

The Neoliberal Paradigm In EU's Migration Policies: A Critical Analysis

Avrupa Birliği Göç Politikalarında Neoliberal Paradigma: Eleştirel Bir Analiz

Ahmet KÜÇÜK 

Düzce Üniversitesi, Hakime Erciyes Yabancı
Diller Yüksekokulu, Düzce, Türkiye

Düzce University, Hakime Erciyes School of
Foreign Languages, Düzce, Türkiye
ahmetkucuk@duzce.edu.tr



Abstract

This article explores how European Union migration policies have been fundamentally shaped by neoliberal ideologies prioritizing market efficiency, labor commodification, and privatized border control. Through a critical analysis of key policy instruments, including the Schengen Agreement, Dublin Regulation, Maastricht and Lisbon Treaties, and the New Pact on Migration and Asylum, it examines how neoliberal logics have transformed the EU's approach to human mobility. The paper highlights a central paradox: while promoting the free movement of labor within the EU, external borders have been increasingly securitized, and access for third-country nationals has been restricted. Schengen's semi-permeable design has fostered a Fortress Europe mentality, while the Dublin Regulation redistributes responsibility in ways that burden peripheral states. The Maastricht and Lisbon Treaties institutionalized centralized governance, embedding market-driven principles in migration policy. These shifts reinforce inequalities, undermine migrant rights, and create asymmetrical burdens among member states. Ultimately, the article argues for a reimagining of EU migration governance, one that prioritizes human rights, equitable responsibility-sharing, and non-commodified forms of mobility.

Keywords: Neoliberalism, EU migration policy, human mobility, securitization, labor commodification

Öz

Bu makale, Avrupa Birliği göç politikalarının piyasa verimliliği, emeğin metalaştırılması ve sınır güvenliğinin özelleştirilmesi gibi neoliberal ilkeler doğrultusunda şekillendiğini savunmaktadır. Schengen Anlaşması, Dublin Düzenlemesi, Maastricht ve Lizbon Antlaşmaları ile Yeni Göç ve Sığınma Paketi gibi düzenlemeler üzerinden yapılan analiz, insan hareketliliğine yönelik AB yaklaşımının bu ideolojilerle nasıl yeniden biçimlendiğini ortaya koymaktadır. Makale, AB içinde serbest emek dolaşımına olan açıklığın, dış sınırların güvenli hale getirilmesi ve üçüncü ülke vatandaşlarına yönelik kısıtlamalarla çeliştiğini vurgulamaktadır. Schengen sistemi Kale Avrupa anlayışını pekiştirirken, Dublin Düzenlemesi sorumluluğu çevre ülkelere kaydırmakta, Maastricht ve Lizbon Antlaşmaları ise göç yönetimini merkezileştirmektedir. Bu politikalar, ekonomik entegrasyonu kolaylaştırır da göçmen haklarını zayıflatmakta, eşitsizlikleri artırmakta ve yük paylaşımında adaletsizlik yaratmaktadır. Makale, AB göç yönetiminin insan haklarına dayalı, yükün adil paylaşımını esas alan ve hareketliliği metalaştırmayan yeni bir anlayışla yeniden yapılandırılması gerektiğini ileri sürmektedir.

Anahtar Kelimeler: Neoliberalizm, AB göç politikası, insan hareketliliği, güvenlikleştirme, emeğin metalaştırılması

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Introduction

The governance of migration within the European Union has undergone a profound neoliberal reorientation over recent decades. Key policy agreements and regulations, including the Schengen Agreement, Dublin Regulation, Maastricht Treaty, Lisbon Treaty, and the recent Pact on Migration and Asylum, bear the unmistakable imprint of neoliberal precepts. These instruments have reshaped the EU's approach to both intra-EU mobility and immigration from third countries, crafting a complex landscape that precariously reconciles market imperatives, border securitization, and human rights commitments.

At its core, this neoliberal turn in EU migration policies crystallizes an ideological paradox. While championing the free movement of labor as a catalyst for economic dynamism, these policies have concurrently fortified external borders and erected formidable legal barriers to entry for many Third Country Nationals. This dichotomy between internal openness and external exclusion exemplifies the fundamentally uneven and contradictory character of neoliberal migration governance.

The ramifications of this paradigm shift transcend mere policy shifts; they permeate the lived realities of countless migrants and asylum seekers navigating the EU's increasingly privatized and security-centric migration infrastructure. From the contentious "first country of entry" principle that disproportionately burdens border states, to the accelerated asylum processing that risks undermining due process - the neoliberal logic of commodifying human mobility and outsourcing migration management to third countries has profoundly reshaped what the EU portrays as a collective commitment to humanitarian protection and equitable burden-sharing.

Unraveling this Gordian knot of neoliberal transformation in EU migration governance is crucial for not only scholarly analysis but policy reform itself. By interrogating the tensions between market efficiency, state sovereignty, and universal human rights, we can illuminate pathways towards a more equitable and sustainable framework for managing migration. This document charts the historical evolution of key EU agreements, analyzes their embodiment of neoliberal tenets, and assesses their stark implications for Member States, migrants, and the European project of open borders and free movement.

Methodology

To critically analyze the neoliberal paradigm shaping EU migration policies, this study employs a multi-pronged methodological approach. By triangulating legal and policy analysis, discourse analysis, and insights from prior scholarly literature, we aim to unpack the complex interplay between neoliberal tenets and the EU's evolving migration governance framework.

At the core of our investigation lies a comprehensive examination of key EU treaties, regulations, and policy instruments pertaining to migration. Through a meticulous legal and policy analysis, we scrutinize the text of agreements such as the Schengen Agreement, Dublin Regulation, Maastricht Treaty, Lisbon Treaty, and the Pact on Migration and Asylum. This textual analysis enables us to identify explicit and implicit neoliberal underpinnings embedded within these instruments, shedding light on their underlying rationales, priorities, and mechanisms.

To complement this analysis, we engage in a critical discourse analysis of official EU policy documents, statements, and communications related to migration governance. By deconstructing the language, narratives, and discursive strategies employed by EU institutions and policymakers, we aim to uncover the ideological foundations and power dynamics that shape the framing of migration issues. This approach allows us to discern how neoliberal rhetoric and rationalities permeate the EU's migration discourse, influencing public perceptions and policy directions.

Additionally, we draw upon a comprehensive review of scholarly literature spanning diverse disciplines, including migration studies, political science, sociology, and critical theory. This interdisciplinary synthesis enables us to situate our analysis within broader theoretical frameworks and empirical findings, enriching our understanding of the complex interplay between neoliberalism, state sovereignty, and human rights in the context of migration governance.

To ensure a robust and nuanced analysis, our methodological approach is grounded in a critical theoretical perspective that interrogates power structures, ideological hegemonies, and the socio-political implications of policy decisions. By employing

a critical lens, we aim to uncover the underlying power dynamics, inequalities, and contradictions that shape the EU's neoliberal approach to migration governance.

Through this multi-faceted methodology, we strive to provide a comprehensive and rigorous examination of the neoliberal paradigm's influence on EU migration policies. By synthesizing legal and policy analysis, discourse analysis, and scholarly insights, we aim to contribute to a deeper understanding of the complexities and tensions inherent in the EU's migration governance framework, fostering informed debate and paving the way for more equitable and sustainable policy approaches.

Results

Fundamental Principles of Neoliberalism and Its Impacts on Migration Policies

Neoliberalism is an economic and political approach that advocates market-oriented policies and limited state intervention (Harvey, 2005). The core principles of this understanding include the deregulation of markets, the privatization of public services, and the reduction of social welfare provisions (Cerny & Evans, 2004). These principles have had significant impacts on the shaping of migration policies globally.

One of the key neoliberal influences on migration policies is the liberalization of labor mobility. Neoliberal proponents argue that the free movement of labor is essential for economic efficiency and growth (Castles & Miller, 2009). As a result, many countries have implemented policies to facilitate the entry and employment of migrant workers, often in low-skilled and precarious sectors of the economy (Schierup et al., 2006).

Additionally, the neoliberal emphasis on reducing state intervention and relying on market mechanisms has led to the exploitation of migrants as a source of cheap and flexible labor (Kofman, 2007). Employers in various industries have taken advantage of the vulnerable position of migrants, offering them lower wages and poorer working conditions compared to native-born workers (Bauder, 2006).

Furthermore, the neoliberal agenda of reducing border controls and increasing the free flow of goods, services, and capital has also influenced migration policies (Geddes & Scholten, 2016). Many countries, particularly in the developed world, have implemented policies to relax border controls and facilitate the movement of people, often in the name of economic competitiveness and efficiency (Boswell & Geddes, 2011).

Historical Development of the EU's Migration Policies

The European Union's (EU) approach to migration policies has undergone significant changes over the past decades. Initially, migration was primarily seen as a matter of national sovereignty, with each member state responsible for its own migration policies (Papademetriou & Banulescu-Bogdan, 2016). However, as the EU deepened its economic and political integration, the need for a more harmonized approach to migration management became apparent.

One of the key milestones in the development of the EU's migration policies was the Schengen Agreement, signed in 1985, which abolished internal border controls among participating countries (Geddes & Scholten, 2016). This agreement was later incorporated into the EU's legal framework, leading to the creation of the Schengen area, which currently comprises 26 European countries (European Commission, 2021).

Another important development was the Dublin Regulation, first introduced in 1990 and later revised in 2003 and 2013. This regulation established a system for determining the member state responsible for examining an asylum application, with the aim of preventing multiple applications and ensuring the efficient processing of asylum claims (Boswell & Geddes, 2011).

More recently, the European Pact on Migration and Asylum, adopted in 2008, outlined a comprehensive approach to migration management, addressing issues such as legal migration, border control, asylum, and the integration of migrants (Papademetriou & Banulescu-Bogdan, 2016). This pact was followed by the adoption of the EU's New Pact on Migration and Asylum in 2020, which aimed to further harmonize the EU's migration and asylum policies (European Commission, 2020).

Overall, the historical development of the EU's migration policies reflects the changing dynamics of European integration,

the need to balance national sovereignty with collective governance, and the ongoing challenge of managing migration flows in a complex and evolving geopolitical landscape.

Schengen Agreement: A Neoliberal Turning Point in EU Migration Policy

The 1985 Schengen Agreement stands as a watershed moment in European migration policy, encapsulating the essence of neoliberal principles that would come to define the European Union's approach to human mobility. This landmark accord, initially embraced by a handful of nations before expanding across the EU, fundamentally reshaped the concept of borders within Europe, leaving an indelible mark on both internal and external migration dynamics (Zaiotti, 2011).

At its heart, the Schengen Agreement resonates with the neoliberal ethos of unfettered movement—not just of goods and capital, but of labor too. By dismantling internal border checks among participating states, it birthed a borderless expanse that epitomized the neoliberal dream of a seamlessly interconnected marketplace (Favell, 2011). By 2019, the Schengen area had expanded to 26 European countries, encompassing more than 420 million people, allowing them to travel freely within this zone (European Commission, 2020). Additionally, over 1.7 million people lived in one Schengen country while working in another (European Parliament, 2020), highlighting the substantial labor mobility facilitated by the agreement.

This bold stride toward open internal frontiers was championed primarily on economic grounds, with advocates trumpeting its potential to turbocharge competitiveness, cultivate a more agile labor market, and fuel economic prosperity within the EU (Kvist, 2004). For instance, a 2016 European Parliament study estimated that dismantling Schengen would cost the EU between €5-18 billion per year in GDP losses due to disruptions in trade, labor mobility, and tourism (European Parliament, 2016).

The agreement's neoliberal DNA is unmistakable in its laser focus on economic imperatives. By greenlighting the free flow of labor within the Schengen zone, it effectively conjured up a vast, flexible workforce pool, primed to respond swiftly to market fluctuations (Koikkalainen, 2011). The movement of labor increased significantly, with 4% of the EU workforce—around 13 million people—moving across borders for work within the Schengen area by 2020 (Eurostat, 2021). This dovetails neatly with the neoliberal mantra of labor market deregulation and the belief that human capital allocation is best orchestrated with minimal state meddling (Peck, 2010).

Yet, the Schengen Agreement's implementation laid bare the inherent contradictions of neoliberal migration philosophies. While championing internal mobility, it paradoxically fortified external borders, giving rise to the notion of "Fortress Europe" (Van Houtum & Pijpers, 2007). External border control measures were greatly strengthened, as evidenced by the EU's investment of more than €10 billion from 2014-2020 into agencies like Frontex to manage and secure its external borders (European Commission, 2021). This Jekyll and Hyde approach of internal openness coupled with external barricades underscores the selective nature of neoliberal migration strategies, which tend to roll out the red carpet for certain migrants (typically those perceived as economic assets) while slamming the door on others (Hollifield, 2004).

The ripple effects of the agreement on EU labor markets and working conditions have been profound and multifaceted. On one hand, it's opened up a world of employment possibilities for EU citizens across national borders, potentially catalyzing better job matches and productivity boosts (Zimmermann, 2009). For instance, a study showed that labor mobility within the EU contributed to a 0.3% increase in overall productivity (European Commission, 2017). On the flip side, this heightened labor mobility has stoked fears of social dumping and the erosion of labor standards, particularly in sectors heavily reliant on low-skilled migrant labor (Cremers, 2016). In the construction industry alone, posted workers accounted for nearly 45% of the workforce in some countries by 2018, raising concerns about labor rights abuses (European Commission, 2018).

Moreover, the Schengen Agreement's emphasis on free movement within the EU has spawned a complex web of implications for non-EU migrants. While smoothing the path for EU citizens, it's contributed to a more restrictive regime for third-country nationals. For example, visa applications from non-EU nationals reached 16.9 million in 2019, with refusal rates climbing, particularly for migrants from African and Middle Eastern countries (Frontex, 2020). This has fueled criticism that the Schengen system exacerbates existing inequalities, creating a two-tier system of mobility rights (Carrera, 2005).

The security dimension of the Schengen Agreement also bears the hallmarks of neoliberal influence on migration governance. The dismantling of internal border controls was counterbalanced by ramped-up investment in external border security and cutting-edge surveillance technologies (Léonard, 2014). The EU allocated €34.9 billion to border security and migration management for 2021-2027, indicating its prioritization of external securitization (European Parliament, 2020). This fixation on border management and security aligns with neoliberal notions of risk management and the privatization of security functions, as evidenced by the burgeoning role of private entities in border control and migration management (Bloom, 2015).

The Schengen Agreement's legacy in molding EU migration policies extends far beyond its immediate impact on border control and labor mobility. It's played a pivotal role in the ongoing Europeanization of migration policies, contributing to the power shift from national to supranational decision-making (Lavenex, 2006). This centralization of migration governance at the EU level dovetails with neoliberal preferences for standardized, market-oriented policy approaches.

In essence, the 1985 Schengen Agreement represents a defining moment in the neoliberal metamorphosis of EU migration policies. Its dual emphasis on free internal movement and fortified external borders encapsulates the complex and often contradictory nature of neoliberal migration approaches. While catalyzing economic integration and labor market flexibility, the Schengen system has also sown the seeds of new forms of exclusion and inequality. As the EU continues to navigate the choppy waters of migration challenges, the Schengen Agreement's legacy serves as a stark reminder of neoliberal ideologies' profound impact on shaping migration policies and their far-reaching societal ramifications.

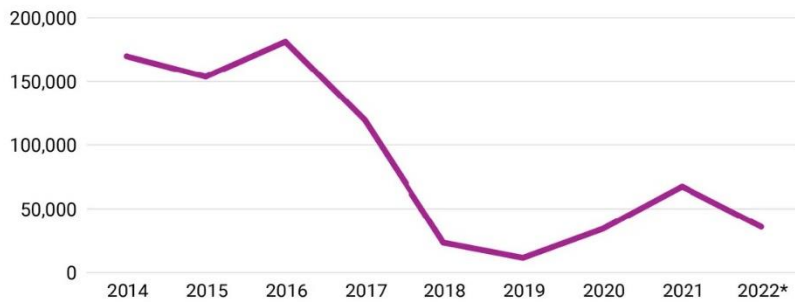
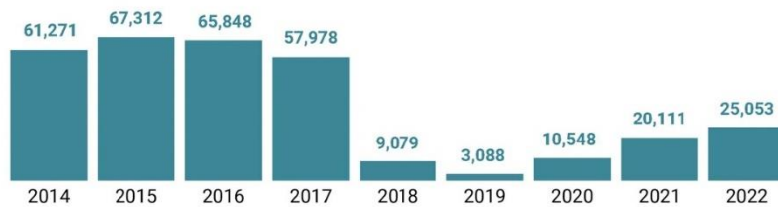
A glaring illustration of the Schengen Agreement's neoliberal implications is the rise of posted workers within the EU. Posting entails temporarily relocating employees across borders to provide services, facilitated by free movement. The number of posted workers surged to 2.8 million by 2018, with labor rights concerns emerging due to companies exploiting wage and social security disparities (European Commission, 2019). Critics argue this has enabled a "race to the bottom," with companies undercutting local labor standards by hiring cheaper posted workers (Wagner & Lillie, 2014).

The friction between enabling service provision and safeguarding workers' rights underscores tensions between economic freedoms and social protections in the neoliberal European project (Cremers et al., 2007). Moreover, monitoring cross-border labor mobility and enforcing regulations has strained authorities, aligning with critiques of the state's diminished governance capacity in a hypermobile era (Berntsen & Lillie, 2016).

EU initiatives like the revised Posted Workers Directive aim to balance free movement with worker protections, reflecting neoliberal contradictions of reconciling market integration with regulatory oversight. The posted workers saga epitomizes the delicate equilibrium between unleashing markets and preserving safeguards—an equilibrium the EU navigates as it reconciles economic integration tenets with worker protection imperatives in a borderless employment landscape.

Dublin Regulation III: Shifting the Burden of Asylum in the EU

The Dublin Regulation III, introduced in 2013, plays a key role in the European Union's (EU) migration and asylum system. Building on the previous Dublin II Regulation, it sets out rules for determining which EU country is responsible for processing an asylum application. Central to this regulation is the "first country of entry" rule. This principle means that the country where an asylum seeker first arrives in the EU is responsible for handling their asylum claim (Maiani, 2016). This idea, influenced by neoliberal thinking, has had a big impact on how asylum seekers are spread across the EU, often placing a heavy burden on countries at the EU's external borders like Greece, Italy, and Hungary. For example, in 2015 alone, Greece processed over 850,000 asylum seekers under the Dublin III Regulation (Leivaditi et al., 2020). Similarly, Italy registered over 650,000 asylum seekers between 2014 and 2018, highlighting the enormous strain placed on these economically weaker states (Debinski & Vieira, 2022). In this context, the fluctuations in annual sea arrivals to Italy clearly illustrate the practical impact of the Dublin III Regulation on frontline states (Figure 1).

Figure 1.¹***Annual migrant arrivals to Italy via the Mediterranean Sea (2014-2022)******Total monthly sea arrivals for May, June, and July***

Source: Debinski & Vieira, 2022, <https://www.gzeromedia.com/the-graphic-truth-migrants-reach-italy-by-sea>

Viewing the Dublin Regulation III through the lens of neoliberalism helps explain a lot. Neoliberalism focuses on the free movement of capital, goods, and services, but it often restricts the movement of people, especially migrants and refugees (Brekke & Brochmann, 2015). This regulation reflects that mindset by pushing the responsibility of processing asylum claims onto border states, which are often less economically developed countries in Southern and Eastern Europe. As a result, these countries face significant challenges due to limited resources and infrastructure to manage the influx of asylum seekers.

Critics argue that the Dublin Regulation III is more about controlling and deterring migrants rather than protecting their rights and ensuring a fair asylum process (Schuster, 2011). By restricting asylum seekers' ability to choose where they want to go within the EU, the regulation acts as a tool to limit the free movement of individuals and enforce the EU's external borders. The long delays in processing also exacerbate the suffering of asylum seekers. In Greece, for example, the average time to process an asylum application under the Dublin system can be up to two years (Tsourdi, 2017), leading to uncertainty and hardship for those awaiting a resolution.

The impact of the Dublin Regulation III is significant for both member states and asylum seekers. For border states, the regulation imposes a heavy financial and administrative load, and many of these countries struggle to cope with the large numbers of asylum seekers (Moreno-Lax, 2017).

As for asylum seekers, the regulation often leads to long delays and uncertainty. They might be sent back to the country where they first entered the EU, even if that country cannot provide adequate protection or support (Mouzourakis, 2014). This raises concerns about violating the principle of non-refoulement, which forbids returning individuals to places where they could face persecution or harm. The uneven distribution of asylum seekers has also led to secondary movements within the EU, as people try to reach more stable and welcoming countries, further complicating the implementation of the Dublin Regulation III (Brekke & Brochmann, 2015).

¹ This figure illustrates the annual number of migrants arriving in Italy by sea through the Mediterranean migration route from 2014 to 2022. The data reflects fluctuations linked to policy changes, geopolitical tensions, and migratory pressures from countries in the Middle East, Africa, and South Asia. Key events, such as the EU-Turkey deal in 2016 and the Italy-Libya Memorandum of Understanding in 2017, correlate with significant shifts in migrant flow, particularly with an observable reduction in arrivals in the years following these agreements. The figure underscores the impact of externalized EU border policies on migration patterns and highlights the ongoing challenges faced by Mediterranean coastal states in managing irregular migration.

A clear manifestation of the Dublin III Regulation's neoliberal undertones can be witnessed in the dire situation unfolding at the Moria refugee camp on the Greek island of Lesbos. This overcrowded and squalid camp, originally designed to house around 3.000 people, was at one point sheltering over 20.000 asylum seekers, predominantly from Syria, Afghanistan, and African nations. The camp's abysmal living conditions, marked by severe overcrowding, lack of basic amenities, and escalating violence, laid bare the consequences of the Dublin III Regulation's asymmetric burden-sharing mechanism. As a frontline state bearing the brunt of migrant arrivals, Greece found itself overwhelmed, straining under the weight of processing and accommodating a disproportionate number of asylum claims (Davis, 2020; Khan, 2009).

The Moria camp became a microcosm of the neoliberal logic underpinning the Dublin system – one that prioritizes economic efficiency and burden-shifting over humanitarian considerations (Panagiotidis, 2015). By designating Greece as the responsible state for processing asylum claims due to its status as the first point of entry, the regulation effectively offloaded the costs and responsibilities onto one of the EU's economically weaker members (Novak, 2019). This dynamic exemplifies the neoliberal proclivity for cost externalization, where the negative externalities of migration policies are disproportionately borne by peripheral states and vulnerable populations (Martina et al., 2016). The squalid conditions at Moria underscored the human toll of such burden-shifting, with asylum seekers enduring dehumanizing circumstances as they awaited processing under the Dublin rules.

Also, the Moria crisis highlighted the tension between the neoliberal emphasis on border securitization and the humanitarian imperative of protecting asylum seekers. The camp's existence was inextricably linked to the EU's broader strategy of fortifying its external borders and deterring irregular migration, a hallmark of the neoliberal approach to migration governance. The eventual burning down of the Moria camp in September 2020 served as a stark wake-up call, underscoring the unsustainability of the Dublin system's burden-shifting logic and the urgent need for a more equitable, rights-based approach to asylum governance within the EU (Digidiki & Bhabha, 2020).

The Maastricht Treaty's Legacy: Laying the Foundation for a Neoliberal Approach to Migration in the EU

The Maastricht Treaty, signed in 1992, marked a significant shift in the European Union's (EU) approach to migration and asylum policies, laying the groundwork for a more neoliberal framework that would shape the bloc's subsequent handling of these issues. While the treaty itself did not directly address migration, its broader institutional and economic reforms had profound implications for the EU's evolving stance on the free movement of people and the management of immigration.

One of the Maastricht Treaty's central tenets was the creation of a single market with the free movement of goods, services, capital, and persons as a guiding principle (Geddes & Scholten, 2016). This emphasis on the free movement of people, while initially focused on EU citizens, had important ramifications for the EU's migration policies. By enshrining the free movement of persons as a fundamental right, the treaty laid the foundation for the gradual expansion of this principle to include certain categories of third-country nationals, such as highly skilled workers and students (Bigo & Guild, 2005). However, this neoliberal logic of "mobility for the economically productive" also carried the risk of reinforcing the exclusion and marginalization of less skilled or undocumented migrants, who were often viewed as a burden on the system rather than contributors to the single market (Geddes, 2008). As a result, the share of highly skilled third-country nationals entering the EU increased substantially. By 2021, more than 36.000 EU Blue Cards were issued to highly skilled non-EU workers, with Germany accounting for over 85% of these cards underscoring the economic selectivity of migration under neoliberal principles (Oliynyk & Torianyk, 2022).

The Maastricht Treaty's prioritization of economic integration and the free movement of labor set the stage for a more restrictive and selective approach to migration that would become increasingly evident in subsequent EU policy developments. For instance, the employment rate for third-country nationals in the EU in 2020 was just 56%, compared to 73% for EU citizens, Nicolescu and Drăgan (2020), cast back the marginalization of lower-skilled or undocumented migrants in a system that prioritizes economic productivity.

Another significant aspect of the Maastricht Treaty was the creation of a new "pillar" of EU cooperation in the field of justice and home affairs, which included issues related to immigration and asylum (Monar, 2001). This marked a shift towards greater supranational involvement in these policy areas, which had traditionally been the exclusive domain of member states. While the treaty initially maintained a largely intergovernmental approach to justice and home affairs, the gradual

communitarization of these policy areas over time has enabled the EU to exert a stronger influence over national migration and asylum policies (Guiraudon, 2000). This centralization of decision-making at the EU level has been driven by a neoliberal agenda that seeks to harmonize and standardize migration management across the member states, often at the expense of national sovereignty and the unique needs and circumstances of individual countries (Jenson & Moustier, 2018).

The Maastricht Treaty's establishment of the EU's competence in justice and home affairs has also facilitated the development of a range of policy instruments and agencies, such as the Schengen Agreement and Frontex, which have been criticized for their focus on border control and the prevention of unauthorized migration, rather than on the protection of the human rights of migrants and refugees (Bialasiewicz, 2012). In fact, Frontex's budget soared from €6.3 million in 2005 to an astonishing €460 million in 2020, Léonard and Kaunert, (2023), reflecting the increasing securitization and external border management approach within the EU's migration governance framework.

The Maastricht Treaty's broader impact on the EU's economic and political integration has also contributed to the neoliberal framing of migration within the EU's policy discourse. By emphasizing the importance of economic competitiveness, the treaty has encouraged the view of migration primarily as a tool for addressing labor market needs, rather than as a matter of fundamental human rights and humanitarian concerns (Geddes, 2008). This neoliberal perspective has manifested in the EU's increasing emphasis on the selection and recruitment of "desirable" migrants, such as highly skilled workers, while simultaneously adopting more restrictive policies towards unprofessional or undocumented migrants (Bonjour & Chauvin, 2018). Between 1992 and 2019, the average asylum recognition rate across EU countries fluctuated significantly, peaking at 61% in 1999 following the Kosovo crisis. However, by 2024, the recognition rate for all applicants stood at approximately 42%, with substantial variation between member states. This reflects the increasing prioritization of efficient management over humanitarian concerns in EU migration policies.

The neoliberal underpinnings of the Maastricht Treaty's approach to migration can be clearly observed in the EU's Blue Card Directive, introduced in 2009. This directive aimed to establish a streamlined system for attracting and retaining highly skilled non-EU workers, reflecting the Treaty's emphasis on facilitating the movement of economically productive migrants (Council Directive 2009/50/EC).

The Blue Card Directive exemplifies the neoliberal logic of treating migration as a tool for addressing labor market needs and fostering economic competitiveness (Shachar, 2006). By creating a fast-track process for admitting highly skilled foreign professionals, the directive prioritizes the EU's economic interests over broader humanitarian or ethical considerations in migration policymaking (Guild et al., 2015). Also, the directive's strict eligibility criteria, which include minimum salary thresholds and specific qualification requirements, reinforce the neoliberal notion of "desirable" and "undesirable" migrants (Chou & Balunas, 2019). Those who do not meet these narrow criteria, such as low-skilled workers or those seeking refuge from conflict or persecution, are effectively excluded from the benefits of the Blue Card scheme. This selective approach to migration governance, facilitated by the Maastricht Treaty's emphasis on the free movement of economically productive individuals, has been criticized by human rights advocates and legal scholars. They argue that the Blue Card Directive perpetuates a two-tier system of mobility rights, where the freedom of movement is primarily reserved for those deemed valuable to the EU's economic interests, while others face increasingly restrictive barriers to entry and residency (Carrera et al., 2014; Costello & Hancox, 2015).

Implementation of the Blue Card Directive across member states has also highlighted the tensions between the EU's neoliberal migration agenda and national sovereignty. Some countries have been reluctant to fully embrace the directive, citing concerns over the potential displacement of domestic workers and the erosion of their ability to regulate labor migration according to their specific needs and priorities (Menz, 2011). This example underscores how the Maastricht Treaty's neoliberal foundations have shaped the EU's approach to migration, prioritizing economic considerations over humanitarian concerns and reinforcing the commodification of human mobility in the pursuit of market-driven objectives (Balch, 2016; Menz & Caviedes, 2010).

The Neoliberal Influence of the Lisbon Treaty on EU Migration Policies

The Lisbon Treaty, which came into force in 2009, is another key agreement that has significantly impacted the migration and asylum policies of the European Union (EU), reflecting the neoliberal ideas that have influenced EU governance over the

years.

One of the key areas where the Lisbon Treaty has pushed a neoliberal agenda is by strengthening the EU's external border control. The treaty gave the EU more power in border management, leading to the creation of Frontex, a common European border and coast guard agency (Gammeltoft-Hansen, 2011). However, Frontex has been criticized for reinforcing a "fortress Europe" mentality, where the focus is more on preventing unauthorized entry than on protecting the rights of migrants and asylum seekers.

The Treaty also introduced "integrated border management," which promotes coordination among various national and EU-level authorities involved in border control (Carrera, 2010). This approach has allowed the EU to extend its influence beyond its physical borders, working with third countries and even outsourcing border management to non-EU states, further restricting the movement of migrants and refugees.

Another significant impact of the Lisbon Treaty is the expansion of the EU's role in migration and asylum policies. It shifted more decision-making power to the EU level, centralizing control and policymaking (Carrera & Guild, 2010). This move is aligned with a neoliberal agenda that seeks to harmonize and standardize migration and asylum policies across the EU, sometimes at the expense of national sovereignty and the specific needs of individual member states.

The creation of the Common European Asylum System (CEAS), which aims to streamline the asylum process across the EU, is another important outcome of this expanded EU role. However, CEAS has faced criticism for focusing too much on deterrence and control, rather than on protecting the human rights of asylum seekers (Maiani, 2016). The drive for efficiency and harmonization often overlooks the individual circumstances and needs of migrants and refugees.

The Treaty's influence also extends to the Dublin Regulation, which determines which member state is responsible for processing an asylum claim. By expanding the EU's role in this area, the treaty has reinforced the neoliberal logic behind the "first country of entry" rule, which places an unfair burden on countries at the EU's external borders (Brekke & Brochmann, 2015). This uneven distribution of responsibility highlights the neoliberal focus on controlling the movement of people, rather than prioritizing the rights and well-being of migrants and refugees. The Lisbon Treaty's reinforcement of the Dublin Regulation has made it even harder for border states, which often lack the necessary resources and infrastructure, to manage the flow of asylum seekers effectively.

A stark example of the neoliberal logic underpinning the Lisbon Treaty's approach to migration can be seen in the EU's policy of externalization. Driven by the treaty's emphasis on integrated border management and cooperation with third countries, the EU has increasingly sought to outsource migration control responsibilities to non-EU states. One such instance is the EU's partnership with Libya under the Italy-Libya Memorandum of Understanding signed in 2017 (Abdallah, 2021; Liguori, 2017). This agreement, facilitated by the Lisbon Treaty's provisions on external action, effectively outsourced border control and migration management to the Libyan authorities. Despite concerns over human rights violations and the lack of a functioning asylum system in Libya, the EU provided funding and training to the Libyan Coast Guard to intercept and return migrants attempting to cross the Mediterranean. This policy exemplifies the neoliberal rationality of commodifying migration governance and prioritizing cost-effective deterrence over humanitarian considerations. By externalizing border control to a third country with a questionable human rights record, the EU effectively circumvented its own obligations under international refugee law, all in the name of securing its external borders.

The externalization of migration management under the guise of the Lisbon Treaty's integrated approach has been criticized by human rights organizations and legal scholars as a violation of the principle of non-refoulement and a abdication of the EU's moral and legal responsibilities towards migrants and refugees (Carmini, 2022; Lehmann, 2020). This example underscores how the neoliberal underpinnings of the Lisbon Treaty have enabled the EU to adopt migration policies that prioritize market efficiency, security, and deterrence over the protection of fundamental human rights.

The Pact on Migration and Asylum: A Continuation of the Neoliberal Transformation in EU Migration Policy

The Pact on Migration and Asylum, proposed by the European Commission in 2020, represents the latest development in the ongoing neoliberal transformation of EU migration governance. This policy blueprint can be situated within a broader

trajectory of EU migration agreements that have increasingly prioritized border control, efficient return of migrants, and the outsourcing of responsibility to third countries.

The neoliberal underpinnings of the Pact are evident in several key aspects. Firstly, the emphasis on strengthening external border management through enhanced Frontex deployments, increased use of technology, and improved data exchange aligns with the neoliberal logic of securing national sovereignty and controlling the flow of migrants. For instance, the Pact aims to increase Frontex's operational capacity to 10.000 border guards by 2027, a substantial rise that signifies the EU's commitment to neoliberal security measures focused on containment rather than integration (Karasapan, 2023). This approach reflects the neoliberal tendency to view migrants as a potential threat to the social and economic order, necessitating the deployment of security measures to regulate their movement (Valverde & Mopas, 2004).

Secondly, the Pact's focus on faster processing of asylum claims and more effective returns of those not granted asylum is reminiscent of the neoliberal principle of efficiency and the commodification of human mobility. The Pact introduces a 12-week target for processing asylum claims and executing returns, showcasing its drive towards operational efficiency (Frontex, 2024). By streamlining asylum procedures and expediting the removal of "undesirable" migrants, the Pact reflects a neoliberal rationality that treats migrants as a resource to be managed and filtered according to the perceived needs of the labor market (Scheel & Squire, 2014).

Furthermore, the Pact's proposal to enhance cooperation with origin and transit countries on migration management can be seen as a continuation of the EU's ongoing efforts to shift responsibility and the burden of migration governance to third countries. This aligns with the neoliberal tendency to outsource state functions and offload the costs of managing migration flows to less powerful actors (Geiger & Pécoud, 2010). An example of this is the financial mechanism introduced by the Pact, where member states can opt out of accepting relocated migrants by contributing €22.000 per migrant to support frontline states, illustrating a neoliberal approach that equates migrant responsibility with financial transactions (Library of Congress, 2024).

Lastly, the Pact's goal of raising the EU-wide return rate of rejected asylum seekers to 50% by 2025, up from 36% in 2023, underscores the neoliberal emphasis on managing migration flows in a way that serves economic and social interests (Majcher, 2020). This represents a shift from humanitarian concerns to a system more focused on efficient population control. The Pact's potential impact on the asylum system is also concerning from a neoliberal perspective. By prioritizing efficiency over the full consideration of asylum claims, the Pact could undermine the fundamental right to seek refuge, which some scholars have argued is a neoliberal strategy to limit access to asylum and maintain control over migration flows (Gammeltoft-Hansen, 2011).

Discussion

The evolution of the European Union's migration policies over the decades reveals a deep and consistent influence of neoliberal principles. From the Schengen Agreement to the Dublin Regulation, the Maastricht Treaty, the Lisbon Treaty, and the more recent Pact on Migration and Asylum, these agreements have shaped the direction of EU migration governance. This discussion explores how these agreements reflect neoliberal ideals, particularly at the intersection of economic priorities, border control, and human rights.

The Schengen Agreement of 1985 marked a watershed moment in the EU's migration policy by abolishing internal border controls, thus facilitating the creation of a flexible labor market. This approach aligns with neoliberal ideals of labor mobility and economic efficiency (Favell, 2011). However, the opening of internal borders was coupled with the tightening of external borders, a paradox that gave rise to the notion of "Fortress Europe" (Van Houtum & Pijpers, 2007). This dynamic reflects a selective migration strategy, allowing easier movement for those deemed economically beneficial, while imposing stricter controls on others (Hollifield, 2004).

The Dublin Regulation, particularly its third iteration, exemplifies how neoliberal governance has influenced asylum policies. By placing the responsibility for asylum processing on the first country of entry, the regulation disproportionately burdens southern and eastern member states (Maiani, 2016). This reflects a neoliberal focus on efficiency and cost reduction rather

than equitable burden-sharing. As a result, asylum seekers often face long waiting periods and potential rights violations (Mouzourakis, 2014), highlighting the tension between neoliberal governance and human rights obligations.

While the Maastricht Treaty of 1992 did not directly address migration, it laid the foundation for a neoliberal approach to migration governance by codifying the free movement of persons as a fundamental right (Geddes & Scholten, 2016). This established a migration framework that prioritized economically productive individuals, treating migration as an economic rather than a humanitarian issue. Moreover, the treaty expanded EU competence in justice and home affairs, which allowed for the development of security-driven migration policies that prioritize border control at the expense of migrant and refugee rights (Bialasiewicz, 2012). This neoliberal trajectory was further solidified with the Lisbon Treaty of 2009, which reinforced external border controls and expanded the role of agencies like Frontex (Gammeltoft-Hansen, 2011). The treaty's centralization of migration and asylum policies reflects a preference for harmonized, market-oriented governance. However, this centralized approach has often failed to account for the differing needs of individual member states and the unique circumstances of migrants and refugees (Carrera & Guild, 2010).

The Pact on Migration and Asylum (2020) represents a continuation of these neoliberal trends, with its emphasis on stronger external borders, faster asylum procedures, and enhanced cooperation with third countries (Geiger & Pécoud, 2010). The Pact's focus on efficiency and quick returns of migrants reinforces a neoliberal logic that frames migration management primarily through the lens of labor market needs (Scheel & Squire, 2014).

Across all these agreements, the tension between economic imperatives and human rights is unmistakable. The focus on economic efficiency and labor market flexibility often comes at the expense of migrants' rights and well-being. For instance, the Schengen Agreement's facilitation of internal mobility has led to increased precariousness for many migrant workers, especially in low-skilled sectors (Cremers, 2016). Similarly, the Dublin Regulation's emphasis on efficiency has resulted in prolonged uncertainty for asylum seekers (Tsourdi, 2017).

The EU's external migration policies also follow a neoliberal logic, particularly through the externalization of border control. Agreements with third countries and the operations of Frontex reflect a strategy of risk management and cost-shifting (Léonard, 2014). This approach raises questions about the EU's commitment to its human rights obligations, as responsibility for managing migration flows is effectively transferred to countries that may lack the resources or willingness to provide adequate protection for migrants (Carrera, 2005).

Moreover, neoliberal framing of migration as primarily an economic issue has led to increasingly selective policies toward third-country nationals, favoring highly skilled migrants while neglecting others (Bonjour & Chauvin, 2018). This selective approach exacerbates global inequalities and undermines the EU's commitment to international solidarity and human rights. The impact of these neoliberal migration policies has been uneven across member states, with border countries often bearing a disproportionate share of the burden. This unequal distribution of responsibility has strained the principle of solidarity within the EU and caused tensions among member states (Moreno-Lax, 2017). The Dublin Regulation, in particular, has been criticized for its failure to establish a fair system of responsibility-sharing, reinforcing existing power imbalances within the Union.

In short, the development of EU migration policy, from the Schengen Agreement to the recent Pact on Migration and Asylum, reveals the pervasive influence of neoliberal governance. This influence prioritizes economic efficiency, labor market flexibility, and border securitization, often at the expense of humanitarian considerations and the rights of migrants. While these policies have facilitated internal mobility and economic integration, they have also contributed to the creation of a restrictive and often exclusionary regime for third-country nationals. The tension between neoliberal principles and humanitarian obligations remains one of the core challenges facing EU migration policy. A more balanced and holistic approach is needed to ensure that economic objectives do not overshadow the rights and dignity of migrants and refugees, and that solidarity among member states is maintained.

Conclusion

The European Union's migration policy evolution demonstrates a distinct alignment with neoliberal principles, seen across

key agreements from the Schengen Agreement to the recent Pact on Migration and Asylum. Together, these policies outline a vision for migration that prioritizes economic efficiency and security over human rights and equitable burden-sharing among EU member states. By facilitating internal labor mobility and strengthening external borders, the EU has fostered a system that is both economically integrated and selective, focusing on the needs of the labor market while often sidelining humanitarian considerations.

This approach, however, has exposed several contradictions inherent in neoliberal migration governance. For instance, while the Schengen Agreement emphasizes the unrestricted movement of labor to support economic growth, this open-border model applies predominantly to EU citizens. Third-country nationals, on the other hand, face increasingly restrictive policies and rigorous border controls, exemplified by the EU's externalized border management practices. These policies not only limit mobility for non-EU citizens but also shift significant migration burdens onto peripheral countries within the EU, creating an asymmetrical distribution of responsibility that places undue strain on border states.

The Dublin Regulation illustrates these issues, as its "first country of entry" rule disproportionately affects countries like Greece, Italy, and Spain. With minimal resources to manage large-scale migration, these states bear an unfair share of the asylum processing and migrant care responsibilities, which neoliberal policies often justify as a measure of efficiency. However, this regulation fails to acknowledge the complex socio-economic realities of individual member states and reveals a gap between the EU's ideals of solidarity and the economic-driven structures that guide its policies. By not revisiting these regulations to create a more balanced system, the EU risks perpetuating structural inequalities within its borders.

In broadening its scope under the Maastricht and Lisbon Treaties, the EU further centralized migration and asylum policies, streamlining them to ensure labor market alignment and border security. However, this centralization has had mixed effects. While harmonizing policies allows for a more unified approach, it also often compromises individual countries' capacity to address migration issues according to their specific social, economic, and political contexts. This tension between centralization and national sovereignty reflects a core dilemma within the neoliberal framework: the push for economic unity versus the preservation of social diversity and rights protections. The increased reliance on agencies like Frontex underscores the EU's emphasis on securitization and externalized migration control, often at the expense of human rights.

The 2020 Pact on Migration and Asylum exemplifies the EU's ongoing neoliberal shift by reinforcing swift asylum procedures, stronger external border control, and further cooperation with third countries. While ostensibly aiming to create a more "efficient" migration system, the Pact's approach raises concerns about eroding migrants' rights and disregarding member states' varying capacities to manage migration. The Pact's strategy aligns closely with neoliberal priorities, treating migration as a resource management issue and sidelining the broader human rights discourse.

Ultimately, the EU's neoliberal migration governance has fostered significant economic integration and internal mobility within the Union while creating barriers for third-country nationals, exacerbating global inequalities. The focus on economic productivity and security, although yielding certain efficiencies, has diminished the EU's capacity to honor its foundational commitments to human rights and equitable burden-sharing. Addressing these contradictions requires a recalibrated migration policy that respects the Union's economic interests and humanitarian obligations. By adopting a more balanced approach, the EU can work toward a migration framework that supports solidarity among member states while upholding the rights and dignity of all migrants, thus ensuring a more inclusive and equitable future for EU migration governance.

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