

AN ANALYSIS: REFUGEE CRISIS IN EUROPE

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| MAKALE BİLGİSİ | ÖZ |
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| <p>Makale Geliş Tarihi : 20/05/2023 Makale Kabul Tarihi : 19/12/2023</p> <p>Anahtar Kelimeler: Mülteci Krizi, Avrupa, Göçmen, Lizbon Antlaşması, Amsterdam Antlaşması</p> | <p>Suriye İç Savaşı'nın neden olduğu göç dalgası başta Türkiye olmak üzere çevre ülkelere yayılmış, krize dönüşen süreç Avrupa kıtasını birçok alanda etkilemeye başlamıştır. Türkiye'nin güney kıyılarına küçük bir kız çoğunun cansız bedeni vurmasıyla sembolikleşen ve birçok insan hayatını kaybettiği bu süreç dünyanın gündemine oturmuştur. Söz konusu kriz AB içinde sorumlulukların paylaşımı sırasında yönetsel ve toplumsal sorunlar yaşanmasına neden olmuştur. Avrupa Birliği, göçmenlik sorunlarını düzenleyici faaliyet unsurları olan ve temeli 1951 Göçmen Konvansiyonu'na dayanan Amsterdam ve Lizbon Antlaşması gibi hukuki altyapılarla krize karşı adımlar atmıştır. Toplumsal anlamda ise AB ülkelerinin kendi vatandaşlarını bazı politikaların uygulanmasına ikna edememesi, iç politikada onları zor duruma sokmuştur. Bu durumdan ise ağırlıklı olarak AB karşıtı sağ popülist partiler yararlanmış ve halkta karşılık bularak sürecin önünü tıkamışlardır. Kaynak taraması yöntemi kullanılarak ortaya çıkan çalışmada AB, hukuki altyapı olarak yeterli görünse de, AB ülkeleri arasındaki iç siyasete dayalı insiyatif alma isteksizliği sorunun yönetimini zorlaşmaktadır.</p> |
| ARTICLE INFORMATION | ABSTRACT |
| <p>Submission Date : 20/05/2023 Accepted Date : 19/12/2023</p> <p>Keywords: Refugee Crisis, Europe, Migrant, Lisbon Treaty, Amsterdam Treaty</p> | <p>The migration wave caused by the Syrian civil war has spread to neighboring countries, especially Turkey, and the process that has turned into a crisis has started to affect the European continent in many areas. This process, which became symbolic when the lifeless body of a little girl washed up on the southern shores of Turkey and in which many people lost their lives, was on the agenda of the world. The crisis led to administrative and societal issues within the EU, particularly during the sharing of responsibilities. The European Union has taken steps against the crisis with legal infrastructures such as the Amsterdam and Lisbon Treaties, which are elements of regulatory action on immigration problems and are based on the 1951 Immigration Convention. In social terms, the EU countries' inability to convince their citizens to implement certain policies has put them in a difficult situation in domestic politics. This situation was largely exploited by anti-EU right-wing populist parties, who found support among the public and obstructed the progress of the process. In the study, which emerged through the method of literature review, it was observed that while the EU appeared to have sufficient legal infrastructure, the reluctance of EU countries to take initiative based on</p> |

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domestic politics hindered the management of the problem.

1. Giriş

Refugee crisis in Europe escalated very swiftly in Summer of 2015. Irregular immigration has been a constant issue in European politics but with the influence of Syrian civil war the issue caused a system crisis in European Union. In this essay, will be mainly analyzed how European authorities handle the immigration crisis and how did it affect internal politic of EU-Countries. The refugee crisis appears to be a multi-dimensional situation in terms of its content. While it may initially seem like a refugee or migraition crisis, it has led to various crises over time (Öztürk & Boyacı, 2022:1818). This crisis can be evaluated in many different ways, such as in terms of humanity, demographics, and finances. However, this study primarily focuses on highlighting the problems created by this crisis in the legal and internal political fields within the EU. By the end of the paper has been aimed to describe a clear picture of the social, political and economical implications of the immigration crisis and the way it has been handled so far (Niemann & Blösser, 2021: 5).

In this study will be also focused on answering of following research question and explained two hypothesis:

To what extent is the legal structure of the European Union equipped to manage the refugee crisis?

H-1: The Lisbon Treaty has been the key tools used in managing the 2015 refugee crisis immigration governance in European Union and global governance of crisis migration.

H-2: EU countries have been reluctant to implement legal requirements due to domestic political dynamics.

Immigration and its social, political and economical implications is a very broad subject, therefore while shortly referring to the possible consequences of the phenomenon main focus of this study in this subject is European Union and its decision-making mechanisms particularly in context of immigration governance. It's a very intriguing and important subject because a structural analysis of the subject can improve our understanding of the subject as a whole and can give us clues in solving the crisis at hand. Immigration has been an important agenda item in the politics of the European Union for many years, and in order to understand the refugee crisis, it is necessary to address some of the details of the process. In the section two of research will be given a short historical background to the refugee crisis. In the section three will be mentioned on immigration policies of the European Union by focusing on Extra-EU Migration that included in the European Union's main legal with the Amsterdam Treaty, this section will also lay the theoretical foundation for this essay. Extra-EU (Migration) refers to transactions with all countries outside of the EU, encompassing the rest of the world except for the European Union (EU) Member States. It's used in the context of various statistical areas, including external trade, balance of payments, foreign direct investment, migration, transport, and tourism. In these areas, the focus is on measuring the movement of goods, capital, or people into and out of the EU, comparing the EU as a whole with the rest of the world. Therefore, the extra-EU transactions of the entire EU

are essentially the sum of the extra-EU transactions of each individual EU Member State (Glossary: Extra-EU, Eurostat).

At the same time the paper will be analyzed the implications of the refugee crisis on domestic politic dynamics. The theoretical frame of this essay is mostly found upon the work of Boswell, Geddes and Betts on the immigration governance in European Union and global governance of crisis migration. In addition, used also numerous sources of quantitative data and refer to international treaties for analysis such as Lisbon and Amsterdam Treaties, additionally MIPEX, Eurostat and UN Reports.

Furthermore, this study will be useful in understanding the legal response and implemented practices of EU in the face of a significant influx of migrants in 2015 and the basis on which they were grounded. And also will be enlightened the impact of the crisis on domestic political dynamics through the selected Examples; UK: Brexit and Hungary: Orban case.

2. European Refugee Crisis

While the immigration (especially economic migration) has always been an important subject in European Union politics, the issue wasn't defined as a crisis by the media or academics until 2015. (UNHCR, 2011). Syrian Civil War and the political upheaval in Middle East caused a huge wave of immigration from the region to Türkiye, which is also supported by UNHCR data, which shows that approximately %70 of refugees who arrive to Europe from Mediterranean sea are from Syria, Afghanistan or Iraq and a significant number of those refugees take off from Türkiye. Hence immigrants fleeing from the Syrian Civil War have to be considered prima facie refugees (European Commission Report, 2023: 1).

Türkiye, being ranked in the spot of 2015 on MIPEX rankings, provided no job opportunities, sufficient education or integration possibilities for refugees, causing a great tension between refugees and local population. The Turkish state wasn't equipped to handle such a big wave of immigration and their handling of the situation caused desperate refugees to try their chances at the hands of human traffickers (MIPEX, 2015: 208-209). While refugee camps provided a short term solution to the problem, the Turkish state couldn't integrate refugees into daily life and no matter how humane the situation was in the camps, people were discontent in those camps because the life in a refugee camp is neither a healthy nor a hopeful one. Over time, these shortcomings were addressed and the conditions in the camps were improved. Afterwards, refugees were allowed to reside in cities (Euronews, 2016).

The refugees tried to get into the EU zone, creating a zone of opportunity for human traffickers. Long before the crisis, many immigrants were trafficked to Greek isles (Lesbos, Samos, Chios) in the Aegean Sea, which didn't receive media coverage until hundreds of refugees died in boat accidents (Rescue, 2015). According to a report published by the United Nations (UN) International Organisation for Migration (IOM) in 2020, in the year 2015, a staggering 1,015,078 refugees and migrants made the perilous journey across the Eastern Mediterranean. And same report contained also a significant number of those who chose Europe for migration in 2015 (857,363 people) entered the continent through Greece. (Euronews, 2023). In fact, the loss of life of 900 people in the sinking of a boat in April 2015 was a warning for the next events (Larivé, 2015: 3).

A part of some refugees who tried to immigrate to Greece died in boat accidents but it was only until the death of Aylan Kurdi, a 3 year old migrant whose body washed ashore in summer 2015 (Laks, 2016: 6-7) The human trafficking problem became the center of attention after this disaster and the crisis escalated. It's very clear that the situation is very hard to maintain for many European countries, especially those which are hardly adjusting to the Post-Cold War situation. Greece and Italy have also been affected negatively by the immigration crisis, because of two main reasons: 1) Italy and Greece were access points for most of the Mediterranean human trafficking. 2) The fragility of their economies (Pangerc, 2012: 143).

Whereas different countries within the European Union individual experiences with immigration, they share a common legal framework to deal with the issue. Therefore, the problem should be dealt with on multiple levels, both national and supranational. This essay is aimed to focus on the problem at supranational level. In the next section, has been analyzed how the European Union manages the immigration issue and the legal framework regarding immigration and asylum in the European Union.

3. Theoretical Framework: Migration In The European Union

Before delving into the topic in Depth, it was thought that would be beneficial for the study to briefly discuss the definitions used in the topic in order to minimize the definitional confusion that is often encountered in Migration. There are three main definitions that explain the conditions under which people change their countries in this context: Refugee, Asylum Seeker and Migrant. Refugee: A refugee is a person who has been forced to flee their country of origin due to a well-founded fear of persecution on account of race, religion, nationality, membership of a particular social group, or political opinion (Büyükhhan, 2021: 80) Asylum seeker: An asylum seeker is a person who has applied for asylum in another country. They may be waiting for a decision on their application, or they may have been granted asylum but are still waiting for permanent permission to stay in the country (Österreich, 2023). A migrant is a person who has moved from one place to another, either within their country or across an international border. People may migrate for a variety of reasons, including for work, education, or family reunification (AG Integration, 2015: 5). In this study, since the reflections of the refugee crisis of 2015 on the EU are analysed, the term -refugee-, which was the status of people who changed their countries due to war, is used.

These definitions are established in international law and are used by organizations such as the United Nations High Commissioner for Refugees (UNHCR) to determine the legal status and rights of individuals. It's crucial to make the distinction between these terms, as their legal implications and the protections afforded to individuals differ significantly.

While migration was an important subject for member countries of the European Union especially for countries like Germany and Austria, it was only in 1993 that Extra-EU migration came into the European Union policy making scene with the Maastricht Treaty coming into effect (Boswell & Geddes, 2011: 3). The Extra-EU migration was included in the European Union's main legal and political framework with the Amsterdam Treaty in 1999. What was so special about the 90's that the European Union finally decided to build a legal framework regarding Extra-EU migration? According to Boswell and Geddes, that this framework needed because of the new and distinct

situation created by the post-cold-war context: There was a greater intensity of migration flows to and within the EU; more countries started to get affected by immigration, the European Union as an entity started to have a growing role and the intensity of the immigration flow started to manifest itself in problematic ways such as irregular flows, people smuggling and human trafficking (Boswell & Geddes, 2011: 3).

As seen in many studies related to the subject, very rapid increases in the immigration numbers between 2000-2005. Austria also received a lot immigrants relative to its population which shows us that the immigration issue was no longer of an issue particular to the major economies of the European Union but started to be a European Union-wide problem, requiring countries like Spain, of which immigration population rose by %194.2 between 2000-2005 and Italy, which has seen a rise of %54.1, taking a more active part in the immigration policies of the European (Boswell & Geddes, 2011: 4).

Another important factor is the role of immigration in the population problem of the European Union. The population of the European Union is constantly aging. The population of older people (defined here as those aged 65 years or more) in the EU-27 will increase significantly, rising from 90.5 million at the start of 2019 to reach 129.8 million by 2050. During this period, the number of people in the EU-27 aged 75-84 years is projected to expand by 56.1 %, while the number aged 65-74 years is projected to increase by 16.6 %. By contrast, the latest projections suggest that there will be 13.5 % fewer people aged less than 55 years living in the EU-27 by 2050 (Eurostat, 2020: 17).

Extra-EU immigration is a way to regulate this problem, while it cannot solve the problem on its own. So, closing the European Union to immigration altogether isn't a plausible course of action as well. According to Boswell and Geddes, the term immigration is too broad and EU States face different types of dilemmas and policy problems for different types of immigration. While focus in this essay is forced migration in the context of asylum seekers and refugees, it is important to acknowledge that the European Union faces a different set of issues for each type of immigration. These problems converge at times for different types of migration. For instance integration or population problems are a constant issue in all types of immigration.

Yet problems like insufficiency of the supranational framework regarding international migration and the growing need for international cooperation are problems particular to forced migration. The problem the European Union is facing is not whether or not accepting immigrants since the EU already needs immigrants, with varying degrees and varying types of immigrants. Yet accepting an inflow of refugees is a much bigger and different challenge for the European Union and it's rather a part of a much bigger problem. Neither the resources available to UNHCR nor the institutional framework regarding management of international crisis migration is efficient enough so it needs to be used to its highest effectiveness. "An important analytical feature of many new" trans-boundary problems that emerge and require international cooperation is that they relate to and touch upon the purview of a set of norms and organizations that already exist, even if the relationship is not explicit"(Betts, 2014: 4).

In order to establish a common understanding of struggle, two points come to the fore. The first is a binding legal basis within EU and the second is the position taken by the dynamics in the domestic politics of the member states towards the issue. These

two points have proved to be decisive factors in the migration crisis. In this part of the study, firstly, the legal basis used for the management of the refugee crisis was discussed, and then the impact of the crisis on domestic political dynamics was evaluated through the selected issues. In the next sub-sections, has been analyzed the current legal framework of the European Union concerning immigration and asylum policies and has been metioned impact of Refugee Crisis on internal political Dynamics.

3.1. Legal Framework

Immigration has always been one of the most important issues for the EU and various regulations have been made on it. After 2015, a common framework was needed due to the crisis and the issue of immigration gained importance.

One of the important points to be considered here is how to define this change experienced by people who leave their country. Some of the people who were subjected to migration made this decision because they had to, others by choice. In addition, their status in the country of destination is also among the factors affecting their legal status.

This issue, which was recognised in international law especially after the 2nd World War, was put on a legal basis with the 1951 Refugee Convention on the Status of Refugees United Nations. Over the years, agreements and structures similar to the abovementioned legislation have begun to take place within the EU. The first of these was the Trevi Group, which was established in 1975 at the Rome Summit of the European Council. Within the framework of the Maastricht Treaty, signed in 1992 and entered into force in 1993, migration issues began to be approached in a more institutional way. In 1999, with the Amsterdam Agreement, which entered into force, migration management was integrated into the agreements between member states (Interview with Charles Essen, 2018: 5-6). The importance of the Amsterdam Treaty was that it created a legal base for European Union action for migration and asylum policies and it extended the jurisdiction of the European Court, European Commission and European Parliament. Under Article 63 Community competencies in the are of asylum and immigration policy were stated as:

Responsibility for assessing refugee claims; Minimum standards on reception of asylum-seekers; and qualification as refugees; Procedures for granting or withdrawing refugee status; measures on temporary protection and displaced persons; Conditions of entry and residence for TCN's Procedures for issuing long-term visas; Action against illegal immigration; Defining the rights of legally resident TCNs (Betts, 2014: 9).

In 2008, under the name of the "2008 European Union Asylum and Migration Pact" (AGIP), a total of five principles were brought together, including migrant acceptance capacity and border controls, and concrete changes were made in the context of migration management (Bertozzi, 2008:2). Finally, with the Lisbon Treaty, which entered into force in 2009, the provisions on migration and asylum were placed within the "Freedom, Security and Justice" area, the fifth title in the pillar of the Treaty on the Functioning of the European Union. In addition, with the Lisbon Treaty, the principle of decision-making by unanimity in the area of Freedom, Security and Justice was largely abolished, with some exceptions, and the ordinary legislative procedure was adopted on the basis of the qualified majority principle (Güleç, 2015: 86-88). The Lisbon Treaty made the biggest impact on the asylum an immigration policy of the European Union. The Lisbon Treaty consolidated all of these responsibilities and made immigration and

asylum “normal” problems of the European Union by regulating them and declaring the competencies concerning them clearly.

The Article 77 of Lisbon Treaty regulates internal border controls and competencies of the European Union in organizing the collaboration of external border controls. In the first paragraph of Article 77 the internal border controls are abandoned and a collaborative structure regarding external border controls is proposed:

“1. The Union shall develop a policy with a view to:

- a. ensuring the absence of any controls on persons, whatever their nationality, when crossing international borders;
- b. carrying out checks on persons and efficient monitoring of the crossing of external borders;
- c. the gradual introduction of an integrated management system for external borders.” (Lisbon Treaty, 2007: 77/).

The second and third paragraphs of the Article 77 state necessary measures to facilitate Paragraph 1. Such as the common policy on visas and other short-stay residence permits; the checks to which persons crossing external borders are subject; the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period; any measure necessary for the gradual establishment of an integrated management system for external borders; the absence of any controls on persons, whatever their nationality, when crossing internal borders and the granting Council the power to adopt provisions concerning passports, identity cards, residence permits or any other such document. (Lisbon Treaty, 2007: 77/2-3) Paragraph 4 of the Article 77 limits this power with the sovereignty of Member States in terms of geographical demarcation of their individual borders in accordance with international law (Lisbon Treaty, 2007: 77/4).

Article 78 of the Lisbon Treaty on the other hand states that European Union will develop a common policy regarding matters relating to refugees:

1.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.” (Lisbon Treaty, 2007: 78/1). In the paragraph two of the Article a number of measures are stated to be adopted to reorganize the asylum system of European Union, which involve a uniform status of asylum for nationals of third countries, valid throughout the Union; a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection; a common system of temporary protection for displaced persons in the event of a massive inflow; common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status; criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection; standards concerning the conditions for the reception of applicants for asylum or subsidiary protection and cooperation with third countries for the purpose of

managing inflows of people applying for asylum or subsidiary or temporary protection (Lisbon Treaty, 2007: 78/2).

Article 79 of the Lisbon Treaty is particularly focused on setting a common immigration policy: “1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.” (Lisbon Treaty, 2007: 79/1).

Second paragraph of the Article 79 defines policy areas for the common immigration framework such as the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States; illegal immigration and unauthorized residence, including removal and repatriation of persons residing without authorization and combating trafficking in persons, in particular women and children (Lisbon Treaty, 2007: 79/2). Third and fourth paragraphs of Article 79 regulate the separation of power within the European Union between its organs and between Member States and the Union itself. Lisbon Treaty clearly defines the responsibilities and policy areas concerning immigration and asylum policies of European Union while also defining the separation of powers within the European Union framework and leaving a space of sovereignty for Member States such as defining the volumes of admission of third-country nationals (Lisbon Treaty, 2007: 79/5) or geographical demarcation of individual borders (Lisbon Treaty, 2007: 77/4). It also lays a legal framework for Extra-EU cooperation such as a partnership with a third country to manage inflow of refugees and asylum seekers (Lisbon Treaty, 2007: 78/2).

3.2. Impact of Refugee Crisis on The Dynamics of Domestic Politic: Euroscepticism

The refugee crisis has started to deeply affect the internal dynamics of Europe over time, and this situation has started to be used especially by right-wing parties, and has deepened the already existing European skepticism. In connection with the impact of the crisis, populist winds began to blow in Europe, and rhetoric with a heavy emphasis on anti-immigrant sentiments was frequently used in domestic politics. So much so that the right-wing parties in power have benefited from this and strengthened their power, while the opposition parties have found a way to easily get their demands met. This situation naturally caused difficulties in the implementation of the measures that needed to be taken in the migration crisis, and even damaged the EU's enlargement and integration policies.

For example, the UK's exit from the EU is one of the first situations that has been severely affected by the crisis. The UK, which has traditionally been distant from the EU, found a broad base of support for the European skeptical policies supported by the opposition right-wing populist party UKIP after 2015, and then-Prime Minister David Cameron was forced to include the Brexit referendum in his election promises. Cameron, who won the election, held the referendum and the majority voted to leave the EU. After the crisis in the country's politics, the United Kingdom officially left the EU in 2020 (Almut and Mara and Claudia, 2019).

The mass migration of Syrian citizens has given rise to several pathways leading to Western Europe, with one notable route being the Western Balkans. Hungary, which is located on the transit route of the migration wave, suddenly found itself in the midst of the crisis and experienced a turbulent period in domestic politics (Oruc and Raza and Santic, 2020: 2-4). The ruling party Fidesz, under the leadership of Viktor Orbán, used the existing anti-EU sentiment in the country to turn this situation in its favor and emerged from the process stronger. The Fidesz government has shaped all of its policies around the axis of EU skepticism, which has increased the dose of the crisis environment (Şahin, 2022: 49-50). It has argued that the policies that the EU is especially trying to implement pose a threat to Hungary's security. In fact, Orbán stated in a speech he delivered in 2016 that illegal border crossings should be punished and emphasized the importance of national security (Canveren and Durakçay, 2017: 864-865). Orbán's policies have made it very difficult for the EU to manage the crisis, as seen in the case of the United Kingdom. So much so that Hungarian officials, including Orbán himself, have severely criticized the EU's crisis management and produced populist rhetoric.

4. Discussion

As seen from the legal framework laid in the Lisbon Treaty, there ought to be a certain degree of convergence in the immigration and asylum policies of EU States, while they also enjoy some individual space which is also loosely defined in the Treaty. The lowest-common-denominator in migration policies of EU States is perceived to be restriction-oriented-policies creating an image of Fortress-Europe (Cornelius 1994, 2004 in Geddes, 2014: 436). While the Lisbon Treaty sets goals like fighting human trafficking and creating a common framework regulating Extra-EU migration, it is still up to individual States and supranational organizations like UNHCR to make policy decisions and use this framework. Current framework only defines responsibilities and goals loosely and distributes responsibilities without setting any specific goals or responsibilities. For instance, while there is a common migration policy, the European Union has no control over the volume of the refugees inflow to EU States. In the end, immigration policy is determined by individual states, where they can opt-out or derogate from responsibilities in this “flexible” structure (Geddes, 2014). So in the end it's not a legal but an economical, political, practical, moral, cultural and social decision to grant asylum to refugees, which is influenced by many diverse factors.

On one hand EU States need refugees to regulate their population and maintain their productivity but on the other hand problems like integration and unemployment emerge with the influx of the migrant population. These conflicts influence asylum policies of the individual states because since EU States are not legally obliged to a certain number of asylum seekers or refugee there is a correlation between the immigration policies of EU States and the volume of the influx of refugees to these countries. It would be quite plausible to argue that most EU-States per “The Universal Declaration of Human Rights” are morally and legally obliged to accept refugees. Paragraph 1 of Article 14 of the Declaration states that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” (Universal Declaration of Human Rights, 1948 14/1). Yet again, while the right to seek and be granted asylum is universally acknowledged, it hasn't been defined, whose responsibility it is to grant and guarantee this right, which is the crux of the problem. It's one thing to define rights, it's another thing to protect them. In many EU States the immigration phenomenon creates

a tension in the society mainly because of cultural conflicts and xenophobia which causes right wing parties to rise in power. While it would sidetrack us to investigate the rise of the extreme right wing, it is a very well documented phenomenon (Meyer & Rosenberger, 2015: 2-3). This means that a significant number of voters believe that closing down borders and nationalization is a proper solution to the immigration problem, reinforcing the Fortress Europe image. Furthermore, as previously mentioned, the examples of Brexit and Hungary should be seen as a reflection of this situation.

5. Conclusion

Immigration and its influences is a very complex subject with many facets. The intention of this paper was to analyze the legal framework of the European Union regarding immigration and its ability to cope with the refugee crisis. While the current legal and institutional framework gives EU States necessary tools to deal with the crisis, it's mainly up to individual EU States to work towards the policy goals. At the times of crisis, this flexibility creates an impossible situation for the European Union. The Lisbon Treaty states that asylum seekers should be granted asylum, but it doesn't distribute the responsibility amongst states in a specific way. Therefore the problem has to be dealt with at different levels.

The integration process is not only the responsibility of the EU or individual EU States, but the society itself. But probably most importantly, the world is linked today, no region can isolate itself from another without severe repercussions. The European Union needs to take an active stance in crisis situations rather than waiting for the crisis to eventually influence the system. Taking a preventive stance in international crisis situations and collaborating with third countries per Paragraph 2 of Article 78 of Lisbon Treaty, before problems turn into a full scale crisis would be very beneficial for the sustainability of the immigration and asylum policies of the European Union.

One of the biggest challenges is the tension and the rise of the right wing in EU States, which needs to be moderated. Escalation of this tension creates a hostile environment for immigrants and forces governments to favor more restrictive policies concerning immigration. It also causes alienation of the current immigrants and makes the future integration process much more challenging. One aspect that needs to be examined in the study of the migration crisis and its management, as mentioned above, is how the crisis has affected the domestic politics of EU member states. Indeed, the migration crisis has had significant political repercussions within the European Union. In the United Kingdom, for instance, the migration crisis played a role in bolstering the fortunes of Eurosceptic right-wing parties and ultimately contributed to the decision to leave the European Union (Brexit). In Hungary, existing Euroscepticism found more resonance among the public by framing migrants as a security threat. In both examples, it is evident that the refugee crisis has seriously disrupted the delicate political balance within the EU.

Despite some practical shortcomings, it is evident that the European Union is legally and structurally equipped to deal with the crisis yet the flexibility of its structure lays the responsibility on the individual states and non-state actors. As Betts states, each crisis needs a different approach and for the framework to be used to its highest effectiveness. It is quite clear that the current legal framework and policy goals of the European Union are potentially sufficient to deal with the crisis. The problem originates from the lack of initiative from those who are to implement those policies.

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