

'Failing' Forward in the Context of European Integration: The Common European Asylum System

By
Paulina Charlotte Matt

Submitted to Central European University
Department of International Relations

In partial fulfilment of the requirements for the degree of Master of Arts in
International Relations

Supervisor: Mag. Dr. Saskia Stachowitsch

Vienna, Austria
2023

Abstract

Although the EU has been working on developing a functioning Common European Asylum System (CEAS) for more than 20 years, the CEAS is still dysfunctional, which became particularly clear during the 2015 ‘refugee crisis’. This thesis aims to understand why the CEAS remains incomplete and how the EU continuously fails to establish a functioning system. It also explores the impact of the failure of the CEAS on European integration. This thesis employs the ‘failing forward’ theory which claims that the EU itself created the conditions for crises to emerge by driving integration through incomplete agreements based on the lowest common denominator bargaining between Member States, thereby triggering spillover effects. Drawing on content analysis and secondary literature, this thesis finds that 1) intergovernmental bargaining has made the CEAS incomplete because of Member States’ unwillingness to settle beyond the lowest common denominator agreements. This incompleteness became particularly evident during the 2015 ‘refugee crisis’ when the CEAS’s main element, the Dublin Regulation, completely failed; 2) although the EU acknowledged the inadequacies of the CEAS and proposed a reform, namely the New Pact, Member States responded by again agreeing on the lowest common denominator solutions, leaving the system in place incomplete; 3) the failure of the CEAS has generated functional spillovers, including the strengthening of FRONTEX and the rise of populist radical right-wing (PRR) parties. Contrary to the theory, however, this thesis argues that these two functional spillovers have not deepened European integration but indeed challenged it, and 4) a ‘failing’ cycle can be found in the CEAS.

Acknowledgments

I would like to thank my supervisor Saskia Stachowitsch for her guiding support, our regular meetings and her inspiration to study the Common European Asylum System in the context of European integration and thus not in isolation from the wider EU.

I would also like to thank my academic writing instructor, Robin Bellers, for his great input and critical eye, especially in relation to my empirical analysis.

Last but not least, I would also like to thank my father and mother for making this degree possible for me in the first place and for awakening my interest in observing this world with a critical, curious and open mind.



“Nobody chooses to be a refugee. Nobody chooses to be subjected to violence or persecution because of who one is. No one chooses to be caught in a conflict in which one has no part.” - UNHCR

Table of Contents

Introduction	1
1. Literature Review and Contribution	4
2. Theoretical Framework	9
2.1 Intergovernmentalism and Neofunctionalism	9
2.2 ‘Failing Forward’ Theory	12
3. Methodology and Operationalisation	15
3.1 First Assumption	15
3.2 Second Assumption	16
3.2.1 Content Analysis 1	17
3.2.2 Content Analysis 2	18
3.3 Third Assumption	20
3.4 Fourth Assumption	21
4. Empirical Analysis: The Common European Asylum System	22
4.1 A ‘failing’ System	22
4.2 ‘Failing’ Forward	28
4.3 ‘Failing’ Beyond	37
4.4 A ‘failing’ Cycle	44
Conclusion	47
List of References	49

Table of Figures

Figure 4.1	24
Figure 4.2	32

Introduction

Crises have been an important driving force for European integration. Since 1950, the European Union's (EU) landmark reforms, pacts, and treaties that shape modern Europe today have emerged in the wake of exogenous shocks (Anderson 2021). In the words of Jean Monnet, one of the EU's founding fathers, "I have always believed that Europe would be built through crises, and that it would be the sum of their solutions" (Monnet in Lehne, 2022). Over the past thirteen years, the EU has faced numerous significant challenges that have further underpinned the truth of Monnet's famous quote. The EU financial crisis of 2009-2012 led to significant innovations in the Union's financial structure, and the UK's decision to leave the EU strengthened cohesion among the remaining Member States and facilitated progress in defence policy negotiations. The first months of the COVID pandemic led to the establishment of the EU Recovery Fund, which marked a breakthrough in financial solidarity between Member States and introduced the Union's first joint vaccination programme. Finally, Russia's invasion of Ukraine triggered a massive mobilisation of EU foreign policy, resulting in strong support for Ukraine and the imposition of strict sanctions against Moscow for the first time (Lehne 2022).

Crises are thus often seen as a catalyst for the advancement of European integration. However, the popular belief that the EU always emerges stronger from crises is quite wrong. If this were the case, the EU would be in an exceptionally favourable position given the many significant challenges it has had to face recently, but this is far from the truth. The truth is that each crisis affects the EU in different ways, with some crises providing opportunities for progress, while others cause division and damage (Lehne 2022). Among those crises that have been very divisive and harmful is the 'refugee crisis' in 2015 when the EU proved incapable of handling such a large in-flow of migrants (Lehne 2016), even though it had been working on developing a functioning Common European Asylum System (CEAS) for more than 20

years. The increase in refugee applications in 2015 thus just brought to light the already existing dysfunctions and inadequacies of the CEAS. As Niemann and Zaun (2018a, 3) put it “The so-called European ‘refugee crisis’ should therefore more accurately be termed the crisis of the CEAS.”

Given the fact that the EU has been working on implementing a functioning CEAS for so long, it seems more than justified to ask why the CEAS is in crisis. Put differently, it seems more than justified to ask why the CEAS is not working and why the EU continuously seems to fail to implement a system that works. Many scholars have studied the failure of the CEAS, but opinions differ on the exact reasons for its poor functioning. While some argue that the main cause for its failing lies in the non-functioning of a fair redistribution mechanism and the Dublin Regulation (Hatton 2016; Zaun 2022), other scholars argue that the CEAS is not working because of the unwillingness of Member States to give up their sovereignty (Patrascu 2016). Some also attribute the failure to the different practices and characteristics of member states (Maldini and Takahashi 2017). Another group of scholars (Sandron 2018; Scipioni 2018) sees the poor functioning of the CEAS as the result of multiple factors, including lack of solidarity, lack of central institutions and harmonisation of asylum application procedures, unwillingness to surrender sovereignty, weak control systems, non-compliance with EUROCA rules, etc.

Convinced by Sandron’s (2018) and Scipioni’s (2018) multi-casual approach, this thesis will build on their work in studying the failure of the CEAS. Two factors mentioned by them are particularly noteworthy and are of relevance to this thesis: the lack of solidarity (in the context of the Dublin Regulation) and the unwillingness of Member States to renounce sovereignty. In order to analyse the CEAS, I will develop my thesis along the ‘failing forward’ theory developed by Jones, Kelemen and Meunier (2016a) through various methods, including content analysis, and on the basis of various primary sources such as EU documents, including

press statements and opinion papers published by the EU Commission. The 'failing forward' theory holds that the EU itself created the conditions for crises to emerge by driving integration through incomplete agreements based on the lowest common denominator between Member States, thereby triggering spillover effects.

I will apply this theoretical framework in four steps. First, I will show that the CEAS is the product of lowest common denominator bargaining because Member States want to preserve their sovereignty in this particular policy field, which, in turn, has made the system incomplete since 1999. According to the 'failing forward' theory, an incomplete governance structure becomes particularly visible in times of crisis. Therefore, the incompleteness of the CEAS will be analysed in light of the 2015 'refugee crisis'. In doing so, I will focus on discussing the inadequacies of the CEAS with regard to its main element, the Dublin Regulation. Secondly, I will show that the EU has acknowledged the poor functioning of the CEAS and in doing so proposed a reform, the 'New Pact on Migration and Asylum'. However, divergent views among Member States resulted in the partial implementation of its main element, the solidarity mechanism, leaving the system in place incomplete. This, in turn, perfectly mirrors the EU's 'failing' dynamic found in the CEAS. Thirdly, I will explore the broader consequences of the CEAS's failure on European integration, including the strengthening of FRONTEX and the rise of populist radical right (PRR) parties. However, while the 'failing forward' theory claims that functional spillovers should lead to more European integration, I will argue in contrast that these two consequences of the failure of the CEAS have either led to less European integration or at least challenged it. This thesis concludes by emphasising that there is a 'failing' cycle found in the CEAS.

1. Literature Review and Contribution

Many scholars have studied the failure of the Common European Asylum System (CEAS) (e.g., Pastore and Henry 2016; Scipioni 2018; Zaun 2022). While there seems to be relatively abundant literature on the emergence and development of the CEAS (Hatton 2005; Janderova 2018; Klug 2004), more recent literature has paid particular attention to the CEAS that was in place during the 2015 ‘refugee crisis’ (Patrascu 2016; Sandron 2018; Vitiello 2020). However, opinions seem to differ on the exact reasons for the poor functioning of the CEAS and the different types of shortcomings, highlighted by the 2015 ‘refugee crisis’.

One reason for the failure of the CEAS that is repeatedly mentioned in the literature is the non-functioning of a fair redistribution mechanism and the Dublin Regulation, which determines which Member State is responsible for overseeing the procedure of an asylum application. Among the authors that identified this particular failure is Natascha Zaun (2022, 196-217). Using the Core State Power framework in combination with literature on punctuated equilibria and bounded rationality, Zaun points out that the 2015 ‘refugee crisis’ explicitly highlighted the redistribution failure. More precisely, she argues that “[...]Member States in Southern and Central Europe have neither the incentives nor the capacity to comply with the EU legislation that aims at redistributing asylum seekers towards them. The lack of incentives weighs particularly heavy for the Dublin Regulation, as the systematic ‘waving through’ of asylum-seekers during the 2015 crisis showed” (2022, 200).

A similar approach is taken by Timothy J. Hatton (2016, 9-13). Indeed, he argues that the current redistribution mechanism also poses a problem as it leads to unequal burden-sharing between Member States. For example, while Baltic and Iberian countries and a few Eastern European countries received comparatively few asylum applications, countries like Austria, Hungary, Malta and Sweden recorded a high number. One of the driving factors for this imbalance is certainly the preferences of asylum seekers that are clearly more oriented towards

some countries due to their linguistic and cultural affinity. Often, these disparities reflect the size of the pre-existing diaspora in the respective country, creating strong ‘pull’ effects. Moreover, Hatton stresses that the EU has failed to alleviate the heavy burden on the Southern countries bordering the EU's external borders, which are simply overburdened.

The fact that the EU does not have a fair redistribution mechanism to share the burden is due, among other things, to the principle of sovereignty. In this context, “[...] being sovereign entails the ability to control one’s borders as well as the presence of aliens on one’s territory” (Nguyen 2018, 1). Consequently, many academics – including Georgia Patrascu (2016, 1-54) argue that the CEAS does not work because of the unwillingness of Member States to give up their sovereignty, which became particularly evident during the ‘refugee crisis’ in 2015. Using a classical EU integration theory - intergovernmentalism - in combination with the theory of securitisation developed by Ole Wæver (Buzan, Wæver and de Wilde 1998), Patrascu claims that despite intensive cooperation within the EU, Member States are not willing to give up their sovereignty on security issues, which include migration and asylum. Most importantly, this is because they want to retain decision-making power in this particular policy area.

Moreover, the unwillingness of member states to give up their sovereignty harbours another political failure, namely the harmonisation of the EU's asylum and migration policies. Although the main objective of the CEAS from its beginning was to harmonise this particular policy area (EASO 2016, 13), some scholars attribute the failure of a common European asylum policy to the different practices and opposed characteristics of Member States, which were highlighted by the wave of refugees in 2015. Among those academics are Pero Maldini and Marta Takahashi (2017, 54-72) who argue that these differences and opposing stances make harmonisation very difficult and unlikely - even though they deem it necessary for the functioning of the CEAS.

Whereas the scholars mentioned above have - more or less – focused on identifying one particular reason or weakness responsible for the failure of the CEAS, Marco Scipioni (2018, 1357-1375) attributes the non-functioning of the CEAS to a variety of different mechanisms. Drawing on the ‘failing forward’ theory, which argues that the EU itself created the conditions for crises to emerge by driving integration through incomplete agreements based on the lowest common denominator bargaining between Member States, thereby triggering spill-over effects, Scipioni identifies the following aspects responsible for the failure of the CEAS: lack of solidarity, lack of centralised institutions, lack of political harmonisation, and a combination of weak control systems. While Scipioni's analysis examines the failure of the CEAS up to its peak in 2015 and the arrangements stuck at the EU level to address them, Michela Sandron (2018, 1-32) takes a very similar multi-casual approach in her thesis applying the same framework: ‘failing forward’. However, in comparison to Scipioni, she focuses mainly on the most recent revised version of the CEAS with its reform package adopted in 2013. In doing so, Sandron attributes the main shortcomings of the CEAS to the following reasons: Member State’s unwillingness to give up sovereignty ‘in such a sensitive area of high politics’, the failing of the Dublin Regulations (i.e., the principle of fair sharing), the lack of harmonisation in the treatment of asylum applications, and the failure to comply with the Eurodac regulation (i.e., lack of fingerprinting).

As I am convinced by Scipioni’s (2018) and Sandron’s (2018) multi-casual approach because I believe that the failure of the CEAS is not caused by one parameter only, I will build on their work. However, since I deem that two of their analysed reasons stand out in particular, I will focus on them. The first one is the lack of solidarity, meaning the unwillingness of Member States to share the burdens equally (Dublin Regulation). The second aspect includes the unwillingness of some Member States to give up sovereignty, which, however, would be needed to harmonise the CEAS. To answer this thesis’ main research question: “*How does the*

EU continue to fail to implement a Common European Asylum System (CEAS) that works”, accompanied by this thesis’ first sub-question: “*Why is the CEAS not working in the first place*”, I will therefore primarily focus on these two reasons.

To find an answer to the question of why the CEAS does not work, I will start my empirical analysis by arguing, in line with Scipioni (2018) and Sandron (2018), that the CEAS is the result of the lowest common denominator solutions, which in turn, have made the system incomplete. Since the incompleteness of a system becomes particularly visible when a crisis occurs (see e.g., Jones, Kelemen and Meunier 2016a; Sandron 2018), I will discuss the dysfunctionalities of the CEAS that was in place during the 2015 ‘refugee crisis’. In doing so, I will focus on the CEAS’s main element, the Dublin Regulation, which is also believed to have been at the centre of the crisis (Servent and Zaun 2020, 1). In addition, I will show that the EU’s response also remained incomplete.

Next, and to illustrate why the EU continues to fail to implement a functioning system, I will proceed in two steps. First, I will show that the failure of the CEAS has been acknowledged by the EU. Second, however, I will argue that the subsequent proposed reform package once again remains incomplete and thus represents the EU’s continued inability to create a functioning asylum and migration system that is feasible at the EU level. While Sandron (2018) studies a reform package - including the Dublin Regulation, the Eurodac System, the Asylum Procedure Directive and the establishment of a European agency of asylum -, I will examine the long-awaited New Pact on Migration and Asylum, which was proposed by the main political initiator of the EU – the European Commission – in fall 2020 and supposed to present a fresh start to the European migration and asylum system (European Commission 2020a). Although scholars (see e.g., Abdou 2021; De Bruycker 2022; Rasche, Welfens and Engler 2022) have already studied the New Pact, it has not been systematically well connected and studied with regards to the analysis of the continuous failure of the CEAS.

In discussing the continuous failure of the CEAS, I will show that the main element of the New Pact, the Solidarity Mechanism, has only been partially implemented because Member States have failed to agree on solutions beyond the lowest common denominator, leaving the system in place incomplete.

Thirdly, and to paint a more comprehensive picture of the EU's incompetence in this particular policy area, I will discuss two consequences that have resulted from the failure of the CEAS and their implications for European integration by answering the third research question of my thesis: *“What implications does the (continuous) failure of the CEAS have on European integration?”* In terms of the first implication, I will build on Sandron’s (2018) approach by arguing that the failure of the CEAS has led to the strengthening of FRONTEX. However, while she claims that this has led to deepening European integration, I will argue that FRONTEX's increase in power has led to less European integration. For the second consequence, I aim to establish a closer link between the EU's incompetence in this particular policy area and the rise of populist radical right-wing (PRR) parties (see e.g., Kattago 2019; Petropoulos 2021; Ratković 2017; Rooduijn 2015; Steinmayr 2017), which I will claim have challenged European integration.

With my academic contribution to the literature on the failure of the Common European Asylum System, I hope to add to the analysis of why the CEAS does not work and, more importantly, why the EU repeatedly fails to make it work, incorporating the study of a relatively recent reform package, namely the New Pact. I also want to highlight that the mismanagement of a specific policy area, in my case the European asylum and migration policy, has far-reaching implications for European integration.

2. Theoretical Framework

I will use an EU integration theory, namely the ‘failing forward’ framework, to answer the main research question of this thesis: “*How does the EU continue to fail to implement a Common European Asylum System (CEAS) that works*”, accompanied by two sub-questions: “*Why is the CEAS not working in the first place*” and “*What implications does the (continuous) failure of the CEAS have on European integration*”. Originally, the ‘failing forward’ theory was developed by Erik Jones, R. Daniel Kelemen and Sophie Meunier (2016a, 1010-1034) in their article “Failing Forward? The Euro Crisis and the Incomplete Nature of European Integration” to explain the integration process in the EU that has been underway since the Eurozone crisis.

2.1 Intergovernmentalism and Neofunctionalism

The ‘failing forward’ framework combines two major – often seen at odds with one another – theories of European integration that try to explain how and why the EU developed the way it has: liberal intergovernmentalism and neofunctionalism. (Jones, Kelemen and Meunier 2016a, 1012-1014). Essentially, intergovernmentalism and neofunctionalism can be distinguished by their answer to the question of ‘who is responsible for European integration’. In short, for the intergovernmentalists, European integration is driven by the promotion of national economic interests. For the functionalists, on the other hand, it is about economic integration paving the way to political integration (Spolaore 2013, 132-133). More on this in detail below.

Representatives of intergovernmentalism, on the one hand, believe that national governments are in charge. Consequently, supranational agencies are merely instruments of the nation-states, which they employ in pursuit of their aims (Spolaore 2013, 132). One of the most prominent proponents of this theoretical approach is Moravcsik (1993), who argues that national leaders have created European bodies to promote their own (economic) interests.

Accordingly, the European integration project is not superior to nation-states but, on the contrary, resides in the hands of national authorities, which have created European institutions to safeguard the (economic) interests of their domestic constituencies (Spolaore, *The Political Economy of European Integration* 2015, 6). Transferring political responsibilities to the EU level – as claimed by the representatives of intergovernmentalism – can therefore only be done through common compromises at the lowest level, as countries want to preserve their sovereignty (Jones, Kelemen and Meunier 2016a, 1012-1014).

Neofunctionalism proponents, on the other hand, hold the belief that European integration is not predominantly motivated by the national governments and their constituents, but rather propelled by elites and interest groups that transcend national borders (Spolaore 2013, 132). Accordingly, European integration is shaped by a process of transferring national functions to supranational institutions. In this way, and by overcoming national borders, national sovereign states lose power while supranational entrepreneurs and officials gain importance (Spolaore 2015, 7).

While this process of transferring specific national functions to supranational institutions starts in one particular economic area – such as coal and steel in the 1950s – it is expected that additional integration will occur in numerous other (economic) sectors (Spolaore 2013, 132). This concept is referred to as ‘spill-over’ effect. Ernst Haas - one of the pioneers of neofunctionalism - defined the spill-over effect as an “[...] ‘expansive logic of sectoral integration,’ whereby the integration of one sector leads to ‘technical’ pressure pushing states to integrate other sectors” (Wiener and Diez 2009, 49). The underpinning idea of the ‘expansive logic of sectoral integration’ is that many sectors are so interlinked that it is inviable to separate them from one another (2009, 49). Eventually, and at the heart of the neofunctionalist theory, economic integration will spill over to political integration. In other words, supporters of neofunctionalism believe that ‘initial steps towards economic and monetary integration’ trigger

functional spillover effects in related political domains. Subsequently, these effects encourage greater collaboration in these adjacent political areas (Jones, Kelemen and Meunier 2016a, 1012-1014). In this whole integration process, functionalists do not see the emergence or build-up of incomplete institutions as a shortcoming, but rather as a natural feature of a dynamic process. Accordingly, crises and problems that can be explained by the previous (incomplete) integration process can, moreover, simply be solved by deepening integration (Wiener and Diez 2009, 49; Spolaore 2015, 7).

While the intergovernmentalist and functionalist views both capture some important features of the EU's integration process, neither theory is able to provide a complete interpretation of this complex process. Despite the fact that intergovernmentalists rightly emphasise the crucial role of domestic interests and national governments and show that the EU's supranational bodies – such as the European Commission among others – cannot oppose national government interests, this theory does not paint a sufficient picture of the EU integration process as it gives too much weight to national (economic) interests and thus neglects the central role of the long-term political strategies and objectives which have shaped the process of European integration historically. From its beginnings – just after the Second World War – the European project has always evolved around one particular goal: Prevent the tragedies of the first half of the 20th century through gradual integration by establishing a political and institutional system. (Spolaore 2015, 6-8).

At its core, then, the EU has always been driven by a broader political motivation. By stressing the political end goal of the EU integration process, functionalism is much more capable of grasping the political and ideological framework and strategy underlying much of European construction. However, functionalism is neither able to paint a complete picture of the EU integration process. A specific problem of this theory is that it overestimates the role and powers of supranational bodies and actors. Consequently, the intergovernmentalist view is

much more applicable and realistic in this particular aspect (Spolaore, *The Political Economy of European Integration* 2015, 6-8). To overcome the shortcomings of these two classical European integration theories, Jones et al. (2016a) developed a new framework for European integration by combining the ‘good functioning’ of both theories, called the ‘failing forward’ framework.

2.2 ‘Failing Forward’ Theory

By merging aspects of both frameworks, the ‘failing forward’ theory encompasses intergovernmental negotiations - and thus considers heterogeneous preferences of Member States - as well as neofunctionalist spillover effects and supranational activism (Jones, Kelemen and Meunier 2016a, 1015-1017). Originally, Jones et al. developed the ‘failing forward’ theory to explain the European integration process that has evolved since the Eurozone crisis with regard to the European Economic and Monetary Union (EMU). However, in their analysis they also suggest extending the application of their theoretical framework to other policy areas such as migration (Jones, Kelemen and Meunier 2016b), as they consider the two main components of the failing forward dynamic in European integration - intergovernmental bargaining between Member States with different national preferences and spillover effects due to incomplete agreements – to be characteristic for EU policy making (Scipioni 2018, 1360).

Using the ‘failing forward’ theory to explain the European integration process that has developed since the eurozone crisis with regard to EMU, Jones et al. (2016a) paint a picture of European integration as a “[...] [painful] cycle of piecemeal reform, followed by policy failure, followed by further [incremental] reform [...]” (Jones, Kelemen and Meunier 2016a, 1010), which lead to deeper integration through functional spillover effects. In their analysis, Jones et al. (2016a) develop this painful cycle along four main assumptions, which I will now briefly discuss and then outline how they relate to my study of the EU’s asylum and migration system.

- (1) “[...] *member governments should introduce incomplete governance structures as a result of lowest common denominator bargains*” (Jones, Kelemen and Meunier 2016a, 1017). In other words, “[...] bargaining between European leaders, some of whom are unwilling to delegate significant powers to the E.U. level, leads them to establish institutions that are incomplete [...] [because they are based on common minimum standards]. These institutions work, but not very well.” (Jones, Kelemen and Meunier 2016b). By applying this assumption to the policy field of European asylum and migration, I aim to show that the CEAS has been the result of the lowest common denominator bargaining, which, in turn, has made this system incomplete. As the incompleteness of a governance structure is particularly visible when a crisis occurs (see e.g., Jones, Kelemen and Meunier 2016a; Sandron 2018), I will examine the shortcomings of the CEAS that was in place during the 2015 'refugee crisis'.
- (2) “[...] *at least some national leaders involved in these bargains should indicate that they believe the incomplete governance structures are likely to prove inadequate*” (Jones, Kelemen and Meunier 2016a, 1017). In other words, some leader(s) acknowledge(s) the incomplete governance structure and in doing so call(s) for reform. Member states, however, respond by “[...] again agreeing on the lowest common denominator solutions” (2016a, 1010), leaving the reform incomplete in a way that will trigger another round of reforms later on (Jones, Kelemen and Meunier 2016b). By applying this assumption to the CEAS, I will show that although the shortcomings of the CEAS have been acknowledged by the EU, the reform package it has proposed once again remains incomplete because Member States have failed to agree on solutions that go beyond the lowest common denominator. This remaining incompleteness will in

turn spark another wave of reforms in the future, perfectly mirroring the ‘failing forward’ dynamic found in the CEAS.

(3) “[...] *the incomplete governance structures should generate functional spillovers that spark future crises*” (Jones, Kelemen and Meunier 2016a, 1017). Aside from forcing Member States into more crises in the near future, incomplete governance structures also lead to a deepening of European integration because agreements on the lowest common denominator force Member States into further agreements down the road (Scipioni 2018, 1358). Although I still hold Jones et al. (2016a) view that functional spillovers contribute to triggering future crises, I diverge from Jones et al.'s perspective that functional spillovers contribute to a deepening European integration. In the case of the CEAS, I will critically examine two spillovers - the strengthening of FRONTEX and the rise of populist radical right-wing (PRR) parties - as consequences of the CEAS's failure, and in doing so demonstrate that they have either led to less European integration or at least challenged it.

(4) “[...] *the cycle should repeat itself*” (Jones, Kelemen and Meunier 2016a, 1017). By applying this assumption to the CEAS, I aim to show that a particular 'failing' cycle can be found in the EU asylum and migration system. More specifically, based on the discussions in the previous sections, I will show that the failure of the CEAS reflects a sequential cycle of piecemeal reform, followed by policy failure, followed by further reform.

3. Methodology and Operationalisation

To answer this thesis' main research question "*How does the EU continue to fail to implement a Common European Asylum System (CEAS) that works*", complemented by the two sub questions: "*Why is the CEAS not working in the first place*" and "*What implications does the (continuous) failure of the CEAS have on European integration*", a case study of the failure of the CEAS will be conducted. In doing so, the case study will be operationalised along the four assumptions of the 'failing forward' theory developed by Jones et al. (2016a) through various methods, including content analysis, and based on different data such as official EU documents, speeches by EU Commission President Ursula von der Leyen and journal articles. The operationalisation, including the relevant data and methods, is now presented in detail.

3.1 First Assumption

"[...] member governments should introduce incomplete governance structures as a result of lowest common denominator bargains." (Jones, Kelemen and Meunier 2016a, 1017)

In applying the first assumption (2016a, 2017) to the CEAS, I will follow the reasoning of Sandron (2018), Lavenex (2001) and Maurer and Parkes (2007) to show that the CEAS is the result of the lowest common denominator bargains between Member States, which, in turn, have made the CEAS incomplete and dysfunctional. Since according to the 'failing forward' theory an incomplete governance structure becomes particularly visible when a crisis occurs, I will analyse the CEAS that was in place at the time of the 'refugee crisis' in 2015. In doing so, I will draw on Armstrong (2020), Kimara (2020) and Niemann and Zaun (2018a) to reconstruct the argument that the main element of the CEAS, the Dublin Regulation, proved to be dysfunctional and thus incomplete when a large number of refugees attempted to enter the EU

in 2015. Furthermore, following the argument of Peers (2015) and Servent and Zaun (2020), I aim to illustrate that the EU's political efforts to remedy these earlier failures have also failed.

3.2 Second Assumption

“[...] at least some national leaders involved in these bargains should indicate that they believe the incomplete governance structures are likely to prove inadequate.” (Jones, Kelemen and Meunier 2016a, 1017)

The application of the second assumption (2016a, 2017) to the CEAS will be done through my own empirical analysis. In doing so, the second assumption will be discussed by analysing speeches and documents, in which the President of the European Commission – Ursula von der Leyen – expresses her dissatisfaction with the CEAS. Contrary to the theoretical assumption, I have chosen to focus on the EU Commission with its head and not on national leaders, as it is not only the most powerful institution of the EU, but moreover also the political initiator of the EU, which leads me to the second point of this section. In line with the ‘failing forward’ theory, “[...] political leader[s] should call for a reform, when aware that the incomplete governance structure of a system is malfunctioning” (Sandron 2018, 13). I will discuss the *New Pact on Migration and Asylum*, proposed by von der Leyen in response to the non-functioning of the CEAS. However, since the New Pact was met with different opposing views from Member States, it was not implemented in its original form. In discussing its incomplete implementation, I will show, on the basis of the ‘failing forward’ theory that Member States responded to the new proposal by “[...] again agreeing on the lowest common denominator solutions” (2016, 1010), leaving the reform incomplete in a way that will trigger another round of reforms later on (Jones, Kelemen and Meunier 2016b).

I will draw on the method of qualitative content analysis to examine Ursula von der Leyen's speeches and the different responses to the New Pact, leading to its incomplete implementation. Qualitative content analysis is a systematic approach for making replicable

and valid inference (Krippendorff 2019, 24) by examining materials such as written texts, images, or music to answer research questions. It is an important tool in empirical research that can provide new insights or perspectives (Pfeiffer 2018). In particular, I will loosely follow the method of content analysis developed by Pfeiffer (2018), which suggests the following approach: First, one chooses the material to work with. Secondly, one determines the focus of interpretation. Thirdly, one decides on the form of qualitative content analysis to be applied. Fourthly, one interprets the results.

3.2.1 Content Analysis 1

This subsection describes the application of the content analysis as described in the four steps above (Pfeiffer 2018) to discuss von der Leyen's dissatisfaction with the migration and asylum system and her possible solutions.

- ***Choice of material:*** Five different contributions made and written by Ursula von der Leyen from 2019 to 2020 will be used as sources, including an (1) opening Statements in the European Parliament (European Commission 2019), (2) a speech given at the high-level conference on migration and asylum in Europe (European Commission 2020c), (3) a Press Statement (European Commission 2020b), (4) a State of the Union Address (European Commission 2020e) and (5) an Op-ed Article (European Commission 2020d).
- ***Direction of analysis:*** I will not focus on the entire texts but only on the written parts in which von der Leyen a) expresses her discomfort with the migration and asylum system and b) proposes potential solutions.
- ***Form of content analysis:*** A structuring content analysis will be carried out, as the material will be evaluated according to predefined criteria. The predefined criteria are

words and expressions a) of discontent such as ‘malfunctioning’, ‘failing’, ‘insufficient’, ‘dividing’, and b) for potential solutions, including ‘a reform must include’, ‘needs to be reformed’, and ‘solutions’.

- ***Interpretation of results:*** What are the overarching concerns that von der Leyen has raised in her speeches and statements to express that she believes the incomplete governance structures of the CEAS to be inadequate and what are her possible solutions?

3.2.2 Content Analysis 2

This subsection outlines the application of the content analysis as described in the four steps above (Pfeiffer 2018) to discuss the different reactions of Member States to the New Pact and its implementation. Before I can do so, however, I will briefly summarise the New Pact’s elements with a particular focus on its key component, the Mandatory Solidarity Mechanism (MSM), which is also one of the main conflicts of opinion among Member States (Gasparini 2021, 3-4) by drawing on sources such as the European Commission (2020a) and Piekutowska and Kuzelewska (2021). Next, and applying the content analysis, the dissatisfactions with the New Pact can be discussed. Since the original proposal met with fierce opposition, especially from the Visegrad countries and Estonia and Slovenia¹ on the one hand, and from the Southern countries, including Cyprus, Italy, Malta, Spain and Greece,² on the other, I will discuss their opinion on the New Pact with regard to the MSM. Last but not least, I will evaluate the implementation of the New Pact that resulted from these conflicting views by also applying a content analysis.

¹ Here V4

² Here M5

- **Choice of material:** As far as the V4 group is concerned, I will mainly work with a document published by the Polish Presidency of the Visegrad Group, which sets out the countries' common opposition to the New Pact (Polish Presidency of the Visegrad Group 2020). For the M5 group, I will work with a press release of the Ministry of Interior of the Republic of Cyprus (Press and Information Office 2021). For the evaluation of the implementation, I will use sources including European Commission (2023d), and European Parliament (2022)
- **Direction of analysis:** I will not focus on the entire texts, but only on the written parts in which a) the V4 and the M5 express their dissatisfaction with the New Pact with regard to MSM, and b) the implementation of the New Pact with regard to MSM is discussed.
- **Form of content analysis:** I will apply a structural content analysis. Since the focus solely lies on the MSM, i.e., responsibility sharing, the predefined criteria evolve around words and expressions for a) in which the V4 and M5 criticise the MSM, including 'too little solidarity', 'too little burden sharing', 'violation of sovereignty' etc.; for b) including, 'implemented', 'to reform solidarity', 'MSM will be applied according to...', etc.
- **Interpretation of results:** What are the opposing views of the V4 and the M5 on the New Pact in relation to MSM? And what does its implementation in regard to MSM look like now? If it turns out that the implementation of the New Pact is now far less than originally anticipated, then the EU's behaviour in the area of migration and asylum perfectly reflects the 'failing forward' theory by demonstrating the EU's "[...] inability to move beyond the pace determined by the lowest common denominator" (Jones, Kelemen and Meunier 2016, 1023), thus mirroring a product that is an incremental reform rather than a comprehensive one.

3.3 Third Assumption

“[...] the incomplete governance structures should generate functional spill-overs that help spark future crises” (Jones, Kelemen and Meunier 2016a, 1017).

Besides forcing Member States into future crises, this third assumption (2016a, 1017) also brings with it the conviction that an incomplete governance structure also leads to a deepening of European integration. Applying this assumption the case of the European migration and asylum policy, I will argue, drawing on existing literature, that the continuous failure of the CEAS has had consequences for European integration, including the strengthening of FRONTEX and the rise of populist radical right-wing (PRR) parties. In terms of FRONTEX, I will follow Sandron's (2018) argument that the failure of the CEAS (incomplete governance structure) led to the strengthening of FRONTEX (functional spillover). However, while she claims in line with the 'failing forward' dynamic, that FRONTEX's power increase has led to a deepening of European integration, I aim to show interpretatively that the strengthening of FRONTEX has led to less European integration, thereby having the potential to spark future crises. As for the rise of PRR parties, I aim to establish a tighter connection between the failure of the CEAS (incomplete governance structure) and the rise of populist radical right-wing (PRR) parties (functional spillover) in Europe by building on the work of Clarke and Holder (2017), Mudde (2019), Rydgren (2017) and Van der Burg and Harteveld (2021). As far as the theoretical view of European integration is concerned, I will show that the rise of the PRR parties can challenge European integration and thus has the potential to trigger future crises, drawing on sources such as Anderson (2019) and Kirby (2019).

3.4 Fourth Assumption

“[...] the cycle should repeat itself” (Jones, Kelemen and Meunier 2016a, 1017).

Jones et al.’s fourth assumption (2016a, 1017) will be used to emphasise that a particular 'failing' cycle can be found in the CEAS. Specifically, by interpreting the results obtained through the previous assumptions, I aim to show that the CEAS reflects a sequential cycle of piecemeal reform followed by a policy failure, followed by further reforms.

4. Empirical Analysis: The Common European Asylum System

The empirical analysis is developed in four sections along Jones et al.'s (2016a) four assumptions. In the 1st section, I aim to show that the CEAS is the result of the lowest common denominator bargain, which, in turn, makes the system incomplete. I will discuss the incompleteness of the CEAS that was in place during the 2015 'refugee crisis'. Next, I will demonstrate that although the CEAS's shortcomings were acknowledged by the EU, its new reform package remains incomplete, likely sparking another round of reforms in the near future. In the 3rd section, I will show that this 'failing' has had consequences that have either led to less European integration or at least challenged it and in doing so have the potential to spark future crises. Finally, in Section 4, I will emphasise that a particular 'failing' cycle can be found in the CEAS, based on previous sections.

4.1 A 'failing' System

This section explains why the Common European Asylum System (CEAS) has failed. In particular and through the application of Jones et al.'s (2016a, 1017) first assumption "[...] member governments should introduce incomplete governance structure as a result of lowest common denominator bargains" to the CEAS, I will show that this system is the product of lowest common agreements between Member States. This, in turn, makes the system incomplete, i.e. dysfunctional, and has many shortcomings. As the incompleteness of a governance structure becomes particularly evident when a (sudden) crisis hits (see e.g., Jones, Kelemen and Meunier 2016a, Sandron 2018), the focus of the discussion of the failure of the EU's asylum and migration system will be on the CEAS that was in place during the 'refugee crisis' in 2015. In particular, I will illustrate the failure of the CEAS through the Dublin Regulation, which is its main element and also formed the core of the crisis (Servent and Zaun

2020, 1). In addition, I will also briefly discuss how the EU has failed to respond to this crisis, leaving the CEAS at an impasse since 2018.

The CEAS is not working because it is based on the lowest common denominator bargaining. Theory and practice agree on this matter. Scholars such as Lavenex (2001) and Maurer & Parkes (2007) have claimed in theory that the CEAS is the result of lowest common denominator bargaining, meaning that the transfer of political competencies to the EU level can only be done through common compromises at the lowest level, e.g., agreements based on minimum standards. This is mainly because countries want to preserve their sovereignty in this particular policy field (Jones, Kelemen and Meunier 2016a, 1012-1014). In practice, from the very beginning in 1999, the CEAS has been the result of lowest common denominator bargaining among Member States, as the inception of the CEAS was based on common minimum standards between Member States (EASO 2016, 15). This included among other things “[...] common rules on the determination of the responsibility for asylum application (Dublin Regulation), on asylum procedures, on the qualification of applications for international protection [...], and common rules on reception conditions” (European Parliament 2016, 17).

These minimum standards, in turn, did not work and made the CEAS incomplete. This incompleteness was made clear by the fact that too little progress had been made in aligning national asylum systems (Servent and Zaun 2020, 1), the desired level of harmonisation between Member States was not achieved (EASO 2016, 16), and the situation was still too dissimilar in the EU Member States and the degrees of protection also insufficient (European Commission 2023b). Thus it became clear that the CEAS needed to be amended (EASO 2016), which led to a revised version of the CEAS, with its final reform package adopted in 2013 (European Parliament 2016, 18). Unlike previously, this provision now emphasises the creation

of uniform conditions and standardised procedures rather than requiring the adoption of minimum standards (Beches 2017, 5).

Although the CEAS has been revised, it still remains incomplete, i.e., dysfunctional, because the acquired level of harmonisation has not been achieved, which became particularly evident during the 2015 ‘refugee crisis’ (Milazzo 2023, 2). In 2015, an unprecedented number of refugees, over 1.25 million people, most of them fleeing conflicts in the Middle East, reached the borders of the EU (Greussing and Boomgaarden 2017, 1749; World Economic Forum 2016). In the same year, it became evident that the system in place, the CEAS 2013 “[...] was not fit to face the migratory pressure of the crisis [...]” (Sandron 2018, 10). More specifically, it became clear that the main component of the 2013 CEAS, the Dublin Regulations, whose core functions are shown in Figure 4.1, had failed. In fact, the failure of ‘Responsibility Sharing’ led to all other functions either not working or being suspended.

Core functions of the Dublin Regulation

- **Responsibility Sharing:** it defines which EU Member State is responsible for an application for asylum (Kimara 2020, 268). Accordingly, the country where the asylum seeker initially arrived is held accountable for processing their asylum application, that (normally) being the (Southern) European border countries (Armstrong 2020, 336, Niemann und Zaun 2018, 4).
- **Preventing Secondary Movements and Asylum Shopping:** Secondary movement takes place when refugees or asylum seekers leave the country in which they first entered in order to seek protection or settle permanently in another country (European Parliament 2017). Asylum shopping happens when an asylum seeker makes multiple applications in different Member States (Kimara 2020, 269).
- **Ensuring Protection for asylum seekers** (Kimara 2020, 269).
- **Early Warning Mechanism:** With the revision of the CEAS in 2013, a voluntary early warning, preparedness and crisis management mechanism (Early Warning Mechanism) was introduced (Armstrong 2020, 358; Beches 2017, 18). The main aim of the Early Warning Mechanism is to assist troubled Member States in repairing the deficiency in their own asylum systems and to prevent a possible crisis from developing (Thildéus 2015, 21).

Figure 4.1

To begin with, the Dublin Regulation fails to achieve its core element, responsibility sharing (Brekke and Brochmann 2014, 148; Zaun 2017, 4). If all Member States were to encounter a number of asylum seekers at their borders commensurate with their size and resources, the ‘first entry’ rule could be a successful way to share responsibility for asylum applications between Member States. In reality, however, (Southern) European border countries are affected disproportionately and bear a higher responsibility for processing asylum applications (Kimara 2020, 263, 272). This imbalance was particularly evident when over 861,630 protection seekers arrived in Greece and 153,842 in Italy in 2015 (Armstrong 2020, 360). Under the responsibility sharing mechanism, Greece and Italy would have been required to process the protection applications for all of these refugees (Armstrong 2020, 360). That this is simply impossible became clear on 15 April when the Italian asylum system was overloaded and the Greek one completely collapsed (Menéndez, 397).

In this dire and uneven situation of burden sharing, it became evident that the Early Warning Mechanism (EWM) had proved inadequate as the high number of arrivals did turn into a crisis. Particularly noteworthy is the consideration that if responsibility sharing had worked, there would have been no need to set up the EWM in the first place. Hence, it can be assumed that the EU knew that this kind of responsibility-sharing might not work and would burden some countries more than others. Nevertheless, the EWM also seems to have failed. Moreover, the failing of responsibility also led to the failure of protection for asylum seekers as refugee camps were overcrowded and in very poor condition, leaving many refugees without adequate shelter (Kimara 2020, 272). The Greek hotspot refugee camp in Moria, on the island of Lesbos, for example, is built for 410 people. In 2015, however, Moria hosted between 2,000 to 4,000 people. This overcrowding not only fuelled the potential for conflict but also forced many people to live under severely unhygienic conditions (DW 2015).

In the strongly affected Southern European border countries, the whole system broke down completely. One way out of this uneven-burden sharing situation for these border countries in coping with such a high number of arriving refugees was to forego fingerprinting, thus suspending the EURODAC Regulation³. Greece and Italy did this either out of necessity (because they were simply no longer able to deal with such large numbers of refugees themselves) or by choice (because then other member states would no longer be able to clearly prove which country these refugees had entered first) (Armstrong 2020, 360). This ‘waving through strategy’ of Greece and Italy was copied by Hungary (Alkopher and Blanc 2017, 26), another European border country receiving large numbers of refugees (REF). Waving people through, however, led to massive ‘secondary movements’ towards Northern European countries, particularly towards Germany and Sweden (Jones, Kelemen and Meunier 2016b; Menéndez 2016, 397), which the responsibility-sharing function actually explicitly aims to avoid.

In response, Germany suspended the Dublin Regulation itself by declaring that it would accept all arriving Syrian refugees (Jones, Kelemen and Meunier 2016b), thereby integrating them into the national asylum system, regardless of the ‘first entry’ principle laid down in the ‘Responsibility Sharing’ function (Niemann and Zaun 2018a). While Germany had expected many more Member States to follow its example, this did not happen. States that received only a low number of applications were reluctant to participate in responsibility sharing, while some others openly rejected the idea (Niemann and Zaun 2018b). Two weeks later, however, under pressure from the high refugee arrivals, the German government decided to revise its course and opted for the introduction of temporary border controls with Austria. This triggered a chain reaction in which other EU countries, including Austria, France and Denmark, also closed their

³ **EURODAC Regulation:** In order to increase the effectiveness of the Dublin Regulation, Member States implemented a fingerprint database, which led to the creation of the EURODAC Regulation (2013) (Zaun 2017, 69). This database can be used to document which member state of the European Union an asylum seeker has entered first (THALES 2022).

borders (Pastore and Henry 2016, 54). It was only at this point, when Northern European states began to feel the impacts of the mass relocation of refugees themselves, that a developing consensus arose on the need to assist overwhelmed and -stretched countries at the border.

However, even the EU's political efforts to remedy these earlier failures failed. More specifically, although the EU's political initiator, the EU Commission, subsequently put forward two policy proposals on the relocation of asylum seekers (Servent and Zaun 2020, 7), their implementation was unsuccessful. The first proposal was the so-called voluntary mechanism according to which Member States can decide how many refugees they want to relocate. To resettle 40,000 people (24,000 from Italy and 16,000 from Greece), the proposal intended to reduce the burden on Italy and Greece. The second proposal aimed at introducing a mandatory quota system for the relocation of 120,000 asylum seekers based on a country's GDP, population, unemployment rate and asylum seekers already admitted. This one should have benefitted Italy, Greece, and Hungary (Peers 2015; Servent and Zaun 2020, 7). While most Member States agreed to these numbers (the proposals needed a qualified majority vote of ministers in the Council to pass), clearly not all did. Czech Republic, Hungary, Romania and Slovakia voted against the mandatory quota system (Peers 2015), arguing that this was a politically too sensitive area and expressed their concerns of not having full responsibility for deciding on immigration issues, and thus not being willing to give up their sovereignty in this particular policy area. Hungary and Slovakia even went one step further and sued - unsuccessfully - at the Court of Justice of the European Union (ECJ) (Servent and Zaun 2020, 7).

The significant opposition to this policy proposal is, on the one hand, probably the main reason for the weak and imprecise implementation of the mandatory quota system (Servent and Zaun 2020, 7). While both proposals together envisaged resettling a total of 160,000 people within two years (from September 2015 to September 2017), only 27,700 had been resettled

by 4 September 2017 (European Commission 2017). On the other hand, it has also overshadowed subsequent debates on the reform of the CEAS, in particular the Dublin Regulation. While the border countries and the Northern European destination countries were in favour of reforming the Dublin Regulation, the Czech Republic, Hungary, Poland, Slovakia and Hungary (Visegrád countries), were reluctant to make changes and created a blocking minority group (Servent and Zaun 2020, 8). These two opposing stances have led to the CEAS remaining – once again – incomplete and deadlocked since 2018 because member states could not agree to go beyond the status quo, respectively minimum standards.

In summary, the first assumption applies to the CEAS because it has been the product of the lowest common agreements between Member States since its inception in 1999. The transfer of political competencies to the EU level in this policy field can only take place through common compromises at the lowest level, e.g. agreements based on minimum standards, which, in turn, have made the CEAS incomplete. This incompleteness became particularly visible during the 2015 'refugee crisis'. The main element of the CEAS, the Dublin Regulation, failed to fulfil its core function of 'responsibility sharing'. This failure triggered a chain reaction in which all other functions of the Dublin Regulations, such as preventing secondary movements or ensuring the protection of asylum seekers, were either suspended or simply failed. The EU even failed to adequately address the crisis because Member States were unable to agree on policy proposals that go beyond the lowest minimum standards, leaving the existing system at an impasse since 2018.

4.2 'Failing' Forward

In this section, I will argue that while the EU has acknowledged the shortcomings of the CEAS, highlighted by the 2015 'refugee crisis', and proposed a reform, it has been unable to bring about change because of Member States' unwillingness to agree on solutions beyond the lowest common denominator. As a result, the system once again remains incomplete. To

empirically exemplify this ‘failing forward’ behaviour found in the EU, I will proceed in two steps. First, and using Jones et al.’s (2016a, 2017) second assumption “[...] at least some national leaders involved in these bargains should indicate that they believe in the incomplete governance structures are likely to prove inadequate”, I will show that von der Leyen, the head of the European Commission, has acknowledged these shortcomings. Contrary to the theoretical assumptions, I focus on the EU Commission with its head rather than national leaders, as it is the most powerful institution and political initiator of the EU, leading to the second, even more important part of this section. Second, and in line with the ‘failing forward’ theory stating that “[...] political leader[s] should call for a reform, when aware that the incomplete governance structure of a system is malfunctioning” (Sandron 2018, 13), I will discuss the *New Pact on Migration and Asylum*, proposed by von der Leyen in response to the non-functioning of the CEAS. However, Member States responded to the new proposal by “[...] again agreeing on the lowest common denominator solutions” (2016, 1010), leaving the reform incomplete in a way that will trigger another round of reforms later on (Jones, Kelemen and Meunier 2016b). This practices perfectly exemplify a ‘failing forward’ cycle found in the CEAS, which will briefly be discussed here and analysed in more detail under Assumption 4.

From the analysis of five different contributions made and written by Ursula von der Leyen from 2019 to 2020,⁴ her disbelief in the status quo of the EU’s asylum and migration system (Manchon 2020, 12) is demonstrated by her statements such as

[...] [t]he old system no longer works (European Commission 2020b, September).

[t]he current system no longer works.(European Commission 2020c, November).

[w]e have to modernise our asylum system (European Commission 2019, July).

⁴ Different contributions include: (1) opening Statements in the European Parliament, (2) a speech given at the high-level conference on migration and asylum in Europe, (3) a Press Statement, (4) a State of the Union Address and (5) an Op-ed Article

By admitting that the system in place no longer functions, von der Leyen also acknowledges the complexity of solving this policy issue through phrases such as

[m]igration is a complex issue (European Commission 2020c, November).
[m]igration is complex (European Commission 2020b, September).

Accordingly, she admits that the complexity of this policy topic has deeply divided Europe through statements such as

I am aware of how difficult and divisive discussions on this issue are (European Commission 2019, July).
[a]s we all know, the 2015 migration crisis caused many deep divisions between Member States - with some of those scars still healing today (European Commission 2020e, September).
[t]his has been an issue which has divided Europe for too long (European Commission 2020d, September).

Yet, she also points out in her speeches that migration has always been part of Europe through the reoccurring phase

[m]igration has always been a fact for Europe – and it will always be (European Commission 2020b, September; European Commission 2020e, September).

Von der Leyen, therefore, called on Europe to finally find sustainable solutions to make this policy fieldwork.

The solutions proposed by von der Leyen revolve around one main idea: Member States must work together and support each other in some way. If we look more closely at her speeches and written documents, it becomes clear that von der Leyen believes that ‘working together’ and ‘supporting each other’ needs to be achieved through ‘solidarity’, ‘responsibility’ and ‘burden sharing’. This becomes particularly evident through statements such as

[w]e need solidarity. We all need to help each other and contribute. We need a new way of burden-sharing (European Commission 2019, July).

[we] have to talk about the concerns of countries on the EU's external borders, such as Italy, Greece and Spain. They worry that the efforts needed to manage migration may exceed their capacities. They need the solidarity of others (European Commission 2020c, November).

The quote that summarises von der Leyen's concerns and goals, which is to some extent contained in all her speeches and documents, reads as follows:

[t]he EU has already proven in other areas that it can take extraordinary steps to reconcile diverging perspectives. We have created a complex Internal Market, a common currency and an unprecedented Recovery Plan to rebuild our economies. It is now time to rise to the challenge to manage migration jointly, with the right balance between solidarity and responsibility. (European Commission 2020b, September)

Von der Leyen's concerns and possible solutions eventually led her to propose the long-awaited “New Pact on Migration and Asylum” (European Commission 2020a) in the fall of 2020, aimed at cutting the ‘Gordian knot in the asylum policy’. In light of the ‘failing forward’ theory, this event reflects that political leaders, when they become aware of dysfunctionalities within an incomplete system of government, should take proactive steps and call for reform (Sandron 2018, 13). However, as the analysis below will show, the EU has been unable to implement the New Pact in its ambitious form because of the unwillingness of Member States to agree beyond the lowest common denominator bargaining. More specifically, the main element of the New Pact, the solidarity mechanism, could only be implemented in a substantially weakened version, leaving the system once again incomplete and thus perfectly mirroring the ‘failing forwards’ dynamic found in the CEAS.

The New Pact on Migration and Asylum is centred around four main pillars: (1) a mandatory solidarity mechanism, (2) more comprehensive security procedures, (3) new criteria for the distribution of migrants and (4) increased cooperation with third countries (Piekutowska

and Kuzelewska 2021, 32). However, as the New Pact's "[...] main purpose is to introduce a more efficient migration procedure with a clear division of responsibilities between the countries and to guarantee solidarity mechanisms [...]" (Piekutowska and Kuzelewska 2021, 32), the first main pillar – the Mandatory Solidarity Mechanism (MSM) – will now be explained in more detail. Nevertheless, a summary of all the main objectives of the New Pact can be found in Figure 4.2

The New Pact on Migration and Asylum

- robust and fair management of external borders, including identity, health and security checks;
- fair and efficient asylum rules, streamlining procedures on asylum and return;
- a new solidarity mechanism for situations of search and rescue, pressure and crisis;
- stronger foresight, crisis preparedness and response;
- an effective return policy and an EU-coordinated approach to returns;
- comprehensive governance at EU level for better management and implementation of asylum and migration policies;
- mutually beneficial partnerships with key third countries of origin and transit;
- developing sustainable legal pathways for those in need of protection and to attract talent to the EU; and
- supporting effective integration policies. (European Commission 2020a, 2)

Figure 4.2

The MSM belongs to and is also the main principle of the Asylum and Migration Management Regulation that was newly developed in the New Pact (European Commission 2020a, 5). This Regulation intends to replace the current Dublin Regulations (European Parliament 2022, 7) by setting out principles required for a common framework for asylum and migration policy. Its main component, the MSM, aims to guarantee solidarity among Member States by sharing responsibility for arriving migrants and asylum seekers together (European Commission 2020a, 5). The MSM thus strives to address the challenges faced by geographically disadvantaged states and promotes equal burden-sharing across the EU to facilitate the CEAS (Milazzo 2023, 3).

The MSM seeks to achieve burden sharing through mandatory and flexible elements. The mandatory element is normal, given that solidarity is not seen as a political favour, but as a legal duty set out in Article 80 of the Treaty of the Functioning of the European Union (De Bruycker 2022, 35), which the EU, however, has not managed to put into practice so far (Milazzo 2023, 2). Regarding the flexible element, Member States have two options: relocating asylum seekers or sponsoring returns (De Bruycker 2022, 35). Return sponsorship involves supporting countries, typically Southern European border countries, in facilitating swift returns of individuals who do not have the right to stay (European Commission 2020a, 5). The MSM leaves it up to Member States to decide how to divide their efforts between relocation and return sponsorships. In general, however, contributions are determined according to a distribution key based on GDP and population size (50%/50%) (European Commission 2020f).

However, as the New Pact was received by Member States with opposing views (Piekutowska and Kuzelewska 2021, 33), the EU could only partially implement it as Member States were not willing to find solutions that go beyond the lowest common denominator. As a result, the system remains - once again - incomplete. In particular, the New Pact's main element, the MSM, i.e., the principle of solidarity and fair sharing of responsibility, was met with diverging opinions from two groups: The V4, and Estonia and Slovenia,⁵ and the M5, consisting of Cyprus, Italy, Malta, Spain and Greece.⁶ While both groups declared that the New Pact "[...] lacks a proper balance between principles of responsibility and solidarity" (Polish Presidency of the Visegrad Group 2020, 2) or phrased differently "[...] is still far from being fully governed by the 'principle of solidarity and fair sharing of responsibility'" (Press and Information Office 2021), they come from two completely opposite directions.

⁵ Here referred to as V4, which shall also speak for Estonia and Slovenia in this analysis

⁶ Here referred to as M5

For the V4, the New Pact fails to achieve a proper balance between the principles of responsibility and solidarity because it forces Member States “[...] to implement any particular instruments that could be considered as a violation of their sovereignty” (Polish Presidency of the Visegrad Group 2020, 3). For them, “[...] relocation or other forms of admission of migrants have to be voluntary nature” (2020, 3). In criticising the MSM, they also raise their concerns about the return sponsorship being the only alternative to relocation (2020, 3) as they consider it impossible for smaller countries like Hungary and Poland to persuade migrants' countries of origin to repatriate rejected migrants (Gasparini 2021, 43). The V4 are also not satisfied with the “[...] proposed distribution key taking into account solely the simple algorithm based on GDP [and population] [...]” (Polish Presidency of the Visegrad Group 2020, 2). For them, the “[...] way of assessing the fair share of solidarity should reflect the factual efforts of Member States in the asylum, migration and border management, [...] and their overall capacity and possible migratory pressure on their territory” (2020, 2). Most importantly, however, the V4 are “[...] convinced that under normal circumstances, once the external dimension [i.e., addressing root causes of migration and strengthening cooperation with key countries of origin] is properly addressed and the obligations of the Member States in the protection of the external borders [...] are met, there will be little or no need to trigger the solidarity mechanism” (2020, 2-3).

For the M5, on the other hand, the New Pact falls short of achieving a proper balance between the principles of responsibility and solidarity because “[...] in its current format the Pact does not provide a sufficient reassurance to the front-line Member States” (Press and Information Office 2021). More precisely, they criticise that the “[...] Pact focuses prescriptively on the responsibilities of front-line Member States that are already exposed to disproportionate pressures [...]” (2021). However, “[...] front-line Member States cannot be expected to manage the migratory pressure which affects the European Union as a whole”

(2021). Moreover, the Med 5 also expressed concern that the MSM is rather vague and unclear in terms of its actual implementation (2021). In particular, they believe the return sponsorship mechanism to be “[...] insufficient to achieve rapid and effective returns [...] due to its procedural complexity” (2021). Above all, the M5 emphasise their “[...] strong plea in favour of a needed true balance between responsibility and solidarity [...] [and thus call] for an automatic and mandatory relocation mechanism to be put in place” (2021).

Since the V4 reject the principles of solidarity and fair sharing of responsibility - mainly because they feel their sovereignty is threatened - and the M5 group believes that the New Pact does too little to share the burden among all Member States, its implementation remains complicated. As of March 2023, the new Asylum and Migration Regulation, intended to replace the current Dublin Regulation, has not been implemented (European Parliament 2022, 7). Yet, some progress has been made with regard to its main element, the MSM. Instead of the MSM, however, a Voluntary Solidarity Mechanism (VSM) was adopted in June 2022. The VSM was signed by 21 European countries and outlined in the Solidarity Declaration (European Commission 2022d).

The VSM aims to provide “[...] a voluntary, simple and predictable solidarity mechanism designed to support the Member States most affected in the Mediterranean as well as other Member States under pressure [...] by offering relocations, financial contributions and other measures of support” (European Commission 2022f). With its implementation, the VSM is considered a first step towards the realisation of the New Pact (Trasca 2023) and is seen as a useful lesson for the Permanent (Mandatory) Solidarity Mechanism to be put in place by the Asylum and Migration Management Regulation (European Commission 2022f). Although the mechanism has been adopted more than eight months ago, there have been problems with its implementation, resulting in only 435 migrants being resettled from Mediterranean countries. This figure is insufficient, as the mechanism envisages the resettlement of 8,000 people per

year, which is still relatively unambitious considering that 874,320 asylum applications were made in 2022. Moreover, only thirteen states participating in the VSM have made relocation pledges, while others have only offered financial operational support (Trasca 2023).

The EU's response to the opposing positions of the V4 and the M5 perfectly mirrors the failing forward dynamic inherited in reforming the European Asylum and Migration System in three ways. First of all, implementing a Voluntary instead of a Mandatory Solidarity Mechanism (MSM) shows the EU's inability to "[...] move beyond the pace determined by the lowest common denominator" (Jones, Kelemen and Meunier 2016a, 1023) simply because some countries, in this case, the V4, do not want to commit on a mandatory basis and thus give up their sovereignty in this particular policy area. For them, everything must remain voluntary, which in turn exempts them from any compulsory burden-sharing. They even go so far as to reject the MSM with the argument that if the external dimension, i.e. the protection of the external borders, is guaranteed, such a mechanism is not even necessary. Due to their heavy rejection, only agreements on minimum standards are possible at the EU level, resulting in the VSM.

Second, the VSM represent an incremental rather than comprehensive reform. To begin with, the VSM's intention to resettle 8,000 people per year is far from achieving fair burden-sharing since 874,320 asylum applications were made in 2020 alone. Moreover, the fact that just 435 migrants from Mediterranean countries have been resettled in other EU countries through this mechanism, even though it was launched more than eight months ago, is a disgrace. Third, and as described in the failing forward dynamic, the incompleteness of this reform will trigger another round of reforms in the near future. More specifically, this incompleteness will encourage the EU to continue to seek the introduction of a MSM instead of a VSM and also to adopt the Regulation on the Management of Asylum and Migration, which aims to completely replace the entire Dublin Regulation.

In summary, the 2nd assumption and, more importantly, the 'failing' forward theory/dynamic in general can be found in the CEAS. Regarding the 2nd assumption, the head of the most powerful EU institution, von der Leyen, acknowledged the weakness of the CEAS and, in line with the 'failing' forward theory called for a reform that led to the New Pact. However, as the Member States failed to reach an agreement beyond the lowest common denominator, the EU was unable to implement the New Pact's main element, the Mandatory Solidarity Mechanism. Instead, a much-weakened form, namely a Voluntary Solidarity Mechanism, was put in place. This in turn, and in light of the 'failing' forward dynamic, leaves the reform incomplete in a way that will trigger another round of reform later on.

4.3 'Failing' Beyond

In this section, I will argue that the EU's failure to establish a functioning CEAS has also had far-reaching consequences for European integration. In doing so, I will work with Jones et al's (2016a, 1017) third assumption which states that "[...] the incomplete governance structure should generate functional spillovers that spark future crises." Apart from forcing Member States into further crises in the near future, this assumption also brings with it the belief that an incomplete governance structure also leads to a deepening of European integration. Applying this assumption to the CEAS, I will discuss two implications and their impact on European integration. The first is the strengthening of FRONTEX. In doing so, I will follow the argument of Sandron (2018) and Zaun and Speyer (2018) that the failure of the CEAS (incomplete governance structure) led to the strengthening of FRONTEX (functional spillover). However, with regard to European integration, I will not follow their approach, but develop an alternative one by arguing that the strengthening of FRONTEX has not deepened European integration but has led to less European integration. In terms of the second implication, I will develop the argument that the failure of the CEAS (incomplete governance structure) contributed to the rise of populist radical right-wing (PRR) parties in Europe

(functional spillover). In discussing this issue, I aim to paint a broader picture of the EU's failure in this particular policy area and its wider societal consequences. Contrary to Jones et al.'s view that functional spillovers lead to more European integration, I will argue that the rise of PRR parties challenged European integration.

FRONTEX was established following the 1985 Schengen Convention, which abolished internal border controls and required cooperation at external borders to combat problems such as illegal immigration and organised crime (Zaun and Speyer 2018). Member States were initially reluctant to delegate their powers in this area to the EU level but the terrorist attacks of 2001 and 2004 and the prospect of EU enlargement to the East eventually led to the creation of the 'European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union' (FRONTEX for short) in 2004 (Campesi 2014, 127). Despite the increased capabilities and resources, Member States resisted the full centralisation of executive power (Maarten, Rijpma and Spijkerboer 2016), resulting in weak cooperation in the management of external borders.

The deficiencies of the system became strikingly clear during the 2015 'refugee crisis' and promoted leaders to consider improving FRONTEX's efficiency. In terms of the 'failing forward' theory, this example perfectly mirrors a direct functional spillover. The incompleteness of a system (the CEAS), exposed by the 'refugee crisis' in 2015, led to a functional spillover by highlighting the inadequacies of FRONTEX, which in turn motivated EU Member States to think about revising its dysfunctional border system. In 2015, the inadequacies of FRONTEX were highlighted by refugees crossing the EU's external borders without proper documentation, registration or security checks and continuing their journey through the EU. The high number of secondary movements and the inefficient management of external borders and refugee flows led some Member States to temporarily reintroduce border controls (Zaun and Speyer, 2018). It became clear that addressing these challenges required

coordinated efforts across Member States. Consequently, FRONTEX had to be transformed into a comprehensive border management agency.

The generated functional spillover that highlighted the shortcomings of FRONTEX and promoted Member States to push for an overhaul of FRONTEX, ultimately led to the EU Commission presenting a proposal in the year of the ‘refugee crisis’. The proposed Regulation 2016/1624 was put into force only ten months later with a broad consensus of the heads of state and government. With this new Regulation, FRONTEX's limited functions and capabilities were surpassed by transforming the ‘European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union’ into the ‘European Border and Coast Guard Agency’ (EBCG) (Sandron 2018, 21-22; Zaun and Speyer 2018, 26-27). The EBCG addresses previous FRONTEX shortcomings and has gained a significantly expanded mandate, ensuring greater independence from Member States. Unlike the flat network structure of border management under the previous FRONTEX regulations, the EBCG now operates within a hierarchical model (Zaun and Speyer 2018, 27-28). In 2019, when the ambitious New Pact to finally reform the CEAS had not even been proposed by the EU Commission, Regulation 2016/1624 was replaced by Regulation 2019/1896. This 2019 Regulation provides FRONTEX with an even more increased mandate and greater competencies (FRONTEX 2023). Despite the failure of the CEAS motivating Member States to strengthen and empower FRONTEX, the incomplete governance structure of the CEAS itself remained unchanged.

The strengthening of FRONTEX due to the failure of the CEAS has also had implications for European integration. While Jones et al. (2016a) claim in their third assumption that functional spillovers lead to greater European integration, which Sandron (2018) and Zaun and Speyer (2018) also claim for the case of FRONTEX, I want to challenge this view. In particular, I aim to challenge Sandron’s (2018) analysis. Sandron (2018) claims

that although leaders were reluctant to further integration in the CEAS, they endorsed a common solution for the control of external borders. In other words, she states that EU Member States have been able to do more in the external dimension of asylum policy (creating the EBCG) than in the internal one (reforming the CEAS), because greater integration in border management would lead to a redistribution of asylum seekers and refugees to third countries, whereas the revision of the CEAS would probably have been accompanied by a permanent relocation mechanism, which would have meant internal distribution.

While it may seem easier for the EU to reach consensus in the external dimension, as not all Member States are directly affected or fully responsible, the creation of the EBCG can still not be seen as a step towards more European integration. There is no deeper European integration because the real problem, the dysfunction of the CEAS, still exists. More precisely, the failure of the Dublin Regulation with its core function of responsibility sharing has still not been remedied. There is still no equal burden sharing, which is, however, at the heart of the European integration project. With the strengthening of the EBCG, there is even less burden sharing and thus less European integration. Despite the greater independence of Member States, border countries are still affected disproportionately. If all EU Member States had common borders with third countries, the enhancement of external borders could be seen as a possible approach to more common European integration. However, this is not the case. While border countries like Italy and Greece now have more support from the EU Border Agency, they still bear disproportionate costs, while countries in more favourable locations, like those in the North, can avoid direct responsibility for controlling the entry of non-EU citizens and protecting refugees.

Strengthening FRONTEX thus appears more as a 'strategy' to circumvent the real problem: the dysfunctionality of the CEAS and the lack of cooperation between Member States in this particular policy area. Even if the strengthening of the external borders will most likely

lead to fewer people coming to Europe, this ‘strategy’ will very likely lead to future crises. This is because the EU has still not found a common solution to distribute the people who will enter the EU and how to integrate them into the respective societies. Apart from conflicts, more and more people will certainly leave their homes in the global South and flee to Europe in the coming years due to the serious effects of climate change. If the CEAS is not reformed soon, the EU could face another crisis, possibly worse than the 2015 refugee crisis, especially given the impact of climate change.

The failure of the CEAS has also had wider societal consequences that go beyond the immediate structures and institutions of the EU, such as the rise of populist radical right-wing (PRR) parties. While PRR parties contested elections in almost all EU Member States around the turn of the millennium (Mudde 2019, 23), populist parties – albeit to varying degrees – were popular in almost all European countries in 2016 (The Economist 2018). PRR parties’ success can be linked to various reasons, such as the 2008 economic crisis, the crisis in democracy, globalisation in general, etc., (Rodríguez-Aguilera 2014) and therefore was not caused by one single factor. However, many scholars (e.g., Kattago 2019; Petropoulos 2021; Ratković 2017; Steinmayr 2017) have also established a link to the EU’s failure of the CEAS. Among those authors are also Van der Burg and Hartevelde (2021, 228), who argue that the EU’s inability in this particular policy field, specifically evident during 2015, has especially ‘played into the hands’ of PRR parties such as *Fidesz* in Hungary, *Front National* in France (now *Rassemblement National*) and the *Alternative für Deutschland* in Germany. In terms of the ‘failing forward’ theory, they claim that the incompleteness of a system (the CEAS), exposed by the ‘refugee crisis’ in 2015, led to a functional spillover by playing into the hands of PRR parties.

More specifically, the failure of the CEAS, evident in 2015, generated a functional spillover by providing PRR parties, with their anti-immigrant and exclusionary attitudes

towards racial minorities (Rydgren 2017, 485), with a perfectly sensitive topic for their (election) campaigns. For instance, both *Fidesz* in Hungary, with its Prime Minister Viktor Orbán, and *Front National* in France, with Le Pen (now Jordan Bardella) as their leader used fear-mongering to attract voters in response to the impact of the global refugee and migration crisis on Europe, and the EU's proposed relocation mechanism. Orbán, has conducted propaganda campaigns against refugees, and asylum seekers since 2015, arguing that “[e]very single migrant poses a public and security and terror risk” (Kroet 2016). *Fidesz* even went so far as to initiate a referendum in 2016 on whether a future European quota system should be accepted for the resettlement of migrants (Dunai and Than 2016). While 97% voted against a quota system, the turnout was less than 50% (2020, 327). However, *Fidesz*'s popularity (voting intention) has kept steadily rising since 2015, reaching roughly 53% in 2018 (The Economist 2018). In the same year, Orbán fought for presidential re-election with an anti-immigration and protectionist message (Meredith 2018; Szilágyi and Sükösd-Kósa 2018, 2), driven by fear-mongering, winning with around 49% (Statista 2018).

Similarly to Hungary, *Front National* run their (regional election) campaigns with a specific focus on anti-refugees and -immigration during 2015, arguing that the ‘influx’ of Syrian refugees “[...] could be similar to the invasions of the Fourth century” (De Boni 2015 in Ivaldi 2018, 285). In addition, Le Pen also criticised the EU's plan to introduce a mandatory quota system across Europe, arguing that “[w]e’re told to accept 160,000 illegal immigrants this year, but next year it will be 700,000 and the following it will be 1,2.m” (Le Pen in Chassany 2015). While Le Pen was able to win a seat for the first time in the 2017 national parliamentary elections after four attempts in the past, she also emerged as the second strongest party in the 2017 French presidential election run-off with Emmanuel Macron (Clarke and Holder 2017).

The rise of PRR parties is not only visible at the national, but also at the EU level. This development in particular poses a challenge to European integration, as PRR parties, by winning more seats in the EU, e.g. in the European Parliament, can block important policy initiatives and slow down legislation, which can also trigger future crises. For instance, in the latest directly elected European elections – the European Parliamentary Election⁷, PRR parties saw an improvement in their vote share while the European People's Party and Socialists & Democrats parties lost their joint parliamentary majority for the first time in EU history. Right-wing Eurosceptic parties (depending on how this category is defined) won between 25% and 33% of the seats in the European Parliament, with PRR parties making the most significant gains (Anderson 2019; Mudde 2019, 20,22). For instance, *Fidesz* in Hungary, took more than 52% of the vote. In France, *Front National* narrowly beat French President Emmanuel Macron's party coalition. Though Le Pen's party won by less than 1%, with 23% of the vote, she doubted it was a 'victory for the people' (Anderson 2019).

With their increase in seats, the PRR parties can challenge European integration and spark future crises by blocking important European initiatives. Although the European Commission is the most powerful body of the EU with its executive functions, the European Parliament (alongside the European Council) is responsible for legislation by approving or rejecting legislation. In addition, among other things, the EU Parliament is responsible for the EU budget, confirming the President and appointing members of the EU Commission, and must do so while taking into account the EU election results, which means that the leadership at the top mirrors the composition of the Members of the European Parliament (Kirby 2019).

⁷ In the European Parliament Elections in 2019, more than four-hundred-million Europeans were eligible to vote in what are essentially twenty-eight separate national elections for representatives to the same supranational institutions, the 751-seat European Parliament (EP) (Mudde 2019, 20).

It's one thing if a bunch of Eurosceptics win a few scattered seats in the European Parliament, but if they can gain more robust support and potentially pull voters away from more centrist parties, they can play a spoiler role, slowing down legislation (Kirby 2019).

This happened, for example, when a large group of right-wingers, together with the Social Democrats, vetoed a parliamentary report on the extension of the Emissions Trading Scheme, a mechanism that allows industry to trade emission rights and which is an essential part of the Brussels green legislative package (Hancock and Espinoza 2022).

In summary, Jones et al.'s third assumption partially applies to the CEAS. The theoretical framework is applicable to the CEAS regarding functional spillovers. More specifically, the failure of the CEAS has led to the strengthening of FRONTEX and contributed to the rise of radical right-wing populist (PRR) parties. However, contrary to Jones et al.'s theory, I have shown that these spillovers have not resulted in more European integration. Instead, they have either led to less integration or challenged it. Concerning FRONTEX, and also contrary to Sandron's (2018) findings, I have argued that the increased power of FRONTEX has resulted in less European integration, as its strengthening can be rather seen as a 'strategy' to circumvent the real problem, the non-solving of the failure of the CEAS. Since the CEAS has still not been comprehensively reformed, future crises can be expected to happen sooner than later. Regarding the rise of PRR parties, I have shown that their growth (share of votes) in the EU, e.g. in the European Parliament, also has the potential to challenge European integration by blocking and slowing down policy initiatives or legislation, thus potentially triggering future crises.

4.4 A 'failing' Cycle

Jones et al.'s (2016a, 1017) fourth assumption states that "[...] the cycle should repeat itself". More precisely, they developed a so-called 'failing' cycle that reflects a sequence of

piecemeal reform, followed by a policy failure, followed by further reform. This cycle can also be found in the Common European Asylum System.

The CEAS, reformed in 2013, is a piecemeal reform. It was revised because the expected level of harmonisation between Member States had not been achieved when it was created around 1999. However, the reformed CEAS has also failed to achieve the desired level of convergence and is therefore not a comprehensive reform. It is a piecemeal reform, as the Member States have not succeeded in reaching a consensus that goes beyond the lowest common denominator. The piecemeal reform is therefore still a product based on minimum standards, which in turn makes the CEAS incomplete, i.e. dysfunctional.

The piecemeal reform of the CEAS, containing many dysfunctionalities, led to a policy failure during the ‘refugee crisis’ in 2015. In particular, the most important element of the reformed CEAS, the Dublin Regulation, has completely failed in relation to the responsibility sharing between Member States. Since European border countries were disproportionately affected by the high numbers of arriving refugees and could not handle the situation, they suspended Dublin, waving many people through towards northern European countries. Sooner than later, other countries started to suspend Dublin as well. While this suspension of the core element of the CEAS is already a policy failure rooted in the incompleteness of the CEAS based on minimum standards, the EU has also failed to respond adequately to this crisis, leaving the CEAS at an impasse since 2018.

Following this policy failure, the EU presented another reform package in 2020, namely the New Pact on Migration and Asylum. The New Pact was intended to finally ratify the dysfunction of the already reformed CEAS. One of its main objectives was to reform the Dublin Regulation by introducing a mandatory redistribution mechanism. However, due to opposing views among Member States, consensus could only be reached on the lowest denominator by introducing a voluntary redistribution mechanism, which, in turn, represents a much watered-

down, piecemeal reform. With this once again incomplete reform, the 'failing' cycle is closed and everything should start all over again: Since the New Pacts' incomplete reform does not work, it will lead to a policy failure sooner rather than later. And to this policy failure, EU Member States will again react by agreeing on the lowest common denominator, which in turn will lead to another piecemeal reform, and so on.

Conclusion

This thesis has employed the ‘failing forward’ theory to study the continuous failure of the Common European Asylum System (CEAS) and this failures’ impact on European integration. Originally developed to explain the integration process in the EU that has been underway since the Eurozone crisis, the ‘failing forward’ framework’s main argument reads as follows: The EU itself created the conditions for crises to emerge by driving integration through incomplete agreements based on the lowest common denominator bargaining between Member States, thereby triggering spillover effects that will deepen European integration. While this thesis has proven that the ‘failing forward’ theory is an appropriate framework to discuss the ‘failing’ dynamics found in the CEAS, it has challenged the theories’ underpinning argument about European integration.

Applying the ‘failing forward’ theory to studying the continuous failure of the CEAS, this thesis has found that intergovernmental bargaining has made the CEAS incomplete because of Member States’ unwillingness to settle beyond the lowest common denominator agreements. This, in turn, has resulted in the CEAS being based on minimum standards. These minimum standards do not work and have made the CEAS incomplete since its origin in 1999. This incompleteness became particularly evident during the 2015 ‘refugee crisis’, when the CEAS’s main element, the Dublin Regulation, completely failed. Moreover, this thesis has also found that although the EU acknowledged the inadequacies of the CEAS and proposed a reform, namely the New Pact, Member States responded by again agreeing on the lowest common denominator solutions, leaving the reform incomplete in a way that will trigger another round of reforms later on. This thesis has also illustrated that this continuous ‘failing forward’ dynamic found in the CEAS has generated functional spillovers that have had consequences for European integration, including the strengthening of FRONTEX and the rise of populist

radical right-wing (PRR) parties. With regard to FRONTEX, and in contrast to the 'failing forward' theory and also to other researchers who have studied the link between the CEAS, FRONTEX and European integration, I have argued that the increase in FRONTEX's power has not led to deeper European integration, but to less European integration. This is mainly because I have shown that the strengthening of FRONTEX means less burden sharing among Member States and therefore less European integration. As far as PRR parties are concerned, I have also departed from the 'failing forward' theory by arguing that PRR parties, by gaining power, especially at the European level, e.g. in the European Parliament, have the potential to challenge European integration by blocking or slowing down legislation.

To conclude, if the EU fails to put in place agreements that go beyond the lowest common denominator bargaining, the CEAS remains incomplete, e.g. dysfunctional. The main flaw of the CEAS, responsibility-sharing, can only be remedied if all countries in the EU participate equally in burden-sharing, which is only possible through agreements that go beyond minimum standards. And the time to implement this is now. Conflicts and disasters will not be the only reasons forcing people to leave their homes. Sooner rather than later, the EU will also have to deal with climate refugees, whose impact could very likely surpass that of the 2015 'refugee crisis'.

List of References

- Abdou, Leila Hadj. 2021. *From the Migration Crisis to the New Pact on Migration and Asylum: The Status Quo Problem*. BRIDGE-Working Paper, 1-13.
- Alkopher, Tal Dingott, and Emmanuelle Blanc. 2017. *Schengen Area Shaken: The Impact of Immigration-Related Threat Perceptions on the European Security Community*. June. Accessed April 12, 2023. https://eprints.lse.ac.uk/82528/1/Blanc_Schengen%20area%20shaken_2017.pdf.
- Anderson, Jeffrey J. 2021. "A Series of Unfortunate Events: Crisis Response and the European Union After 2008". In *The Palgrave Handbook of EU Crises*, by Marianne Riddervold, Jarle Trondal and Akasemi Newsome. Palgrave Macmillan.
- Anderson, Mag. 2019. *4 Takeaways From The European Parliament Election Results*. 27 May. Accessed March 24, 2023. <https://www.npr.org/2019/05/27/727293356/4-takeaways-from-the-european-parliament-election-results>.
- Armstrong, Ashley Binetti. 2020. "You Shall Not Pass! How the Dublin System Fueled Fortress Europe." *Chicago Journal of International Law* 20 (2): 331-383.
- Börzel, Tanja A. . 2016. "From EU Governance of Crisis to Crisis of EU Governance: Regulatory Failure, Redistributive Conflict and Eurosceptic Publics." *Journal of Common Market Studies* 8-31.
- Börzel, Tanja A., and Thomas Risse. 2017. "From the euro to the Schengen crises: European integration theories, politization, and identity politics." *Journal of European Public Policy* 25 (1): 83-108.
- Beches, Ivonna . 2017. *To what extent has the Common European Asylum system been able handle the Syrian refugee crisis?* Master Thesis, Tilburg University.
- Boeselager, Damian. 2021. *The Greens/EFA in the European Parliament*. 23 September. Accessed January 2023. <https://www.greens-efa.eu/dossier/one-year-after-the-eu-migration-pact-a-better-future-for-refugees/>.
- Brekke, Jan-Paul, and Grete Brochmann. 2014. "Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation." *Journal of Refugee Studies* 28 (2): 145-162.
- Buzan, Barry, Ole Waever, and Jaap de Wilde. 1998. *SECURITY: A New Framework for Analysis*. Lynne Rienner Publishers.
- Campesi, Giuseppe. 2014. "Frontex, the Euro-Mediterranean border and the paradoxes of humanitarian rhetoric." *South East European Journal of Political Science* 2 (3): 126-134.

- Chassany, Anne-Sylvaine. 2015. *France's National Front taps into rising anti-immigrant mood*. Financial Times. 6 September. Accessed April 27, 2023. <https://www.ft.com/content/62131206-5473-11e5-8642-453585f2cfcd>.
- Clarke, Seán, and Josh Holder. 2017. *French presidential election 2017: first round results in charts and maps*. The Guardian. 24 April. Accessed April 27, 2023. <https://www.theguardian.com/world/ng-interactive/2017/apr/23/french-presidential-election-results-2017-latest>.
- De Boni, Marc . 2015. *Marine Le Pen compare la crise des migrants à la chute de l'empire romain*. 15 September. Accessed April 27, 2023. <https://www.lefigaro.fr/politique/le-scan/citations/2015/09/15/25002-20150915ARTFIG00111-marine-le-pen-compare-la-crise-des-migrants-a-la-chute-de-l-empire-romain.php>.
- De Bruycker, Philippe. 2022. "The New Pact on Migration and Asylum: What it is Not and What it Could Have Been." In *Reforming the Common European Asylum System*, by Daniel Thym. <https://www.nomos-elibrary.de/10.5771/9783748931164-1/titelei-inhaltsverzeichnis?page=1>: Nomos.
- Dunai, Marton, and Krisztina Than. 2016. *Hungary to hold referendum on mandatory EU migrant quotas on October 2*. REUTERS. 5 July. Accessed April 24, 2023. <https://www.reuters.com/article/us-europe-migrants-hungary-referendum-idUSKCN0ZL0QW>.
- DW. 2015. *Inside Moria, Greece's 1st 'hotspot' refugee camp*. 11 November. Accessed April 12, 2023. <https://www.dw.com/en/inside-moria-greeces-1st-hotspot-refugee-camp/g-18830657>.
- EASO. 2016. "Richterliche Analyse: Einführung in das gemeinsame europäische Asylsystem für Gerichte." *IARLJ-Europe* (European Asylum Support Office) 1 - 154.
- European Asylum Support Office (EASO). 2016. "Richterliche Analyse: Einführung in das gemeinsame europäische Asylsystem für Gerichte." *IARLJ-Europe* 1 - 154.
- European Asylum Support Office (EASO). 2020. *Reception of applicants for international protection (Reception Conditions Directive 2013/33/EU. Judicial analysis*, EASO Professional Development Series for members of courts and tribunals.
- European Commission. 2015. *A European Border and Coast Guard to protect Europe's External Borders*. 15 December. Accessed May 4, 2023. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_6327.
- European Commission. 2020c. *A fresh start on migration: Building confidence and striking a new balance between responsibility and solidarity*. 23 September. Accessed January 30, 2023. https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1706.
- European Commission. 2023d. *A NEW PACT ON MIGRATION AND ASYLUM: State of Play*. March. Accessed April 20, 2023. https://ec.europa.eu/commission/presscorner/detail/en/fs_23_1850.

- European Commission. 2020f. *COMMISSION STAFF WORKING DOCUMENT: PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on asylum and migration management and amending Council Directive (EC)2003/109 and the proposed Regulation (EU)XXX/XXX [Asylum and Migration Fund]*. 23 September. Accessed April 19, 2023. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0207&from=en>.
- European Commission. 2022b. *Common European Asylum System* . Accessed January 20, 2023. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.
- European Commission. 2020a. “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum.” Brussels, 1-28.
- European Commission. 2023a. “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: on the Report of Migration and Asylum.” Brussels, 1-27.
- European Commission. 2015b. *European Agenda on Migration: Securing Europe's External Borders*. 15 December. Accessed May 4, 2023. https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_6332.
- European Commission. 2020d. *Let's make change happen: op-ed article by Ursula von der Leyen, President of the European Commission*. 20 September. Accessed February 22, 2023. https://ec.europa.eu/commission/presscorner/detail/en/AC_20_1698.
- European Commission. 2022c. *Migration and Asylum: Commission welcomes today's progress in the Council on the New Pact on Migration and Asylum*. 22 June. Accessed March 12, 2023. https://cyprus.representation.ec.europa.eu/news/migration-and-asylum-commission-welcomes-todays-progress-council-new-pact-migration-and-asylum-2022-06-22_en.
- European Commission. 2023b. *Migration and Home Affairs*. Accessed April 2023. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.
- European Commission. 2019. *Opening Statement in the European Parliament Plenary Session by Ursula von der Leyen, Candidate for President of the European Commission*. 16 July. Accessed March 14, 2023. https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_19_4230.
- European Commission. 2020b. *Press statement by President von der Leyen on the New Pact on Migration and Asylum*. 23 September. Accessed January 2023. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_20_1727.
- European Commission. 2022d. *Relocation: EU solidarity in practice*. Accessed April 22, 2023. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/migration-management/relocation-eu-solidarity-practice_en.

- European Commission. 2017. *REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Fifteenth report on relocation and resettlement*. 6 September. Accessed April 12, 2023. <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX%3A52017DC0465>.
- European Commission. 2022f. *Representation in Cyprus*. 2022 June. Accessed April 2023. https://cyprus.representation.ec.europa.eu/news/migration-and-asylum-commission-welcomes-todays-progress-council-new-pact-migration-and-asylum-2022-06-22_en.
- European Commission. 2020c. *Speech by President von der Leyen at the high-level conference on migration and asylum in Europe*. 19 November. Accessed February 22, 2023. https://ec.europa.eu/commission/presscorner/detail/en/speech_20_2157.
- European Commission. 2020e. *State of the Union Address by President von der Leyen at the European Parliament Plenary*. 16 September. Accessed February 22, 2023. https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655.
- Commission European. 2022a. *The Common European Asylum System (CEAS)*. Accessed January 2023. https://home-affairs.ec.europa.eu/system/files/2016-12/factsheet_-_the_common_european_asylum_system_en.pdf.
- European Commission. 2023c. *Types of EU law*. Accessed April 14, 2023. https://commission.europa.eu/law/law-making-process/types-eu-law_en.
- European Parliament. 2022. *EU pact on migration and asylum: State of play*. December. Accessed April 19, 2023. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI\(2022\)_739247_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/739247/EPRS_BRI(2022)_739247_EN.pdf).
- European Parliament. 2016. *The Implementation of the Common European Asylum System*. Study, Policy Department for Citizens' Rights and Constitutional Affairs, LIBE Committee, 1-128.
- European Union Agency for Asylum. 2023a. *First and second phases of CEAS and the 2016 reform proposals*. Accessed April 2, 2023. <https://euaa.europa.eu/easo-asylum-report-2021/211-first-and-second-phases-ceas-and-2016-reform-proposals>.
- European Union Agency for Asylum. 2023b. *The evolution of the Common European Asylum System (CEAS)*. Accessed April 2, 2023. <https://euaa.europa.eu/easo-asylum-report-2021/21-road-common-european-asylum-system>.
- FRONTEX 2023. *Who we are: Legal Basis*. Accessed May 4, 2023. <https://frontex.europa.eu/about-frontex/who-we-are/legal-basis/>.
- Gasparini, Agnes. 2021. *Solidarity between Member States in the New EU Pact on Migration and Asylum*. Thesis, Department of Political Science, Rome: LUISS University.

- Greussing, Esther, and Hajo G. Boomgaarden. 2017. "Shifting the refugee narrative? An automated frame analysis of Europe's 2015 refugee crisis." *JOURNAL OF ETHNIC AND MIGRATION STUDIES* (Routledge) 43 (11): 1749–1774.
- Hancock, Alice, and Javier Espinoza. 2022. *EU green agenda suffers blow after MEPs reject part of climate bill*. Financial Times. 22 June. Accessed May 2023.
<https://www.ft.com/content/75e6703a-6949-41b0-ba0c-5f36bcbffe31>.
- Hatton, Timothy J. 2005. "European asylum policy." *IZA Discussion Papers* (Institute for the Study of Labor (IZA)) (1721): 1-31.
- Hatton, Timothy J. 2016. "The Common European Asylum System – the Role of Burden-sharing." *Ifo Institute - Leibniz Institute for Economic Research at the University Munich* 14 (4): 8-13.
- Ivaldi, Gilles. 2018. "Contesting the EU in times of crisis: The Front National and politics of Euroscepticism in France." *SAGE* 38 (3): 278– 294.
- Janderova, Jana. 2018. "Common European Asylum System Evolution and its Perspectives." *5th International Multidisciplinary Scientific Conference on Social Sciences and Arts SGEM 2018*. Pardubice, the Czech Republic: ResearchGate. 1-9.
- Jones, Erik, R. Daniel Kelemen, and Sophie Meunier. 2016b. "Is Europe failing, or is it 'failing forward'?" *The Washington Post*.
- Jones, Erik, R. Daniel Kelemen, and Sophie Meunier. 2021. "Failing forward? Crises and patterns of European integration." *Journal of European Public Policy* 28 (10): 1519 - 1536.
- Jones, Erik, R. Daniel Kelemen, and Sophie Meunier. 2016a. "Failing Forward? The Euro Crisis and the Incomplete Nature of European Integration." *Comparative Political Studies* 49 (N): 1010–1034.
- Kattago, Alice Pia. 2019. "The Rise of Right-Wing Populism in Contemporary Europe." *University Fernando Pessoa* 1-38.
- Kimara, Davis. 2020. "THE EUROPEAN UNION'S DUBLIN REGULATION AND THE MIGRANT CRISIS." *Washington University Global Studies Law Review*, 19 (2): 261-290.
- Kirby, Jen. 2019. *This week's European Parliament elections will test the strength of far-right populism*. VOX. 22 May. Accessed March 24, 2023.
<https://www.vox.com/2019/5/22/18526967/european-parliament-elections-2019-salvini-le-pen>.
- Klug, Anja. 2004. "Harmonization of Asylum in the European Union: Emergence of an EU Refugee System." *German Yearbook of International Law* 47: 594-628.

- Krippendorff, Klaus. 2019. *Content Analysis: An Introduction to Its Methodology*. Vol. Fourth Edition. Los Angeles, London, New Dehli, Singapore, Washington, Melbourne: SAGE.
- Kroet , Cynthia. 2016. *Viktor Orbán: Migrants are ‘a poison’: ‘Every single migrant poses a public security and terror risk,’ Hungarian PM says*. POLITICO. 27 July. Accessed April 27, 2023. <https://www.politico.eu/article/viktor-orban-migrants-are-a-poison-hungarian-prime-minister-europe-refugee-crisis/>.
- Lavenex, Sandra. 2001. “The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies.” *Journal of Common Market Studies* 39 (5): 851-874.
- Lehne, Stefan. 2022. *CARNEGIE EUROPE*. 18 October. Accessed January 10, 2023. <https://carnegieeurope.eu/2022/10/18/eu-and-creative-and-destructive-impact-of-crises-pub-88145>.
- Lehne, Stefan. 2016. *CARNEGIE EUROPE*. 4 February. Accessed June 20, 2022. <https://carnegieeurope.eu/2016/02/04/how-refugee-crisis-will-reshape-eu-pub-62650>.
- Maarten, Den Heijer, Jorrit Rijpma, and Thomas Spijkerboer. 2016. "COERCION, PROHIBITION, AND GREAT EXPECTATIONS: THE CONTINUING FAILURE OF THE COMMON EUROPEAN ASYLUM SYSTEM." *Common Market Law Review* 53: 607–642.
- Maldini, Pedro, and Marta Takahashi. 2017. “Refugee Crisis and the European Union: Do the Failed Migration and Asylum Policies Indicate a Political and Structural Crisis of European Integration.” *Communication Management Review* 54-72.
- Manchón, Felipe. 2020. *IEEE*. 27 November . Accessed January 2023. https://www.ieee.es/Galerias/fichero/docs_opinion/2020/DIEEEO152_2020FELMAN_migraciones-ENG.pdf.
- Maurer, Andreas, and Roderick Parkes. 2007. “The Prospects for Policy-Change in EU Asylum Policy: Venue and Image at the European Level.” *European Journal of Migration and Law* (Martinus NIJHOFF Publishers) 9 (2): 172-205.
- Menéndez, Agustín José. 2016. “The Refugee Crisis: Between Human Tragedy and Symptom of the Structural Crisis of European Integration.” *European Law Journal* (John Wiley & Sons Ltd) 22 (4): 388-416.
- Meredith, Sam. 2018. *Hungary’s Viktor Orban wins ‘supermajority’ for third consecutive term in office*. 9 April. Accessed April 25, 2023. <https://www.cnn.com/2018/04/09/hungary-viktor-orban-wins-supermajority-for-third-consecutive-term-in-office.html>.
- Milazzo, Elenora. 2023. “Asymmetric Interstate Solidarity and Return Sponsorship.” *Journal of Common Market Studies* 1-15.
- Moravcsik, Andrew. 1993. “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach.” *Journal of Common Market Studies* 31 (4): 473-535.

- Mudde, Cas. 2019. "The 2019 EU Elections: Moving the Center." *Journal of Democracy* 30 (4): 20-34.
- Nguyen, Jenny. 2018. "It's not me, it's EU: Critically assessing the relationship between human rights and sovereignty in the CEAS, with a particular focus on the Dublin Regulation." *Faculty of Law: Lund University* 1-76.
- Niemann, Arne, and Natascha Zaun. 2018b. "EU refugee Policies and Politics in times of Crisis: Theoretical and Empirical Perspectives (preliminary version)." *Journal of Common Market Studies* 56 (1): 3-22.
- Niemann, Arne, and Natascha Zaun. 2018a. "EU Refugee Policies and Politics in Times of Crisis: Theoretical and Empirical Perspectives." *Journal of Common Market Studies* 56 (1): 3-22.
- Pastore, Ferruccio, and Giulia Henry. 2016. "Explaining the Crisis of the European Migration and Asylum Regime." *The International Spectator: Italian Journal of International Affairs* 51 (1): 44-57.
- Patrascu, Georgia. 2016. *The Common European Asylum System and the 2015 European Refugee Crisis*. University of North Carolina, 1-54.
- Peers, Steve. 2015. *EU Law Analysis: Expert insight into EU law developments*. 24 September. Accessed April 2023.
<http://eulawanalysis.blogspot.com/2015/09/relocation-of-asylum-seekers-in-eu-law.html>.
- Petropoulos, Theadora Serena. 2021. *Breaking Point: How Migrant Crises Have Influenced the Rise of Far-Right Parties in Italy, Germany, and the UK*. Senior Theses, International Studies, Fordham University: Fordham Research Commons, 1-69.
- Pfeiffer, Franziska. 2018. *Scribbr*. 2 October. Accessed February 2023.
<https://www.scribbr.at/methodik-at/qualitative-inhaltsanalyse/>.
- Piekutowska, Agnieszka, and Elzbieta Kuzelewska. 2021. "The EU Member State's Diverging Experiences and Policies on Refugees and the New Pact on Migration and Asylum." *Bialystok Legal Studies* 26 (1): 23-36.
- Polish Presidency of the Visegrad Group. 2020. "New Pact on Migration and Asylum – Joint Position of Poland, Hungary, Slovakia, Czech Republic, Estonia, and Slovenia." 1-3.
- Press and Information Office. 2021. *Common Statement of the Inter-Ministerial Meeting MED5, Athens 19-20 March 2021*. Ministry of Interior, Republic of Cyprus Press and Information Office. 3 March. Accessed April 21, 2023.
<https://www.pio.gov.cy/en/press-releases-article.html?id=19113#flat>.
- Rasche, Lucas, Natalie Welfens, and Marcus Engler. 2022. *Hertie School - Jacques Delors Centre*. 14 September. Accessed January 20, 2023.
<https://www.delorscentre.eu/en/publications/the-eu-migration-pact-at-two>.

- Ratković, Milijana. 2017. "Migration Crisis and Strengthening of the Right Wing in the European Union." *University for Business, Engineering and Management PIM Banja Luka* 47-60.
- Rodríguez-Aguilera, Cesáreo. 2014. *The Rise of The Far Right in Europe*. Accessed May 5, 2023. <https://www.iemed.org/publication/the-rise-of-the-far-right-in-europe/>.
- Rooduijn, Matthijs. 2015. "The Rise of the Populist Radical Right in Western Europe." *SAGE Journals* 14 (1): 3-11.
- Rydgren, Jens. 2017. "Radical right-wing parties in Europe: What's populism got to do with it?" *Journal of Language and Politics* (Stockholm University) 16 (4): 485–496.
- Sandron, Michela. 2018. *The impact of the 2015 'refugee crisis' on the Common European Asylum System (CEAS): a trigger for regional integration? A 'failing forward' approach to the recent developments in European asylum policies*. University of Groningen, 1-32.
- Scipioni, Marco. 2018. "Failing forward in EU migration policy? EU integration after the 2015 asylum and migration crisis". *Journal of European Public Policy* 25 (9): 1357-1375.
- Servent, Ariadna Ripoll, and Natascha Zaun. 2020. "Asylum Policy and European Union Politics." *Oxford Research Encyclopedia of Politics* (Oxford University Press) 1-23.
- Spolaore, Enrico. 2015. "The Political Economy of European Integration." *National Bureau of Economic Research* 1-20.
- Spolaore, Enrico. 2013. "What Is European Integration Really About? A Political Guide for Economists." *Journal of Economic Perspective* 27 (3): 125–144.
- Statista. 2018. 8 April. Accessed April 24, 2023. <https://www.statista.com/statistics/895670/hungary-election-share/>.
- Steinmayr, Andreas. 2017. *Did the Refugee Crisis Contribute to the Recent Rise of Far-Right Parties in Europe?* ifo DICE Report. 24 December. Accessed March 2023. <https://www.ifo.de/DocDL/dice-report-2017-4-steinmayr-december.pdf>.
- Stockemer, Daniel, Arne Nieman, Doris Unger, and Johanna Speyer. 2020. "The 'Refugee Crisis', Immigration Attitudes, and Euroscepticism." *International Migration Review* 54 (3): 1-30.
- THALES. 2022. *Eurodac: the European Union's first multinational biometric system*. 28 January. Accessed April 2023. <https://www.thalesgroup.com/en/markets/digital-identity-and-security/government/customer-cases/eurodac>.
- The Economist. 2018. *Europe's populists are waltzing into the mainstream*. 3 February. Accessed March 26, 2023. <https://www.economist.com/briefing/2018/02/03/europes-populists-are-waltzing-into-the-mainstream>.

- Trasca, Lorenzo. 2023. *European Studies Review*. 19 March. Accessed April 2023. <https://europeanstudiesreview.com/2023/03/19/migration-and-the-eu-voluntary-solidarity-mechanism-a-failed-attempt-to-address-the-impasse/>.
- Van der Brug, Wouter, and Eelco Harteveld. 2021. “The conditional effects of the refugee crisis on immigration attitudes and nationalism.” *Sage* 22 (2): 227–247.
- Vitiello, Mattia. 2020. *The Common European Asylum System (CEAS) after the refugee crisis*. Vol. 1st Edition, in *Europe between Migrations, Decolonization and Integration (1945-1992)*. Routledge.
- Wiener, Antje, and Thomas Diez. 2009. *European Integration Theory*. Vol. 2nd edition. Oxford, New York: Oxford University Press.
- Winter, Chase. 2019. *Migration tops EU citizens' concerns*. DW. 8 June. Accessed March 2023. <https://www.dw.com/en/migration-more-worrying-than-climate-change-for-europeans-survey/a-49904437>.
- World Economic Forum. 2016. *A record 1.3 million people sought asylum in Europe in 2015*. 10 October. Accessed April 4, 2023. <https://www.weforum.org/agenda/2016/10/record-number-sought-asylum-in-europe-2015/>.
- Zaslove, Andrej. 2008. “Exclusion, Community, and a Populist Political Economy: The Radical Right as an Anti-Globalization Movement.” *Comparative European Politics*, (Palgrave Macmillan) 169–189.
- Zaun, Natascha. 2017. *EU Asylum Policies: The Power of Strong Regulating States*. Cham, Switzerland: Palgrave: macmillan.
- Zaun, Natascha. 2022. “Fence-sitters no more: Southern and Central Eastern European Member States’ role in the deadlock of the CEAS reform.” *Journal of European Public Policy* 29 (2): 196-217.
- Zaun, Natascha, and Johanna Speyer. 2018. “A Neofunctionalist Perspective on the ‘European Refugee Crisis’: The Case of the European Border and Coast Guard.” *Journal of Common Market Studies* 56 (1): 23-43.