİ: AVRUPA BİRLİĞİ'Nİ ÇEVRELEYEN ÖNERİ VE OLASILIKLAR

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ANALYSIS OF MIGRATION- SECURITY NEXUS IN THE COMMON EUROPEAN ASYLUM SYSTEM: PROPOSALS AND POSSIBILITIES FACING THE EUROPEAN UNION

ÖZ Bir milyondan fazla kişinin Avrupa'ya sığınma başvurusu yapması ile 2015 yılında yaşanan göç baskısı, Ortak Avrupa Sığınma Sistemi'nin (OASS) çökmesine sebep olmuştur. Bu "kriz" ile başa çıkmaya çalışırken, bazı üye ülkeler sığınma arayanların ilk giriş veya ikincil hareketliliklerinin kendileri için bir yük olduğunu iddia ettiler. Bu nedenle Avrupa Komisyonu (AK), iddialara cevaben, Avrupa Birliği'nin üye devletleri arasında, özellikle de mültecilerin yeniden dağıtımı hususunda daha fazla sorumluluk paylaşımı olması gerektiğini belirtti. AK'nın Dublin düzenlemeleri ve üye devletler arasında dayanışmayı güçlendirme hedeflerini içeren OASS'de reform sürecini ilan etmesi ile ilgili tüm bu gelişmeler "krizden" sadece bir yıl sonra gerçekleşti. Bu makale 2020'deki Yeni Pakt ile birlikte reform sürecini ve dayanışma çabalarını göç- güvenlik kavramları bağlamında incelemekte ve bunu yaparken Avrupa Birliği'nin daha güvenli bir "kale" olmayı başarıp başaramayacağı sorusunu sormaktadır. Avrupa Birliği'nin sığınma politikasını kurgularken önceliklerini analiz edebilmek için OASS nezdinde oluşturulan dayanışma kavramının kapsam ve anlamı ile birlikte üye devletlerin farklı argümanları ortaya konacaktır.

Anahtar Kelimeler: Avrupa Birliği (AB), sığınma sistemi, dayanışma, göç.

ABSTRACT The migration pressure to Europe in 2015 led to the breakdown of the Common European Asylum System (CEAS) as more than one million people applied for asylum to Europe. While trying to cope with the "crisis", some member states asserted that first entry or secondary movement of asylum seekers constitute a burden on themselves. The European Commission (EC), therefore called for greater responsibility-sharing across European Union member states, especially on the redistribution of refugees, as a response. This happened only one year after the "crisis", when the EC declared a reform process in CEAS including Dublin revision and solidarity enforcement throughout the member states. This article studies the reform process, including New Pact of 2020 and solidarity efforts from migration- security nexus while asking the question of whether the EU would be successful to become a more secure "fortress". Scope and meaning of solidarity concept in terms of CEAS in line with different arguments of member states will be revealed in order to analyse the primary concerns of the European Union on setting out its asylum policy.

Keywords: European Union(EU), asylum system, solidarity, migration.



INTRODUCTION

The EU is faced with a shock when more than one million people (1.28 million due to official records) applied for asylum in 2015, considering that this number is nearly four times more than the number of previous year. For the ones who assert that the EU is trying to form a "fortress"¹ in its external borders, this was an obvious threat rather than an opportunity for Europe (Porumbescu, 2019:38) The attitude of the EC can be clearly observed from its discourse by describing this phenomena as the "migratory and refugee crisis". The EC also linked it with exposing significant structural weaknesses and shortcomings in the design and implementation of the European asylum system, and of the Dublin rules in particular [COM(2016) 270 Final 2016/0133 (COD)]. Because the Dublin System is based on "a mechanism that assigns responsibility for asylum seekers in the EU to the 'country of first entry'" and in cases of secondary movement, the asylum seeker is allowed to transfer to the country of first entry (Thielemann and Armstrong, 2013: 149). Dublin System was highly criticised, also, as having not enough control on the movement of asylum-seekers across borders and therefore leading to a suffering for individuals and families subject to the system (Garlick, 2016: 160). As the above mentioned events in 2015 carried a potential to create some extra burdens to specific Member States and sufferings to more people, the EC immediately presented a comprehensive European Agenda on Migration which addressed problems and required tools to better manage migration in May 2015 [COM(2015) 481 Final]. Under these circumstances, the European Agenda on Migration was formed as more "comprehensive approach", based on four areas of; irregular migration, border management, asylum policy and legal migration [COM(2017)558 final] and accordingly, the first set of proposals to reform the CEAS was presented by the EC on 4th of May, 2016.

The proposals known as the first building blocks to reform the structure of the CEAS are composed of establishing a sustainable and fair Dublin system for determining the Member State responsible for examining asylum applications; reinforcing the Eurodac system to better monitor secondary movements and facilitate the fight against irregular migration; establishing a genuine European Union Agency for Asylum to ensure the well-functioning of the European asylum system [COM(2016)465 final 2016/0222 (COD)]. The EC covered the Dublin reform in 2016 with seven proposals in total- overhauling the asylum legislation and exploring different ways that Member States could demonstrate solidarity in case of need². According to the latest Commission reports, there was real progress towards a preliminary

¹ "Fortress Europe" symbolises the EU initiatives and new policies for more controlled migration and more harmonisation among the member states in post-war Europe. The term was first discussed in 1990's and issues such as women workforce, visa policies or external dimension of EU migration policy are the major arguments of fortress Europe. For detailed information see, Eleonore Kofman, Rosemary Sales, "Towards Fortress Europe?", Women's Studies International Forum, Vol. 15, Issue 1, 1992, pp. 29-39. Also see, H. Lutz, The Limits of European-ness: Immigrant women in Fortress Europe. *Fem Rev* 57, 93–111 (1997). <https://doi.org/10.1080/014177897339678>. Also see, Sandra Lavenex, "Migration and the EU's new eastern border: between realism and liberalism", *Journal of European Public Policy*, 8:1, 2001, pp. 24- 42. Also see, Petra Bendel, "Immigration Policy in the European Union: Still bringing up the walls for fortress Europe?", *Migration Letters*, Vol. 2, Issue 1, 2005, pp. 21-32.

²Each of those proposals have different purposes according to the EC. "The Qualifications Regulation would guarantee the rights of recognised refugees and discourage secondary movements. The Reception Conditions Directive would also address secondary movements, by ensuring harmonised and decent conditions for asylum-seekers throughout the EU. The Regulation



agreement on five of the seven proposals, but a majority of Member States insisted on a package approach [COM(2019) 481 Final], which actually extend the finalisation of the reform process. I will discuss the content of each proposal in the last part of this paper, however it is better to present attitudes of member states towards EU reform on asylum and migration systems.

Under the Dublin System, decision making dominantly lays on the state system rather than communitarian institutional system, meaning that states have the sovereign right to monitor their own borders and re-introduce border controls. However, along with the European Agenda on Migration, both the EU and its member states would create functional tools to control and handle the migrant's flows in a more effective manner (Porumbescu, 2019:38). This address a system requiring more cooperation and solidarity for the EU and its member states in terms of border management, maritime, immigration, common asylum policies and etc. Better cooperation, here, does not imply that all member states would become hosting countries; it rather means that each member state should participate in a common strategy, either by hosting immigrants and refugees, or by sparing financial, human, and structural resources in EU level (Estevens, 2018: 17). An analysis on migration- security nexus build on cooperation and solidarity shows that there is a division among EU member states, whereas some members are suspicious to support European Agenda on Migration and some others have positive tendencies towards a need for cooperation with the EU in migration policies, asylum and border control. For example, Czech Republic, Finland, Germany, Greece, Hungary, Lithuania, Luxembourg, Poland, Slovenia and Spain are the EU member states that support and shows its readiness to fully cooperate with mechanisms of the EU on migration and asylum (Estevens, 2018: 17).

The division stressed above can be correlated with a prolonged implementation of the CEAS. However the EC reacted to this by inventing some formulas and thereby trying to control migration before completion of the legislative reform process. A temporary arrangement was underlined by the EC as disembarkation which was announced in December 2018. According to the EC, it meant "putting solidarity and responsibility in practice, based on a mutual understanding of common and shared interest, as a bridging mechanism until the legislative reform is finalized and becomes applicable" [COM(2019) 126 Final]. Disembarkation platforms, therefore has close connection or partnership with third countries in terms of disembarkation arrangements and migrants rescued in the international waters of the Mediterranean would be kept in those platforms either for return and reintegration to countries of origin or resettlement to the EU. Relocation policy was a different response of the EC to control irregular migration after 2015 by calling redistribution of refugees across member states. Relocation mechanism and policy were agreed in 2016, but only a small group of EU member states have accepted their allocated share of refugees and this caused the failure of relocation policy quickly afterwards (Geddes and Ruhs, 2019: 1). This was probably due to the idea that, relocation agreements have damaging impact

on the Asylum Agency would allow the Agency to step up its assistance to Member States with rapid and full support. The new rules on the EURODAC database would allow Member States to track secondary movements and better identify people with no right to stay in the EU. The Union Resettlement Framework would ensure safe and legal pathways, reduce irregular flows and facilitate relations with our external partners". See for details, COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL, Progress report on the Implementation of the European Agenda on Migration, COM(2019) 126 Final, Brussels, 06.03.2019.



on deeper integration of the CEAS and to its reform program. Also opposing members of the EU may also think the backwards affect of those temporary solutions to Europeanization in the areas of asylum and Schengen as they set up differing and competing areas of solidarity inside the Union (Carrera and Cortinovis, 2019: 31).

Detention and containment are another policies of the EU in order to prevent would-be refugees from seeking asylum beyond- therefore to have more control on irregular migration before the completion of the CEAS reform. Although designed to control migration, containment policy is criticised for its negative effects. For example, Costello (2020: 20) assert that by supporting a network of places of detention and containment at the EU's periphery, refugee arrivals would be unpredictable and invariably look like a crisis, and also it causes increased polarization and a rise of right-wing populism. Moreover, containment policy and hotspot approach can sometimes result with human rights violations as, the head of the EU Agency for Fundamental Rights, Michael O'Flaherty, recently described the EU hotspot in Moria, Greece, as "the single most worrying fundamental rights issue that we are confronting anywhere in the European Union"(Costello, 2020: 18). Overall, the formulas initiated by the EU before the completion of CEAS reforms, seems to have distortionary effects or create undesirable results for the Union. Next heading of this paper will be on meaning and scope of solidarity in terms of EU migration and asylum policies and last section will include analysis of CEAS proposals.

SOLIDARITY IN TERMS OF EU MIGRATION POLICIES

Interconnectedness is the most prominent result of globalization among global actors and as interconnectedness rise worldwide level, solidarity emerges as an even more important concept. The Cambridge dictionary defines the term as the "agreement between and support for the members of a group, particularly a political group".(Cambridge Dictionary Online) It has an ever growing popularity among international organizations such as the EU. After 1990's the EU looked after solidarity for providing harmonization more and coping with crises in unity. As an example, solidarity was seen as a method to overcome difficulties of Eurozone crisis by many politicians of the EU. On the other hand, The EC, defined two large demographic trends in the EU as population ageing and increase in migration flows. The latter especially showed the need of solidarity and an agreement about the European relocation scheme (Estevens, 2018: 2).

The principle of solidarity in EU asylum and migration law has four major qualifications defined as loyalty, trust, fairness and necessity. Loyalty mainly refers fulfilling the obligations arising from their EU membership. Trust refers abolishing the internal borders of the Member States. In association with fairness, solidarity refers to willingness of Member States who are exposed to a lower number of migrants, refugees and asylum seekers to assist the ones that are much more exposed to this burden. Lastly, necessity refers helping Member States in need, to enable a more secure and stable Union. They jointly function as an insurance policy mechanism to increase the stability of the EU (Lang, 2013: 2). Construction of a constitutional system-, lead to the popularity of solidarity in EU legal order, because since the Lisbon Treaty has come into force, solidarity legally became an issue in many policy areas



including migration. In Article 3 of TEU, it mentions solidarity between the Member States among the objectives of the Union and requires the Union to promote economic, social, and territorial cohesion. Article 67 of TFEU, also requires the Union to frame a common policy on asylum, immigration, and external borders based on solidarity between the Member States. Article 80 of TFEU, talks about governance and implementation of asylum, immigration and border checks with the principle of solidarity and the fair sharing of responsibility and by this way, it imposes obligation to the EU for using solidarity principle while legislating on asylum, immigration, and border checks (Küçük, 2016: 970, 971).

Irregular migration, asylum and solidarity are closely connected with each other in EU legislation, as shown in the legal context above. It is also revealed in EC reports where it stress that in order to form an EU- wide approach, it requires strong guarantees that each Member State will deal with the asylum applications it is responsible for, and a structured, predictable mechanism for solidarity to ensure that no Member State bears a disproportionate burden. Therefore, for the Commission, EU asylum system can only be fully effective and able to inspire confidence if this solidarity is systematic rather than ad hoc [COM(2019) 126 Final]. This intention of the EC is clearly observed from the reform process and CEAS proposals, where there are specific provisions addressing the systemic solidarity. Before telling those provisions, it should be noted that there are two forms of solidarity in those provisions. One is about solidarity among member states that aim more harmonization and unity with fair share of burdens inside the EU. The other one is about solidarity with third states that aim to prevent "would-be" migration and therefore control irregular migration by using detention or readmission methods.

The first proposal having direct relationship with solidarity as a systematic mechanism is about "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" [COM(2016) 270 Final 2016/0133 (COD)]. In this proposal- also known as revision of the Dublin Regulation, the Commission described the current System as having complex and disputable rules on the determination of responsibility, lengthy procedures and lacking clear provisions on applicants' obligations. Therefore the EC proposed a corrective allocation mechanism (this mechanism is also known as "fairness mechanism") to relieve Member States under disproportionate pressure. According to the new Dublin scheme, the system will be based on a European reference system from the start of its implementation with an automatically triggered corrective solidarity mechanism as soon as a Member State carries a disproportionate burden. This mechanism is described in a more concrete way with a specific provision explaining solidarity contribution for the member states who decided to not take part in the allocation temporarily. According to this, member State of allocation may decide to temporarily not take part in the corrective mechanism for a twelve months-period, however that Member State must make a solidarity contribution of EUR 250,000 per applicant to the Member States that were determined as responsible for examining those applications[COM(2016) 270 Final 2016/0133 (COD)]. European reference system can be described a new type of systematic solidarity among member states that aims to be more "fair" on allocation of asylum seekers. However it should be noted here that some institutions of the EU, such as the Committee of the Regions finds the proposal to reform the Dublin Regulation as inadequate, but also welcoming a corrective mechanism. The European Economic and Social Committee, moreover, declared its approval on the proposed objective to improve



and speed up the determination procedures; but stressed for more clarified protective provisions (Radjenovic, 2020: 6)

Another form of solidarity under CEAS reforms is seen as a solidarity with third states or non-member partners of the EU. This form is seen, especially, in the proposal for a regulation of the European Parliament and of the Council establishing a Union Resettlement Framework.[COM(2016) 468 Final 2016/0225 (COD)]. Although resettlement is done several times before, this proposal aims to establish a Union Resettlement Framework in the EU, therefore the objective is to facilitate resettlement and provide for a collective and harmonized approach with a unified procedure. Solidarity becomes a key issue for this proposal as it requires close cooperation with third countries. The proposal thus, mention about the EU- Turkey Statement of 18 March 2016³ and stresses that it also hold solidarity and responsibility sharing between the EU and Turkey, namely a member and non- member country. To conclude, sustaining systematic solidarity either among member states or with third countries via readmission agreement or specific statements has great importance for the Commission and this can be observed from the requirements of the legal context and CEAS reform proposals.

PROPOSALS FOR REFORMING THE CEAS AND NEW PACT ON MIGRATION AND ASYLUM

This section of the paper is concentrated on CEAS proposals submitted in 2016 and by analyzing specific provisions in each of those seven proposals, their capacity to change the current system and structure of the new framework would be revealed. Starting with the revision of the Dublin Regulation, it proposes establishing a European Union Agency for Asylum to support the functioning of the CEAS. The revision kept the current criteria in the Dublin System, however the amendment limits the applicant's choices by clarifying that an applicant neither has the right to choose the Member State of application nor the member state responsible for examining the application. Therefore, member state of application must check the admissibility of the applicant before starting process of determining the member state responsible. Accordingly, if the applicant comes from a first country of asylum or a safe third country, he/she will be returned to that first country or safe third country. Moreover, the proposal asserts that in the second application (of an asylum seeker) the readmission rules will be applied and expiry of deadlines will no longer result in a shift of responsibility between Member States, meaning that a responsible member state remain responsible regardless of deadlines [COM(2016) 270 Final 2016/0133 (COD)]. The technical operation of this new system would be held by EU-LISA⁴, meaning that once an application is

³EU- Turkey Statement of 2016 involves a resettlement plan including those specific requirements: all new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey; for every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU; Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU; Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated. For details see the EU Commission web page, https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_963

⁴EU-LISA is a newly established EU agency to provide a long-term solution for the operational management of large-scale IT systems. The Agency started its activities in 2012 and it is currently managing Eurodac, the second generation Schengen Information System (SIS II) and the Visa Information System (VIS). For details see, <https://www.eulisa.europa.eu/About-Us/Mandate-And-Mission>



lodged, the member state shall register that application in the automated system with a unique number, and thereby applications and applications per member state can be traced by the EU quite easily. The mechanism for allocation of asylum seekers among member states is clarified in the revision and there will be a reference key based on the size of the population and the total GDP of a Member State having equal (50% of each) weighting. According to the Proposal, "the application of the corrective allocation for the benefit of a Member State is triggered automatically where the number of applications for international protection for which a Member State is responsible exceeds 150% of the figure identified in the reference key" [COM(2016) 270 Final 2016/0133 (COD)].

The second proposal under the CEAS reform amends the current EURODAC Regulation and extends its scope for the purposes of identifying illegally staying third-country nationals and those who have entered the EU irregularly at the external borders [COM(2016) 272 Final 2016/0132 (COD)]. It should be noted here that along with the Dublin Regulation, this regulation is equal to the Dublin System and therefore the two proposals would change this System as well. According to the revision in Article 15(4) and 16(5), EURODAC scope has been extended to third-country nationals or stateless persons who are not applicants for international protection. Thereby EURODAC becomes a database for wider immigration purposes allowing for example, transmitting and comparing data on those illegally staying third-country nationals of competent immigration authorities of member states. To do this, Article 2 of the proposal obliges member states to take and transmit fingerprints and a facial image of all three categories of persons and also permits Member States to introduce sanctions, in accordance with their national law, for those individuals who refuse to provide a facial image or comply with the fingerprinting procedure [COM(2016) 272 Final 2016/0132 (COD)]. Article 12, 13 and 14 stresses the changes for easily identifying an individual without the need to request any information from another member state. Therefore this proposal permits the storage of personal data such as the name(s), age, date of birth, nationality, and identity documents, as well as a facial image. Article 38 also allows sharing information with third countries, international organizations or private entities only in case of return and readmission purposes [COM(2016) 272 Final 2016/0132 (COD)].

Strengthening and developing European Asylum Support Office (EASO) is another proposal aiming to provide active functioning of the CEAS by transforming it to an Agency. With the implementation of this Regulation proposal, EASO will be renamed as European Union Agency for Asylum. This new Agency will assist member states in crisis situations and also provide the necessary operational and technical assistance; support a sustainable and fair distribution of applications for international protection; monitor and assess the implementation of the CEAS as well as the capacity of asylum and reception systems; enable convergence in the assessment of applications for international protection [COM(2016) 271 Final 2016/0131 (COD)]. The Commission reports that the Agency will cooperate more with the member states and would intervene to them in cases of jeopardizing the functioning of the CEAS. This, on the other hand, may result with an opposition by some member states who wish to continue on the path of intergovernmental cooperation.

Another proposal is on establishing a common procedure for international protection [COM(2016) 467 Final 2016/0224 (COD)]. As the Commission puts it, the proposal promotes the objective of ensuring fast



but high quality decision making at all stages of the procedure and it describe the Directive as efficient, fair and balanced. With Article 34(2) and (3), it fixed the six-month benchmark for a first decision to all EU members and thereby trying to form a unity on varying time-limits among them. On the other hand, shorter time-limits are foreseen for dealing with manifestly unfounded and inadmissible claims as well. The proposal provide specific rights and obligations for the applicants. The right to be heard in a personal interview, interpretation as well as free legal assistance and representation are new rights proposed here; however applicants are required to cooperate with the responsible authorities to be able to establish their identity, including by providing their fingerprints and facial image. They must also bring forward all elements at their disposal which are necessary for the examination of the application pursuant to Article 7(2) [COM(2016) 467 Final 2016/0224 (COD)]. This actually corresponds to a strict cooperation with the authorities, also meaning stricter rules to prevent abuse of the system, sanction manifestly abusive claims and remove incentives for secondary movements.

The next proposal forms a new Qualification Directive by amending the Qualification Directive of 2011. The proposal sets out criteria for applicants to qualify for asylum and subsidiary protection, and rights for persons who benefit from these statuses in a need to create a more harmonized approach among Member States [COM(2016) 466 Final 2016/0223 (COD)]. Harmonization would be realized through the common criteria for recognizing applicants for international protection- such as reinforced rules on information sharing as proposed in Article 24- and on rights of beneficiaries of international protection. On the other hand, more convergence of the asylum decisions and more limitation on secondary movements of beneficiaries of international protection are the aims of this proposal as well. Overall, the proposal is targeting to achieve a higher level of harmonization and control while avoiding the creation of unnecessary burden for the Member States [COM(2016) 466 Final 2016/0223 (COD)]. Article 5 (3) is a specific example for this as it now extends to permit Member States not to grant subsidiary protection status or refugee status, where an applicant for international protection files a subsequent application based on circumstances which he has created by his/her own decision since leaving the country of origin [COM(2016) 466 Final 2016/0223 (COD)].

"The Reception Conditions Directive" is the other proposal to provide minimum harmonization of standards for the reception of international protection applicants in the EU [COM(2016) 465 Final 2016/0222 (COD)]. The Commission is quite aware of "very" different reception conditions among Member States and trying not to reach a higher harmonization level. According to Article 27, it requires some harmonization on EASO rules on operational standards and indicators on monitoring and controlling their reception systems. Article 28 also "obliges Member States to draw up, and regularly update, contingency plans setting out the measures foreseen to be taken to ensure adequate reception of applicants in cases where the Member State is confronted with a disproportionate number of applicants" [COM(2016) 465 Final 2016/0222 (COD)].

The seventh proposal is a Regulation of a Union Resettlement Framework [COM(2016) 468 Final 2016/0225 (COD)]. With the implementation of the proposal, this would be the first time that a resettlement is done at EU level- regardless of national and multilateral arrangements or ad-hoc ways. It addresses solidarity principle not only among Member States; but also with third countries such as



Turkey, because the content of the proposal is said to be build on the resettlement scheme with Turkey set out in the EU-Turkey Statement of 18 March 2016. By establishing a Union Resettlement Framework, the setting of annual Union resettlement plans through Council implementing acts and the adoption of targeted Union resettlement schemes will be scheduled [COM(2016) 468 Final 2016/0225 (COD)].

As a result of prolonged years of negotiations and approval processes in the EU Council, the Commission launched a New Pact on Migration and Asylum in September 2020 and timing of this has just overlapped with the time that I write this paper. A new framework was formed with this Pact and it claims to ensure fair sharing of responsibility and solidarity between Member States while providing certainty for asylum seekers [COM(2020) 609 Final]. Legally speaking, this means the withdrawal of CEAS reform proposals. However most of the compromised issues from CEAS reform proposals has been preserved in this New Pact. The Commission has put it like this:

" The New Pact has been shaped by the lessons of the inter-institutional debates since the Commission proposals of 2016 to reform the Common European Asylum System. It will preserve the compromises already reached on the existing proposals and add new elements to ensure the balance needed in a common framework, bringing together all aspects of asylum and migration policy" [COM(2020) 609 Final].

The Commission, therefore depicts a larger scheme with the Pact which also join all different parts of migration and asylum into one framework. Therefore, it include not only migration management with its specific procedures or solidarity; but also attracting highly skilled migrants and flexibility or resilience mechanisms. The Dublin Regulation, for example will be replaced by a new, broader instrument called – the Asylum and Migration Management Regulation and the Commission stressed an urgent political agreement for this reform COM(2020) 609 Final]. Overall, the Commission reveal its will to implement an actual change on migration and asylum policies and set the timetable for completion of such reforms as 2020, 2023 and 2025. The Pact seems to function on faster procedures- where under some circumstances, may accelerate the asylum applications. It includes more specified and clearer mechanisms such as solidarity mechanism focused on relocation and return sponsorship or improved IT systems. The Pact also seems to be formulated in a more human rights friendly atmosphere as, for example, there is no facial image requirement in the new upgraded EURODAC.

CONCLUSION

This paper studied EC's work to reform the CEAS and its efforts to bring up more solidarity after 2015. While making an analysis, it was important to point out that the EC described asylum applications of 2015 as "crisis", rather than a singular phenomena, therefore declared failure of the European asylum system. This attitude of the EC continue with the announcement of the European Agenda on Migration and now we face a New Pact on Migration and Asylum. Along with the other initiatives of the Commission, those initiatives can be interpreted like raising the walls of the "fortress Europe" for more "secure" and "protected" Europe. It was quite obvious, because the pillars of the Agenda were irregular migration, border management, asylum policy, legal migration and they all require more solidarity and



harmonisation among Member States to have more control on migration issues and therefore more control irregular migrants as well.

Accordingly, seven CEAS reform proposals which were prepared in 2016 by the EC and many parts of the New Pact, also, shows the same attitude by enhancing functional tool creation, acceleration processes and simplification of instruments such as reinforced Eurodac, new European Union Agency for Asylum. Illegally staying people and asylum seekers, therefore have now less options in terms of choosing the country. However they have some new rights providing that strict cooperation with the authorities should be done, also meaning stricter rules to prevent any abuse of the system.

Although those proposals were prepared in 2016, Member States have different perspectives to finalize the reform process- while some of them have positive attitude to finish legislation process and some others are skeptical due to protecting their sovereign rights. Moreover the people of those Member States were able to reflect their point of view through European Parliament by opposing to some reform proposals. As the prolonged process seemed to survive more, the Commission decide to put those reforms in a clearer, simpler, uniform shape after consulting the EU Parliament and the Council. With this initiative known as The New Pact on Migration and Asylum, the Commission now seems to be more cautious as it says it consulted and agreed with those two institutions for a faster approval process. Because the New Pact sets the furthest date of completion for the new reforms as 2025. However all the efforts to lessen bureaucracy on asylum procedures raises a question of humanitarian purposes. Would those new initiatives have the rationale of humanitarian purposes only or are those initiatives designed for accelerating the return of asylum seekers in a faster and certain way? Well it seems to serve more for the second option, especially with the introduction of the New Pact, as there are increased institutionalization in the return processes.

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