

**A COMPARATIVE STUDY OF GERMAN AND HUNGARIAN
RESPONSES TO THE MIGRATION CRISIS IN THE ABSENCE OF
A COMMON EUROPEAN POLICY**

by
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ABSTRACT

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In 2015, an unprecedented number of refugees, fleeing from war and persecution in Syria, reached to Europe to claim asylum. Once the number of irregular crossings exceeded one million, it became a migration crisis for the European Union. In response, the EU attempted to find solutions at institutional level in order to tackle with the crisis. Yet, the EU was not able to form a single voice in the absence of a common migration policy which deepened the diverging preferences of the member states. This thesis argues that Germany and Hungary differed at the fundamental level in their responses to the migration crisis. During the migration crisis, Germany adopted open and welcoming approach towards immigrants whereas Hungary internalized anti-immigrant and xenophobic stance. This thesis analyzes the rhetoric and policies of the leaders of two EU member states and compares their migration history and economic strength while examining how Germany and Hungary differed in the absence of a common European policy on migration. By using the theories of Neofunctionalism and Liberal Intergovernmentalism, this thesis aimed to examine the EU's response to the migration crisis at institutional and intergovernmental levels. While Neofunctionalism theory explains the role of EU institutions in common policy-making, Liberal Intergovernmentalism underlines the role of member states' diverging preferences in decision making procedure at the EU-level.

ÖZET

ORTAK AVRUPA POLİTİKASININ YOKLUĞUNDA GÖÇ KRİZİNE ALMAN VE MACAR YANITLARININ KARŞILAŞTIRMALI ÇALIŞMASI

İREM DİLBAZ

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Anahtar Kelimeler: Avrupa Birliği, Göç Krizi, Almanya, Macaristan

2015 yılında Suriye'deki savaş ve zulümden kaçan eşi görülmemiş sayıda mülteci sığınma talebinde bulunmak için Avrupa'ya ulaştı. Düzensiz geçişlerin sayısı bir milyonu aştığında, Avrupa Birliği için bir göç krizi haline geldi. Buna cevaben AB, krizle mücadele etmek için kurumsal düzeyde çözümler bulmaya çalıştı. Ancak AB, üye devletlerin farklılaşan tercihlerini derinleştiren ortak bir göç politikasının yokluğunda tek bir ses oluşturamadı. Bu tez, Almanya ve Macaristan'ın göç krizine verdikleri tepkilerde temel düzeyde farklılaştığını savunuyor. Göç krizi sırasında Almanya göçmenlere karşı açık ve samimi bir yaklaşım benimserken, Macaristan göçmen karşıtı ve yabancı düşmanı duruşu içselleştirdi. Bu tez, iki AB üye devletinin liderlerinin söylem ve politikalarını analiz etmekte ve göç tarihlerini ve ekonomik güçlerini karşılaştırırken, ortak bir Avrupa göç politikasının yokluğunda Almanya ve Macaristan'ın nasıl farklılaştığını incelemektedir. Bu tez, Neofonksiyonalizm ve Liberal Hükümetlerarasılık teorilerini kullanarak, AB'nin göç krizine kurumsal ve hükümetler arası düzeydeki tepkisini incelemeyi amaçladı. Neofonksiyonalizm teorisi, AB kurumlarının ortak politika oluşturmadaki rolünü açıklarken, Liberal Hükümetlerarasılık, AB düzeyinde karar alma prosedüründe üye devletlerin farklı tercihlerinin rolünün altını çizmektedir.

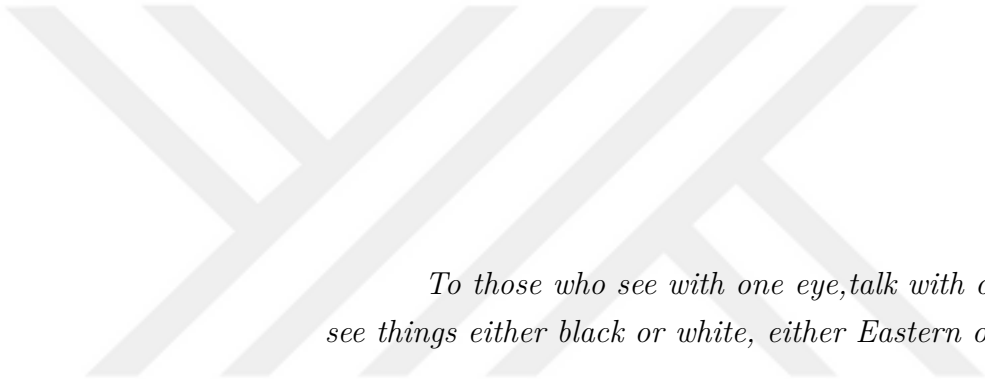
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*To those who see with one eye, talk with one tongue,
see things either black or white, either Eastern or Western.*

*Season of Migration to the North
Tayyeb Salih*

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LIST OF ABBREVIATIONS

AfD Alternative for Germany.....	27
BAMF Federal Office for Migration and Refugees	44
CDU Christian Democratic Union.....	26
CEAS Common European Asylum System	15
CEEC The Central Eastern European Countries.....	17
CFSP Common Foreign and Security Policy	13
CJEU The Court of Justice of the European Union.....	20
CSU Christian Social Union	1, 26
DG EMPL Directorate-General for Employment, Social Affairs and Inclusion	50
EC European Council.....	6
ECJ European Court of Justice.....	3
EEC European Economic Community	4
EP European Parliament	6
EU European Union	1
EURATOM European Atomic Energy Community.....	4
FIDESZ Hungarian Civic Alliances.....	31
HWP The Hungarian Work Plan.....	50
JHA Justice and Home Affairs.....	2
KDNP Christian Democratic People's Party.....	31
OEEC The Organization for European Economic Co-operation	4

OIN Office of Immigration and Nationality	37
PEGIDA The Patriotic Europeans Against the Islamization of the West.....	27
SEA Single European Act	12
SPD Social Democratic Party	26
TFEU the Treaty on the Functioning of the European Union	20
UNHCR United Nations High Commissioner for Refugees.....	12
US United States	4



1. INTRODUCTION

The 2011 civil war in Syria resulted in the largest refugee flow since the Second World War which affected not only Syria's neighboring countries but also Western countries. According to the United Nations High Commissioner for Refugees more than 5.6 million people fled Syria since 2011, in search for safe and secure environment (UNHCR 2020). In 2015, the European Union (EU) confronted with an unprecedented number of refugees where total number of asylum applications to the EU exceeded one million (Eurostat 2019). In addition, a vast number of refugees and migrants illegally crossed to the EU following the Eastern Mediterranean Route and a considerable amount of refugees lost their lives while crossing the sea. Yet, the EU was not prepared for such migration crisis. When mass movement of refugees reached to the EU borders, existing EU migration and asylum policies were proved to be insufficient. Furthermore, the EU member states' approaches toward the migration crisis diverged significantly in the absence of a common European policy (Popescu et al. 2016). For instance, Germany adopted open and welcoming approach towards asylum-seekers and German Chancellor Angela Merkel urged other member states to act upon moral obligation (Euronews 2015). Whereas Hungarian Prime Minister Viktor Orban accused Germany of 'moral imperialism' and added Hungary has a 'democratic right' to adopt different approach in his speech in Bavaria, Germany (WSJ 2015). In the case of Germany, Interior Minister Horst Seehofer, head of the Christian Social Union (CSU), criticized Merkel's willkommenskultur (welcoming culture) for asylum seekers by stating "migration is mother of all political problems" (Deutsche Welle 2018b). Thus, diverging preferences were present at not only inter-relations of member states but also domestic affairs of member states. Furthermore, diverging preferences of member states led to a disagreement on forming a collective response to the migration crisis at the EU-level. This situation not only prevented a compatible and consistent treatment for asylum seekers in the member states, but also projected the EU as inconsistent and divided.

This thesis aims to analyze how two EU member states differed in their responses to the migration crisis in the absence of a common European policy. While comparing

German and Hungarian responses on the basis of migration history and economic strength, this thesis also examines the rhetoric and policies of the leaders of two EU member states. As mentioned earlier, the member states' responses significantly differed from one another and intergovernmental clashes thwarted to develop a common European approach. Due to the fact that immigration and asylum policies are regarded under the Justice and Home Affairs (JHA) pillar, any decisions should be taken on an intergovernmental basis which requires the unanimous approval of all the member states (Steiner, Woods, and Watson 2012). The member states were reluctant to transfer their national competencies to a supranational authority, particularly the immigration and border policies remained under control of the member states and operated on the intergovernmental basis (Castles 2004; Reslow 2012). Therefore, the member states positioned themselves differently toward the migration crisis.

This thesis revolves around a research question and two hypotheses in order to examine the difference between German and Hungarian responses to migration crisis. Research question follows as:

RQ: How do Germany and Hungary remarkably differ in their responses to migration crisis in the absence of a common European policy on migration?

In this regards, this thesis is comprised of seven chapters including introduction and conclusion. Theoretical Framework chapter aimed to provide fundamental knowledge about the European integration process and EU-level decision making procedure. The chapter of Historical Background of Migration Crisis consists of three sub-chapters and delivers information on the emergence of the EU's Migration and Asylum Policy, the origins of the 2015 migration crisis, and the EU member states' responses. The remaining chapters focuses specifically on German and Hungarian responses to migration crisis by evaluating their migration policies, the statements of government officers and heads of state, and their compatibility with the EU acquis. The last chapter compares German and Hungarian responses and examines the differences in terms of social, political and economic aspects. Herein, this thesis addresses German and Hungarian leaders' rhetoric and policies on immigration and analyzes how two EU member states differed in their responses to the migration crisis in the absence of a common European policy.

The selection of Germany and Hungary is justified on the basis of their contrasting responses to migration crisis. Although both Germany and Hungary are EU member states and bound up with particular EU legislations, they remarkably diverged in

their responses. Hungary rejected almost every policy resolution concerning migration crisis that Germany suggested. Even more, Hungarian Prime Minister Viktor Orban went a step forward and declared that they would apply the European Court of Justice (ECJ) to bring a suit against the EU for disregarding the public opinion in the member states during the ratification of quota distribution system (Deutsche Welle 2015*a*). (Deutsche-Welle 2015*b*). Hungary's objection led to a paralyses of the EU decision-making procedures with respect to the immigration and asylum policies, and prevented the EU institutions to bring forth effective solutions for the migration crisis. Around the time, Germany adopted an open door policy towards refugees, Hungary announced its decision to build fences. Whereas Germany introduced integration policies for refugees and immigrants, Hungary made constitutional amendments to accelerate deportation process. Therefore, a comparison of German and Hungarian responses towards the migration crisis is spectacular in terms of their "striking similarity of differences" (Bartoszewicz 2020, p. 8).

2. THEORETICAL FRAMEWORK

2.1 Theoretical Framework

At the end of the Second World War, Europe was faced with an unprecedented economic destruction and political instability. Most of European states were either struggling to re-establish their governments or were under the Soviet occupation. In 1948, the United State (US) announced the Marshall Plan in order to subsidize the reconstruction of Europe. As part of Marshall Plan, the Organization for European Economic Co-operation (OEEC) was established to allocate the financial assistance among European states. The OEEC aimed European economic expansion and prevention of fascism, therefore, the OEEC promoted the democracy and free market economy in the European continent. Similarly, the Prime Minister of Britain, Winston Churchill, called for a “United States of Europe” during his speech at Zurich University in 1946. He emphasized that Europe must unite under the leadership of Germany and France (Churchill 1994; Nelsen and Stubb 2003). In the aftermath of Churchill’s speech, the Hague Conference was taken place in 1948 and then the Council of Europe was established in 1949. Furthermore, the Schuman Declaration led to creation of European Steel and Coal Community in 1952, later the European Economic Community (EEC) and European Atomic Energy Community (EURATOM) were established by the Treaty of Rome in 1957 (Dinan 2005; McCormick 2017).

European integration evolved since the establishment of European Economic Community in 1957. To demonstrate the underlying factors of the European integration, Neofunctionalism and liberal intergovernmentalism could be used as theories. Although both theories attempted to explain the European integration process, they focused on different aspects. On the one hand, neofunctionalism underlined the im-

portance of European institutions in the integration process; on the other hand, liberal intergovernmentalism emphasized that integration is a result of the inter-state bargaining process.

2.2 Neofunctionalism

Theory of Neofunctionalism suggests that the European integration was a success of the supranational jurisdiction in which European institutions played a key role in shaping integration and taking the most important steps in integration forward. Ernst Haas and his student Leon Lindberg's studies contributed to the reconstruction of David Mitrany's Functionalism theory. In his book called *A Working Peace System*, Mitrany argued that international conflicts occur as a result of "competing political units", therefore, a functional approach would "overlay political divisions with a spreading web of international activities and agencies, in which and through which the interests and life of all the nations would be gradually integrated (Nelsen and Stubb 2003, p. 99). Mitrany propounded that functional integration occurs at the lowest political level in which the competencies of nation-states would be gradually transferred to the international agencies through spillover process. The concept of spillover refers to "a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth" (Lindberg 1963, p. 10). Moreover, Ernst Haas and Leon Lindberg, as known founding fathers of Neofunctionalism, underlined that functionalism theory has some deficiencies. In his book named *The Uniting of Europe*, Haas argued that spillover effect is not automatic but it occurs once the trade unions and political parties acknowledge the benefits of integration and seek for further cooperation in another sector (Haas 1958). Furthermore, Haas claimed that European integration cannot be only explained through functional integration, but concurrency of political and functional integration enabled a progressive European integration. Haas described the political integration as following:

"Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the preexisting national states. The end result of a process of political integration is a new political commu-

nity, superimposed over the pre-existing ones” (Nelsen and Stubb 2003, p. 145).

Haas argued that certain fundamental changes were required to proceed the notion of “the expansive logic of sector integration” (Haas 1958) which included “a switch in public attitudes away from nationalism and towards cooperation, a desire by elites to promote integration for pragmatic rather than altruistic reasons, and the delegation of real power to a new supranational authority” (McCormick 2017, p. 14). Once the competencies of nation-states delegated to a new supranational jurisdiction, then central institutions would represent the common interests of the member states, propose policy resolutions in order to tackle with the crisis, and accommodate conflicts of interest between the member states (Nelsen and Stubb 2003). Therefore, when the number of asylum applications dramatically increased in 2015 due to the massive inflow of refugees and asylum-seekers, neofunctionalists stressed the main role of the European institutions, in particular, the European Commission, to cope with the migration crisis. In this regard, a hypothesis based on the theory of neofunctionalism can be asserted as following:

Hypothesis 1: The European institutions, in particular, the European Commission, plays a key role in formulation of EU-level policies including migration policies. Therefore, the European Commission would propose a migratory policy in order to tackle with the crisis.

In the matter of migration policies, the European institutions acquired a significant role over time. The European Commission has an exclusive right to initiate policies, the European Parliament (EP) and the European Council (EC) co-legislate under the ordinary legislative procedure, and the ECJ investigates the legislations (Reslow 2012). The hypothesis based on neofunctionalism theory attempted to explain the role of the European institutions in formulation of EU-level response to the migration crisis. In May 2015, The European Commission proposed the European Agenda on Migration to “address the unprecedented influx of migrants on the EU’s southern borders, and the large numbers of tragic deaths of people attempting to cross the Mediterranean irregularly” (Europarl 2019). Under the European Agenda on Migration, the Commission proposed a temporary relocation scheme in order to distribute a total of 40,000 persons from Italy and Greece to the rest of member states on a fair and balanced basis. On 9 September 2015, the European Parliament announced its opinion on the Commission’s proposal and stressed the importance of solidarity and responsibility-sharing between the member states. A couple of days later, on 14 September 2015, the extraordinary Justice and Home Affairs Coun-

cil announced its decision on “establishing a temporary and exceptional relocation mechanism over two years from the frontline Member States Italy and Greece to other Member States, which entered into force on 15 September 2015. It shall apply until 17 September 2017” (Europarl 2019). Yet, the European Commission report on 27 September 2016 revealed that only 5,651 persons were relocated halfway through the temporary relocation scheme. Therefore, the Commission’s proposal was not able to bring effective solutions to neither the influx of refugees nor the burden of the EU’s front states. Consequently, the 2015 migration crisis demonstrated that existing migratory policies were insufficient and an overall European migration policy was absent. The European institutions were not prepared to deal with massive inflow of refugees. And the European institutions were criticized for being “far too little, far too late” in their response towards the migration crisis (Greenhill 2016, p. 330).

2.3 Liberal Intergovernmentalism

While neofunctionalism stresses the main role played by the supranational institutions in shaping integration and taking the most important steps in integration forward. However, a contestation to neofunctionalism came with the emergence of liberal intergovernmentalism. During the 1965-66 Empty Chair Crisis, French bureaucrats did not participate in the European Community decision-making institutions in order to protest against the supranational developments in the EEC (Nugent 2017). The crisis resolved through the Luxembourg Compromise in 1966 which provided a veto power to the member states on nationally sensitive matters, thus, the Compromise expanded the member states’ authorities on decision-making procedure. In the face of these developments, scholars started to stress on the role of member states in the European integration process. Stanley Hoffmann argued that the European states are still “self-interested entities with clear interests, despite their willingness to engage in closer cooperation in areas of ‘low politics,’ such as agriculture and trade” he added “the members of the European Communities stubbornly hung on to their sovereignty that counts control over foreign policy, national security, and the use of force (‘high politics’) – while only reluctantly bargaining away control over important aspects of their economies in exchange for clear material benefits” (Nelsen and Stubb 2003, p.163).

The European integration process was described by the liberal intergovernmentalists as an “experiment in pooling sovereignty, not in transferring it from states to supranational institutions” (Keohane and Hoffmann 1994; McCormick 2017, p. 12). Therefore, liberal intergovernmentalism proposes that the EU level policy making is not independent from the preferences of the member states. The states are rational entities whose preferences are formulated through bargaining between different social interest groups. In democracies the sub-state actors influence the decision-making procedure of the government. The most influential domestic interest group affects the formation of the national preference. And the national preferences influence the international bargaining. According to Putnam’s two-level game theory:

“The politics of many international negotiations can usefully be conceived as a two-level game. At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments. Neither of the two games can be ignored by central decision-makers, so long as their countries remain interdependent, yet sovereign” (Putnam 1988, p. 434).

Therefore, the understanding of domestic politics play a significant role to analyze the inter-state relations and international bargaining at the EU level (Moravcsik 1993). According to Moravcsik, the European integration process can be explained through Putnam’s two-level game theory where the national preferences of the EU’s member states affect the EU level policy making procedure. He underlines that “European integration resulted from a series of rational choices made by national leaders who consistently pursued economic interest” (Moravcsik 2013, p. 3). Therefore, each national leader faces with the domestic pressures from interest groups in their countries, therefore, national leaders pursue domestic interests during international negotiations in order to secure their political positions. Considering the diverging national preferences of the EU’s 27 member states, one can demonstrate that any EU policy is an end result of grand bargaining between the EU member states. During the international negotiations between the EU member states, the governments either make concessions to some extent or settle on the lowest common denominator. Due to the fact that “the prospects for international agreement will depend almost entirely on the configuration of societal preferences”, the governments have restricted flexibility in managing adjustments (Moravcsik 1993, p. 487).

The configuration of societal preferences is affected by economic well-being due to the fact that economy has a direct impact on the labor market and welfare level of citizens. Numerous studies in the field of migration and economy have asserted that the economic effects of immigration play a role in determining the natives' perceptions on immigration (Ortega and Polavieja 2012). According to neoclassical input demand theory, there are two types of relationship between native and foreign-born population in the labor market: substitutes and complements (Borjas 1987). Finseraas, Røed, and Schøne discuss these two types of relationship as: "those who can replace each other relatively easily in the production process are substitutes and competitors in the labor market. If a certain amount of two types of labor are necessary for each to work well, they are complementary and partners in the labor market" (Finseraas, Røed, and Schøne 2017, p.351). It is argued that an increase in supply of a particular labor will cause a decrease in the salary of a native in the same labor. Under this assumption, low-skilled natives are more afraid of losing their jobs than high-skilled natives in the face of a supply of migrants. Yet, there is an "empirical uncertainty" regarding the immigrants' quantitative impact on natives' salaries (Scheve and Slaughter 2001, p. 133). A vast number of studies found that the immigrants have insignificant economic impact on the salaries of natives (Borjas 1987, 2003; Finseraas, Røed, and Schøne 2017; Scheve and Slaughter 2001). Although the studies demonstrated that immigration has a minor impact on natives' salaries, far-right and right-wing parties took advantage of voters' fear of losing their jobs and decline in their salaries, and adopted anti-immigrant rhetoric. Increasing support of right-wing parties complicated the decision-making procedure at national and the EU levels. Conservative and anti-immigrant stance of far-right parties built a barrier against the emergence of a common European policy on immigration.

In addition, Moravcsik emphasized the role of most powerful member states – Germany, France and the United Kingdom- in the EU level policy making. When the preferences of Germany, France and the UK are compatible toward a particular policy area, it is more likely that the EU will reach a policy formulation. In this regard, Moravcsik provided the example of trade liberalization in 1980s where "national preferences in Germany, Britain, and France converged toward support for single market liberalization" and then the Single European Act was adopted in 1986 as a result of convergence of national preferences and international bargaining among national leaders (Moravcsik 2013, p.318). In this regard, one would expect that the convergence of interest between the member states, in particular, Germany, France and the UK, would lead to an effective policy resolution to tackle with the 2015 migration crisis. Therefore, a hypothesis based on liberal intergovernmentalism can be put forward as following:

Hypothesis 2: As member states' preferences and those of the most powerful matter the most according to liberal intergovernmentalism, the member states shape and determine their own responses as well as the EU-level policy towards migration crisis.

In the matter of migration policies, the member states play a significant role in the formulation of the migration policies at the EU-level. A common migration policy can be adopted only through the convergence of interest between the member states at the lowest common denominator. In addition, convergence of the most powerful member states' interests would enable a solid and sufficient solution to cope with the migratory challenges. In the case of the 2015 migration crisis, the divergence of interest between the member states was present. The Central Eastern member states acted upon their national preferences whereas some Western member states endeavored for an EU-level policy resolution to tackle with the migration crisis. Furthermore, the most powerful member states, Germany, France and the UK, had diverging preferences towards the immigrants. While German Chancellor Angela Merkel urged other member states to develop a joint-response to the 2015 migration crisis, the United Kingdom was not even a part of common migration policy in the EU since the UK has an opt-out from the Schengen Area. In addition, anti-EU rhetoric was common in the UK, therefore, it was no surprise when the Home Secretary Theresa May said that "not in a thousand year" the UK would be part of a common and asylum policy during her speech at the Conservative Party Conference (Independent 2015). On the other hand, French President Emmanuel Macron adopted a stricter tone towards immigrants due to the forthcoming municipal elections. Macron's new measures involved "a provision that asylum seekers would have to wait three months before qualifying for non-urgent health care" and removal of refugee camps in Paris (NYT 2019). Also, French Prime Minister Edouard Philippe stated that "We want to take back control of our migration policy" (BBC 2019). Consequently, the most powerful member states were not on the same page in order to develop a joint-response towards the migration crisis. In the absence of a common migration policy, the EU member states diverged in their responses.

3. HISTORICAL BACKGROUND OF MIGRATION CRISIS

3.1 Historical Context of the EU's Asylum and Migration Policy

Once the Geneva Convention of 1951 on the Status of Refugees was ratified by European states, it became a constituent element determining the asylum and migration policies, therefore, when the EEC was established by the Rome Treaty of 1957, the Geneva Convention impacted on the EU's Asylum and Migration Policy (UNHCR 2010). From the 1990s onwards through civilian, military, supervisory and normative power, the EU aimed to promote Western and European ideals in the region: democracy, human rights, crisis management, and economic liberalization. The convention was adopted in response to significant refugee flows throughout WWII in order to deliver the principle of non-refoulement for the people who are in need of international protection. The principle of non-refoulement is explained and enshrined in the Article 33 of the Geneva Convention:

“No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion” (UNHCR 2010).

According to the Geneva Convention of 1951, those who meets the requirements of refugee definition can claim for asylum and are protected under the non-refoulement principle. The concept of refugee is defined by the international legal framework:

“Refugee someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (UNHCR 2010).

When a refugee claimed for asylum, the applied country has three options: Granting temporary protection, providing asylum in the third country, or rejecting. Under the 1951 Convention, the refugees should reside in safe countries. The term ‘safe country’ applies for the countries “which are determined either as being non-refugee-producing countries or as being countries in which refugees can enjoy asylum without any danger”(UNHCR 1991). Moreover, the definitions of asylum seeker and migrant are important to note, because these two are used to refer to refugees interchangeably. The concept of asylum seeker defined in the Single European Act (SEA) as someone “who has lodged an application for asylum within the meaning of this Convention and in respect of which a final decision has not yet been taken” (EUR-LEX 2000). In addition, the United Nations High Commissioner for Refugees (UNHCR) underlines the crucial legal difference between migrants and refugees, and recommends not to use migrant as catch-all term. Refugees are people who fled their countries because of fear of persecution and they are protected under the international legal framework; whereas migrants are not defined or protected by the international legal framework and traditionally regarded as people who voluntarily move to other countries for better life standards or family unification. Therefore, one should take into account the difference between migrant and refugees while referring to people who are in need of international protection.

Initially, the Geneva Convention of 1951 was limited to protect only European refugees, however, the New York Protocol of 1967 eliminated the geographical restriction and expanded its scope universally. According to the Article 28 of the Schengen Acquis, the EU member states confirmed their obligations under the Geneva Convention of 1951 on the Status of Refugees and the New York Protocol of 1967 (EUR-LEX 2000). Therefore, the EU member states individually reaffirmed their cooperation with the UNHCR prior to creation of the EU’s Asylum and Migration Policy. The necessity for the asylum and migration policy revealed in the aftermath of the 1973 Oil Crisis which severely affected the European economies. In response, the individual member states that accepted migrant workers from Turkey, Morocco and Portugal starting from 1950, ceased to receive migrants for their labor market in 1974 (Van Mol and De Valk 2016). In the period of 1950-1974, the migrant workers were considered beneficial for the labor shortage in the European countries. Yet, the period of receiving migrant workers halted as a result of 1973 Oil Crisis and a new period began with the collaboration of the EU member states in order

to create a migration policy. In this regard, the European Commission suggested “a communication to the Council concerning the guidelines for a Community Policy on Migration” in 1985 (EUROPA 1985). In addition, the Single European Act of 1986 removed the barriers for internal market and reaffirmed four fundamental freedoms that enshrined in the Article 3 of Treaty of Rome as “the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital” (EUROPA 1957). The Article 14 of Treaty establishing the European Community indicated the purpose of the SEA:

“The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty” (EUR-LEX 1997b).

The removal of the restrictions against four fundamental freedoms under the Single European Act of 1986 necessitated to reinforce internal security and external borders, therefore, the EU adopted a common visa policy to non-EU countries under the Schengen Acquis. The Schengen Acquis set regulations for the legal entry of third country nationals into the EU. Moreover, the Maastricht Treaty of 1992 contributed to creation of the asylum and migration policy by establishing three-pillar structure which were the Community Pillar, Common Foreign and Security Policy (CFSP), and Justice and Home Affairs. Community Pillar aimed to promote balanced economic development and single market, and operated on the supranational basis. CFSP intended to determine and implement a common foreign and security policy on the intergovernmental basis. And JHA was designed to “provide citizens with a high level of safety within an area of freedom, security and justice” and operated on the intergovernmental basis (Europarl 2020). In this regard, the JHA regulated:

“Rules and the exercise of controls on crossing the Community’s external borders; combating terrorism, serious crime, drug trafficking and international fraud; judicial cooperation in criminal and civil matters; creation of a European Police Office (Europol) with a system for exchanging information between national police forces; controlling illegal immigration; common asylum policy” (EUR-LEX 1997b).

The establishment of the JHA within the three-pillar structure assured the member states’ commitment to create the asylum and migration policy. Furthermore, the Dublin Regulation of 1997 was formulated in response to the security gap created by the elimination of internal borders in the EU through the SEA (Parkes 2017), then in-

incorporated into the Schengen Acquis and established the basis for the EU's common asylum and migration policy (Havlová and Tamchynová 2016). Dublin Regulation "concerned to provide all applicants for asylum with a guarantee that their applications will be examined by one of the Member States and to ensure that applicants for asylum are not referred successively from one Member State to another without any of these States acknowledging itself to be competent to examine the application for asylum"(EUR-LEX 1997*a*). Moreover, the Regulation determined the member state that is responsible for examining the asylum applications. According to the Article 6 of Dublin Regulation of 1997:

"When it can be proved that an applicant for asylum has irregularly crossed the border into a Member State by land, sea or air, having come from a non-member State of the European Communities, the Member State this entered shall be responsible for examining the application for asylum" (EUR-LEX 1997*a*).

The Dublin Regulation of 1997 revised two times under the Dublin II Regulation of 2003 and the Dublin III Regulation of 2013. The Article 4 of the Dublin II Regulation reaffirmed "the Member State responsible in accordance with the criteria shall be determined on the basis of the situation obtaining when asylum seeker first lodged his application with a Member State" (EUR-LEX 2003). The Dublin III Regulation agreed on "where no Member State responsible can be designated on the basis of the criteria listed in this Regulation, the first Member State in which the application for international protection was lodged shall be responsible for examining it"(EUR-LEX 2013). Therefore, the Dublin Regulations designated the member state responsible for examining the asylum applications based on the first entry to the EU which put high pressure on the EU's front states during the 2015 migration crisis.

The Amsterdam Treaty of 1997 declared the establishment of area of freedom, security and justice within the five years. The area of freedom, security and justice was described by the Amsterdam Treaty as "in which the free movement of persons is assured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime" (EUR-LEX 1997*c*). In 1999, the European Council met in Tampere and reapproved the member states' commitment to establish an area of freedom, justice and security. In addition, the Tampere Programme of 1999 decided to establish a Common European Asylum Policy which its principles laid down as following:

“A Common European Asylum System, based on the full and inclusive application of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement. In this respect, and without affecting the responsibility criteria laid down in this Regulation, Member States, all respecting the principle of non-refoulement, are considered as safe countries for third-country nationals” (EUR-LEX 2003).

Five years after the Tampere Programme, the European Council met in Hague in 2004. The Hague Programme was crucial due to the fact that the Programme involved the EU’s protective measures in the aftermath of the terrorist attacks in the United States on 11 September 2001. Thus, the Hague Programme stressed on the fight against “illegal migration, trafficking in and smuggling of human beings, terrorism and organised crime” and brought forth a new regulation concerning biometrics, information system and visa policy (EUR-LEX 2005). Moreover, the Hague Programme highlighted the importance of a common asylum, migration and borders policy based on solidarity and fair sharing of responsibility between the member states, and the Programme initiated the establishment of the European Refugee Fund. Apart from these, the Hague Programme regulated the partnership with third countries and return and re-admission policy in regards to migration policy.

Following the creation of Common European Asylum System (CEAS), the Lisbon Treaty of 2007 prepared the ground for the development of a more comprehensive common policy in the field of asylum, migration and borders:

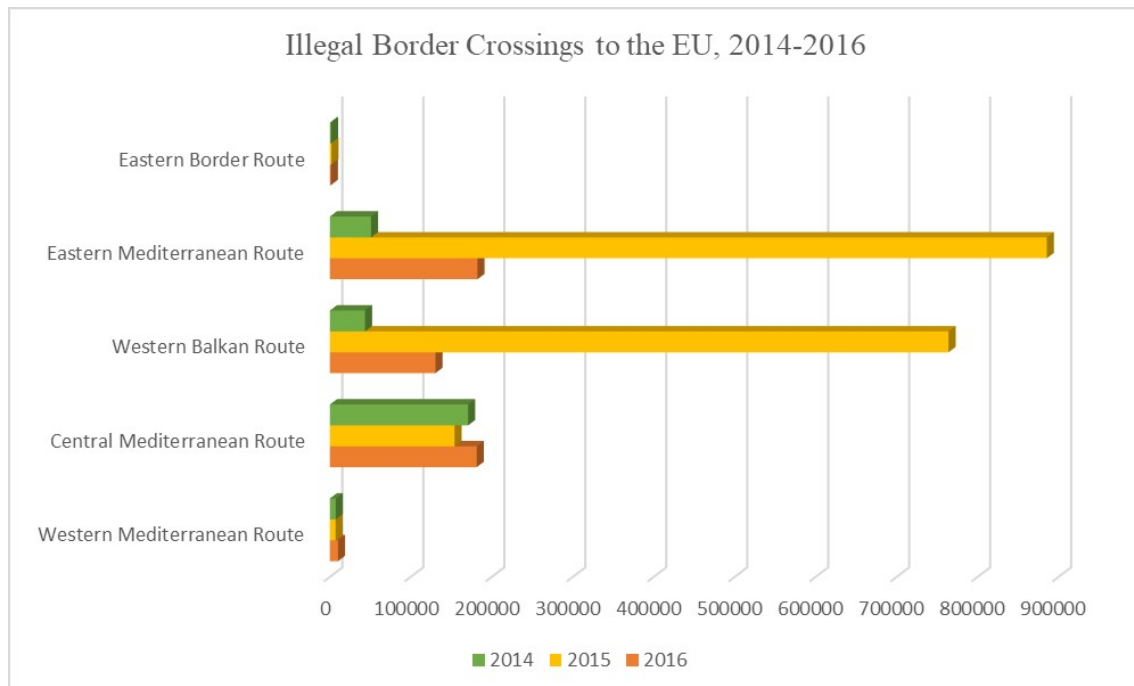
“It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals” (EUR-LEX 2007).

3.2 Origins of the 2015 Migration Crisis

The EU faced its most important migration related challenge in 2015, which was a slow culmination of the migratory flows following the 2011 Arab Spring. The mass protests and uprisings started in Tunisia and spread to the Middle East in a

short time. In Syria, the uprisings led to a long-lasting civil war starting from 2011. The fear of persecution and violence induced Syrian people to seek for asylum in the neighboring countries and Europe. The density of migration fluxes increased gradually and reached a peak in 2015 when an unprecedented influx of migrants reached to Europe. The number of total arrivals to Europe recorded as 1,046,599 while the number of arrivals by sea was 1,011,712 and the number of arrivals by land was 34,887. Also, the number of dead/missing migrants was 3,770 (IOM 2015). In addition, the massive number of illegal crossings to the EU demonstrated that the EU was facing with a migration crisis. As Table 3.1 indicates that illegal migrants crossed to the EU following migratory routes, in particular, the Eastern Mediterranean Route and the Western Balkan Route witnessed an excessive influx of migrants. The Eastern Mediterranean Route implies to the sea crossings from Turkey to Greece whereas the Western Balkan Route refers to land crossings from Greece to the Central Europe. Also, the Central Mediterranean Route witnessed a relatively high influx of migrants from North Africa to Italy. On the other hand, the Western Mediterranean Route and the Eastern Border Route received a comparatively small number of illegal border crossings. The Western Mediterranean Route refers to the sea crossings from Morocco to Spain whereas the Eastern Border Route implies to the 6,000 km-long land border between the EU's eastern member states and Ukraine, Belarus, Moldova, and the Russian Federation (FRONTEX 2018).

Table 3.1 Illegal Border Crossing to the EU, 2014-2016)



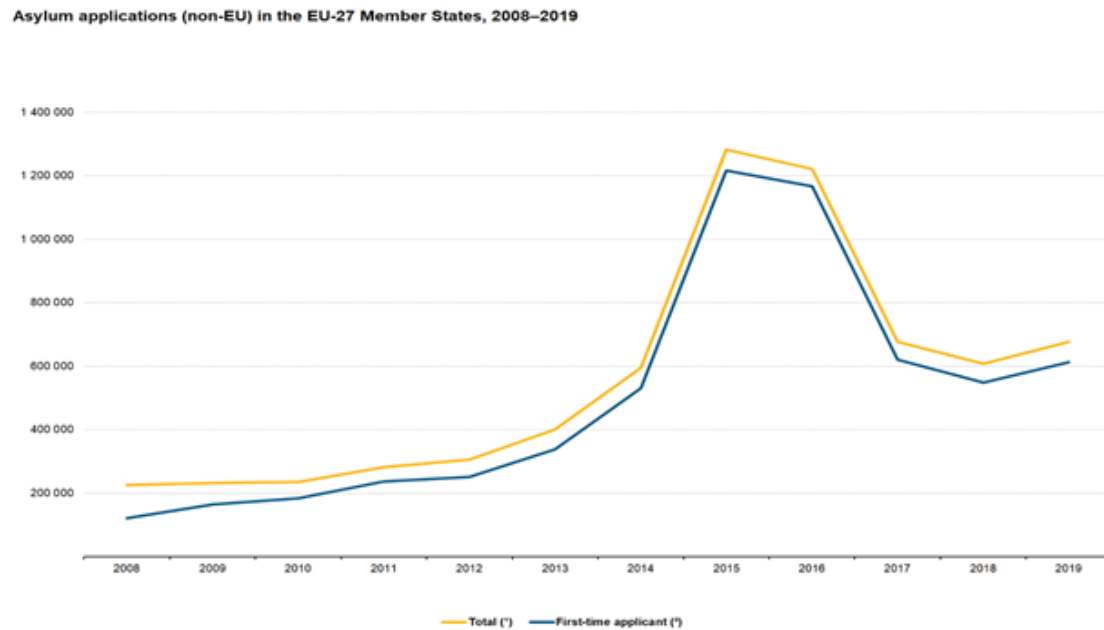
Source:(FRONTEX 2018)

The excessive numbers of arrivals put high pressure on the front states. Greece, Italy and Bulgaria not only witnessed a dense migration flow, but also they were held accountable for examining asylum claims under the Dublin Regulation. Therefore, Balkan countries and the Central Eastern European Countries (CEEC) started to take protective measures on their border control and management. In 2012, Greece built a 12.5 km fence along Turkey- Greece land border and a 4 m high fence through the Evros River to close down the irregular migration routes. Moreover, Greece introduced the Operation Aspida to consolidate effective border control. Taken measures played a significant role in shifting migration flux towards Bulgarian land border and the Eastern Mediterranean Route (Angeli, Dimitriadi, and Triandafyllidou 2014). In response to this shift, Bulgaria constructed a 3 m high metal fence in 2013 and a 92 km fence in 2016 along the land border with Turkey. During 2015, Greece, Croatia and Slovenia agreed to create a refugee corridor that enables asylum seekers to reach their most desired destination, Western European countries (Stoyanova and Karageorgiou 2018). Moreover, Croatian authorities transported thousands of refugees from Croatian-Serbian border to Croatian-Hungarian border (Guardian 2015). In return, Hungarian government decided to build a 175 km fence along Hungarian border with Croatia and Serbia which completed in 2017 (BBC 2015a). Hungarian border security policy resulted in another shift of migration route and put pressure on Serbia and Croatia. Thereafter, Serbia and Croatia transformed their migration policies into a number-based limitation that allowed a certain number of refugees per day (Guardian 2016). Further, Slovenia and Austria decided to follow the number-based limitation model (Zaragoza-Cristiani 2017).

In response to the migration crisis, the European Commission proposed the European Agenda on Migration in May 2015. The agenda introduced six immediate actions which are (1) increasing the budget for the FRONTEX Joint Operations Triton and Poseidon in order to save lives of migrants at the sea, (2) cooperation on sharing information to target smuggling networks, (3) adopting a temporary relocation scheme through participation of all member states, (4) developing a common approach for resettlement of migrants, (5) collaborating with third countries to tackle migration upstream, and (6) introducing a new hotspot approach (European-Commission 2015). In addition, the agenda underlined the Return Handbook concerning the EU's return system for irregular migrants and the ones whose asylum applications are rejected. EU collaborated with third countries in the field of migration which eased the EU's burden without violating the principle of non-refoulement. The Partnership Framework with Third Countries under the European Agenda on Migration (EUR-LEX 2016) enabled the EU to make agreements with Turkey and African countries through externalizing border control and management

(Zaragoza-Cristiani 2017). The EU- Turkey Statement indicated that “all new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey” (European Council 2016) and Turkey would be responsible for averting the irregular migration flows in exchange for visa liberalization, modernizing the Customs Union, re-energizing accession negotiations and in total 6 billion euros. Following the EU-Turkey Statement, the number of asylum applications in the EU member states significantly dropped (Table 3.2).

Table 3.2 Asylum Applications (non-EU) in the EU-27 Member States, 2008 – 2019)



Source:(Eurostat 2019)

Under the Partnership Framework with Third Countries, the Valletta Summit of 2016 aimed to develop cooperation between the EU and African countries and to stop irregular migration flows crossing the sea in exchange for European Trust Fund for Africa. Yet, some scholars criticized the EU’s cooperation with African countries in order to return the irregular migrants and the ones whose asylum applications are rejected. Loren Landau claimed that the EU’s approach towards the African countries is not only an imperial stance but also a “chronotope of containment development” (Landau 2019) which refers to the reconceptualization of space-time from an epistemological orientation with the purpose of presenting all Africans as potential migratory threats to Europe (Andersson 2016; Landau 2019). Landau claims that the Partnership Framework with Third Countries under the European Agenda on Migration anticipated gradual increase in the returns of refugees to the third countries because of the ethnocentric assumption that categorizes the third countries as similar to the refugees’ countries of origin. Henceforth, the EU’s migration policy established the buffer zones outside the EU territory at the expense of projecting the EU itself as imperial power that “promotes a hierarchy of otherness”

(Walters 2004; Zaragoza-Cristiani 2017, p. 3).

Additionally, Italian-led cooperation with Libya in the context of Partnership Framework with Third Countries criticized immensely when the renewal of the migration deal was confirmed by Italian government in 2019. Amnesty International argued that during the Italy-Libya Deal 2016-2019 “at least 40,000 people, including thousands of children, have been intercepted at sea, returned to Libya and exposed to unimaginable suffering” (Amnesty International 2020). In this regard, Libya is not a safe country to return migrants because of human rights violations, the absence of a central government and continuous clash of arms. Therefore, the EU contradicts the principle of non-refoulement since Libya is a war-zone rather than a safe zone. Therefore, the EU’s migration policy operated on the basis of “preventing and discouraging the people from attempting to reach the EU territory” rather than formulation of effective management to protect the people who escaped from persecution (Crawley et al. 2018, p. 136). According to Marco Scipioni, “the combination of low harmonization, weak monitoring, low solidarity and lack of strong institutions in EU migration policy” precluded the EU to form a single voice during the 2015 migration crisis (Scipioni 2018, p. 1365). Indeed, EU migration and asylum policy remains rather weak because of the diverging preferences of member states and the absence of strong central institutions. According to a vast number of literature, diverging preferences of member states pave the way for the ‘incomplete agreements’ which entails continuous legislative revisions in the area of freedom, justice and security (Caporaso 2007; Jones, Kelemen, and Meunier 2016; Pollack 2003). To provide an example for incomplete agreements, the Dublin Convention of 1997 followed by Dublin II Regulation in 2003 and Dublin III Regulation in 2013. Moreover, the European Agenda on Migration 2015 recommended a revision for Dublin III Regulation because the Dublin Regulation turned out to be ineffective during the migration crisis. In addition, the absence of strong central institutions aggravated to formulate a common migration policy.

3.3 Analysis of Member States’ Preferences

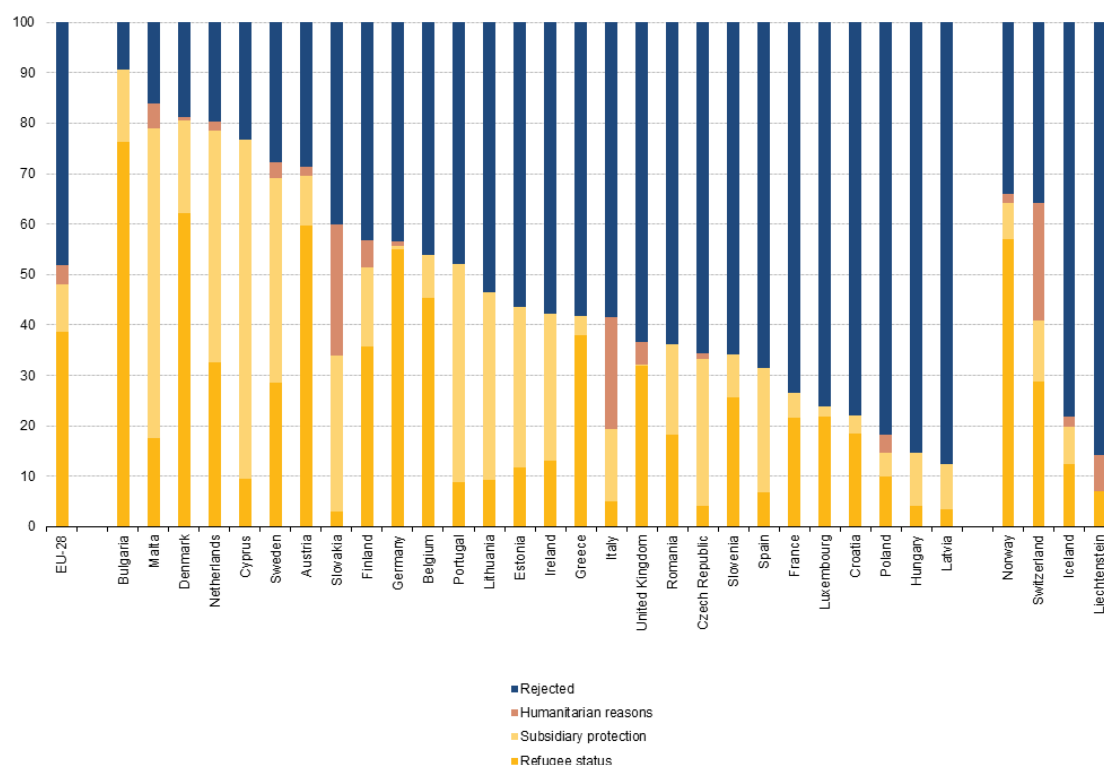
The European Agenda on Migration was published in 2015 in order to call for an immediate action and formulation of a Common Migration and Asylum Policy. The Agenda underlined the “need to restore confidence to bring together European and national efforts to address migration, to meet our international and ethical obligations and to work together in an effective way, in accordance with the principles of solidarity and shared responsibility” (European Commission 2015). The European Agenda enlisted the particular areas where the immediate action is required: (1) Targeting criminal smuggling networks, (2) relocation, (3) resettlement, (4) working in partnership with third countries, (5) saving lives at the sea, and (6) using the EU tools to help front states. The European Commission prepared the agenda to fight against irregular migration and smugglers, secure the EU’s external borders, and allocate the burden of the front states of the EU. In this regard, the relocation system was designed to lighten the burden of the front states and allocate asylum

applications on a fair and balanced basis among the member states.

“Commission will, by the end of May, propose triggering the emergency response system envisaged under Article 78(3) of the Treaty on the Functioning of the European Union and introduce a temporary European relocation scheme for asylum seekers who are in clear need of international protection.” (European Commission 2015).

Table 3.3 illustrates the numbers of the relocation from Greece and Italy to other EU member states and the numbers of the member states’ legal commitment under Article 78(3) of the Treaty on the Functioning of the European Union (TFEU)(EuropeanCommission 2017). The numbers of relocated asylum applicants in 2017 fell short of the member states’ legal commitment, whereas some member states rejected to receive any asylum applicants. Moreover, the mandatory relocation of asylum seekers was a contested decision, it was adopted under the Article 78(3) of the TFEU even though Slovakia, Hungary, the Czech Republic and Romania voted against its adoption. In return, Slovakia and Hungary applied the Court of Justice of the European Union (CJEU) to annul the decision. In 2017, the Court of Justice of the European Union decided to “dismiss the actions brought by Slovakia and Hungary against the provisional mechanism for the mandatory relocation of asylum seekers.” The CJEU concluded that “mechanism actually contributes to enabling Greece and Italy to deal with the impact of the 2015 migration crisis and is proportionate” (CJEU 2017). In addition, the Court of Justice of the European Union ruled that three member states infringed the law on mandatory relocation on 2 April 2020. According to the CJEU published decision “by refusing to comply with the temporary mechanism for the relocation of applicants for international protection, Poland, Hungary and the Czech Republic have failed to fulfil their obligations under European Union law” therefore “ those Member States can rely neither on their responsibilities concerning the maintenance of law and order and the safeguarding of internal security, nor on the alleged malfunctioning of the relocation mechanism to avoid implementing that mechanism" (CJEU 2020).

Table 3.3 Distribution of first instance decisions on (non-EU) asylum applications 2015

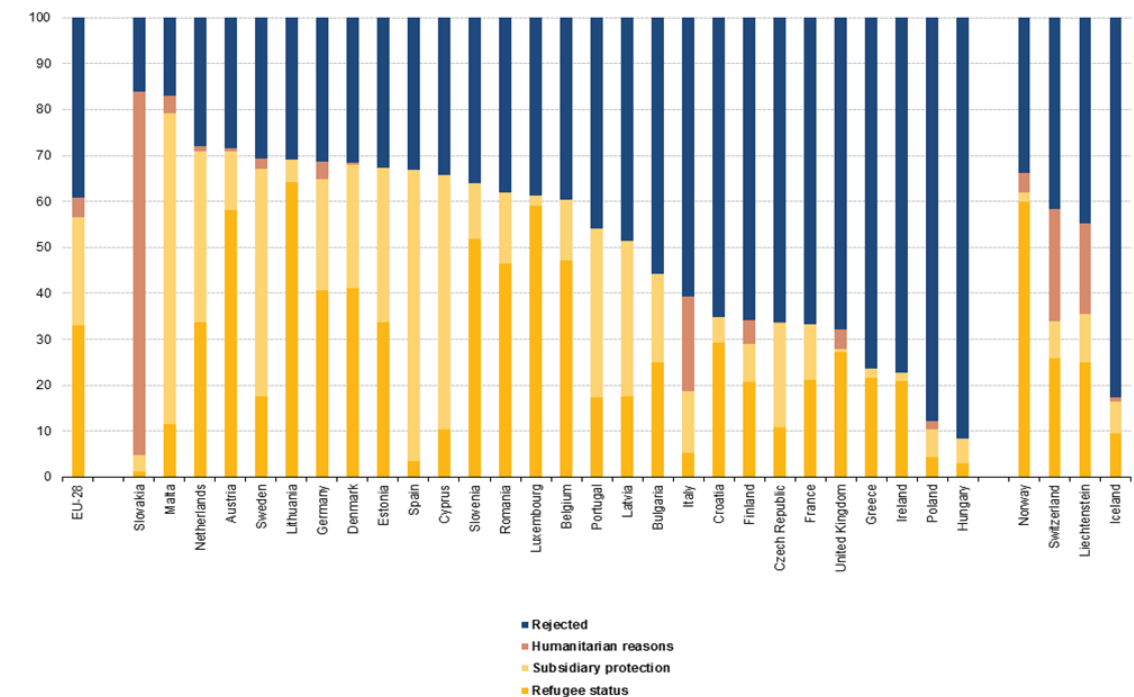


(*) Based on original (not rounded) figures.
Source: Eurostat (online data code: migr_asydcfsta)

Source: (Eurostat 2015a)

In the absence of a common migration policy, the member states pursued different types of migration policies. Germany suspended the Dublin Regulation and ceased sending asylum seekers to their first countries of entry. As first country to suspend the Dublin Regulation, Germany welcomed asylum seekers by offering them asylums in Germany and enabling them to choose Germany as their first country of entry to submit their asylum application. On the other hand, Hungary, Poland, Slovakia and the Czech Republic neither approved mandatory relocation quotas nor took responsibility for a fair distribution of asylum applications (Havlová and Tamchynová 2016). According to Eurostat Statistics 2015 and 2016, Hungary, Latvia and Poland rejected more than 80 per cent of first instance decisions on (non-EU) asylum applications (Table 3.3 - Table 3.4).

Table 3.4 Distribution of first instance decisions on (non-EU) asylum applications, 2016



Note: based on original (not rounded) figures.
Source: Eurostat (online data code: migr_asydcfst)

Source:(Eurostat 2016a)

The EU failed to adopt a common migration and asylum policy because of inter-governmental clashes and the divergence of national preferences among the member states. Among all EU member states, only German government attempted to formulate a common migration policy in order to help those asylum seekers and manage the migration crisis better. German Chancellor Angela Merkel stated that "if Europe fails on the question of refugees, then it won't be the Europe we wished for" and urged other member states to share responsibility (BBC 2015c). However, some member states directly rejected the mandatory relocation system whereas the strongest member states trio – France, Germany and Britain – diverged in their national preferences. The European Agenda on Migration also mentioned the weakness of the EU in formulating a common migration policy:

““One of the weaknesses exposed in the current policy has been the lack of mutual trust between Member States, notably as a result of the continued fragmentation of the asylum system. This has a direct impact on asylum seekers who seek to "asylum shop", but also on EU public opinion: it encourages a sense that the current system is fundamentally unfair. But the EU has common rules which should already provide the basis for mutual confidence, and a further development of these rules will allow for a fresh start” (European Commission 2015).

Figure 3.1 Relocations Carried out by Member States and Associated Countries

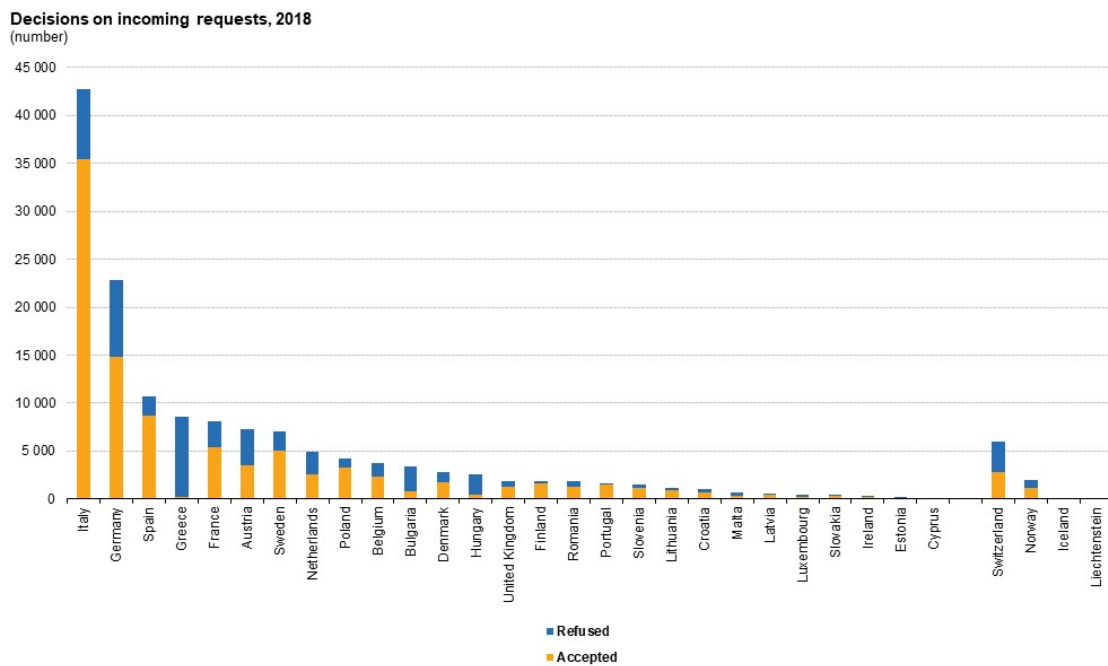
RELOCATIONS CARRIED OUT BY MEMBER STATES AND ASSOCIATED COUNTRIES				
Member State	Relocated from Italy	Relocated from Greece	Total	Legal commitment
Austria	15	0	15	1,953
Belgium	361	698	1,059	3,812
Bulgaria	0	50	50	1,302
Croatia	18	60	78	968
Cyprus	47	96	143	320
Czech Republic	0	12	12	2,691
Estonia	0	141	141	329
Finland	779	1,201	1,980	2,078
France	377	4,322	4,699	19,714
Germany	3,972	5,197	9,169	27,536
Hungary	0	0	0	1,294
Ireland	0	646	646	600
Latvia	27	294	321	481
Liechtenstein	0	10	10	
Lithuania	29	355	384	671
Luxembourg	211	271	482	557
Malta	67	101	168	131
Netherlands	842	1,709	2,551	5,947
Norway	816	693	1,509	
Poland	0	0	0	6,182
Portugal	315	1,192	1,507	2,951
Romania	45	683	728	4,180
Slovakia	0	16	16	902
Slovenia	60	172	232	567
Spain	205	1,096	1,301	9,323
Sweden	1,202	1,619	2,851	3,766
Switzerland	877	574	1,421	
TOTAL	10,265	21,238	31,503	98,255

By 14 November

Source: (European Commission 2017)

The lack of mutual trust between member states reflected to the fence-building race in the Central Eastern European Countries and Balkan countries. Some member states pursued solely national interests and avoided to accept asylum applicants. By evading responsibility to tackle with the migration crisis at the EU level, those member states namely Hungary, Slovakia, the Czech Republic and Romania lay a burden on the front states. In 2014 five member states processed 72 per cent of all EU-wide asylum applications based on the Dublin Regulation (European Commission 2015). Similarly, most of the decisions on Dublin requests were made by a couple of member states in 2018. “Italy (42 710) and Germany (22 836) made the largest number of decisions on incoming requests” (Table 3.5) with high percentage of acceptance while “a total of 17 EU Member States took between 1 000 and 11 000 decisions on Dublin requests in 2018, while the remainder took less than 1 000 decisions, with Cyprus taking less than 100 decisions” (Eurostat 2018).

Table 3.5 Decisions on Dublin requests - Accepted and rejected decisions in 2018



Note: Czechia, not available.
Source: Eurostat (online data code: migr_dubdi)

eurostat

Source: (Eurostat 2018)

The Migration Crisis constituted a great challenge to the Schengen Area and the functioning of the EU institutions, and it also underlined the absence of institutional solidarity within the EU in the context of migration. The unprecedented number of arrivals led to the disintegration among the EU's member states when the European integration was most-needed. The divergence of interests resulted in mismanagement of the migration crisis. The EU failed to respond the migration crisis effectively with regards to the protection of asylum seekers.

4. EVALUATION OF GERMAN RESPONSE TO THE MIGRATION CRISIS

The Chancellor is asking a great deal of the German people, and by their example, the rest of us as well. To be welcoming. To be unafraid. To believe that great civilizations build bridges, not walls, and that wars are won both on and off the battlefield. By viewing the refugees as victims to be rescued rather than invaders to be repelled.
TIME Person Of the Year (TIME 2015).

4.1 Germany's Migration Policy

Germany adopted Willkommenskultur (welcoming culture) and Anerkennungskultur (culture of recognition) with respect to immigrants which meant “a culture that recognizes the value of immigrants’ contributions to society and thus supports intercultural dialogue, cultural diversity, mutual respect, and social cohesion” (Heckmann 2016, p. 5). These concepts emerged in 2010s as part of Germany’s open and welcoming approach for migrants. The concept of Willkommenskultur intended to attract new immigrants because of the prevailing labor shortage in Germany, while the concept of Anerkennungskultur aimed to integrate existing immigrants to Germany’s economic, political, and social processes. Germany’s historical preferences on migration contributed to its current policies on migration and asylum. Though this will be discussed further in the sixth chapter, in short, in 2000s sequential constitutional amendments on immigration and citizenship occurred in Germany which led to more open and welcoming approach for immigrants. As a result of the constitutional amendments in 2000s, Germany became “a country of immigration” where the population with a migrant background is growing rapidly (Geddes and Scholten 2016). According to the latest data from the Statistisches Bundesamt, around 20.8 million of Germany’s total population of 82 million had immigration background either as immigrants themselves or with at least one parent who was an immigrant (Deutsche Welle 2019) which meant “one in four people in Germany had migration background” by the end of 2018 (Statistisches Bundesamt 2019).

In the “long summer of migration” (Hamann and Karakayali 2016), more than 1.3 million asylum claims made in the EU member states while a vast number of them made in Germany. At the time, German coalition government the Christian Demo-

crat Union (CDU)/Christian Social Union (CSU) and Social Democrat Party (SPD) adopted an open door policy on the basis of moral responsibility under the leadership of German Chancellor Angela Merkel. Throughout the migration crisis, Merkel was a prominent figure shaping immigration policies not only at the domestic level but also at the EU level. Merkel's statements continually emphasized on the EU's historical necessity of accepting flows of refugees. On 31 August 2015, Angela Merkel said that "if Europe fails on the question of refugees, then it won't be the Europe we wished for" and she urged all EU member states to "share the burden of refugees" (BBC 2015c). Her speeches intended to draw upon moral values of the EU by reminding all member states that the EU is the protector of human rights and minority rights. Meanwhile Merkel's speeches framed anti-immigrant policies and rhetoric as "one of the main reasons for the disintegration of the European community" because "the anti-immigrant stance would also feed the spectres of racism, nationalism, xenophobia, and Islamophobia, which were presented as the most prominent dangers" (Bartoszewicz 2020, p. 10).

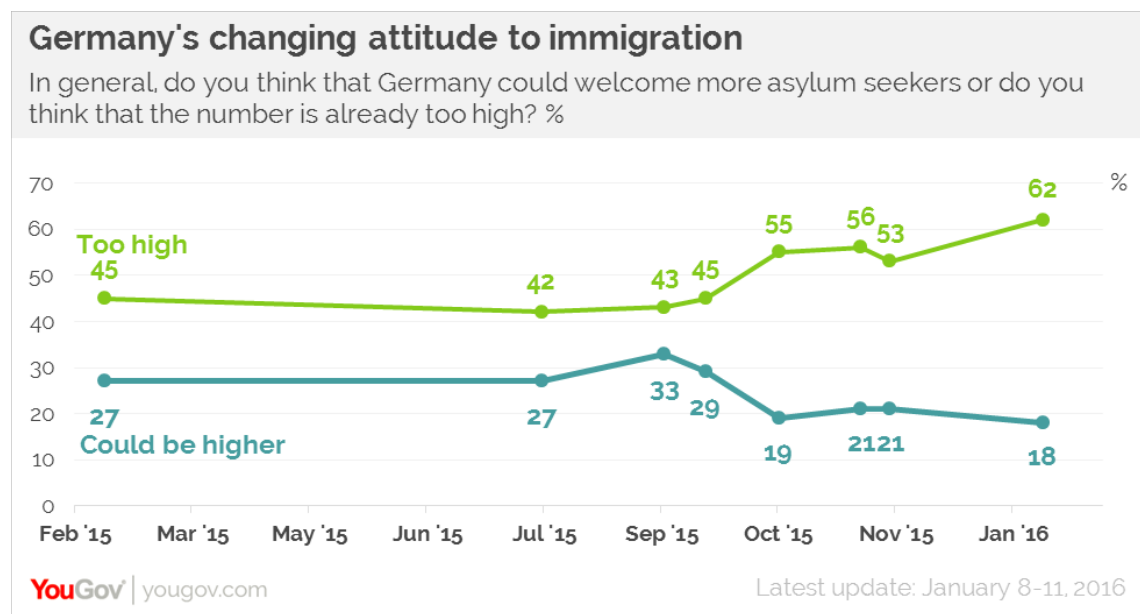
Merkel highlighted historical necessity of European states to provide international protection for those fled from persecution and invited all member states to be more accepting and welcoming. In this regard, German Chancellor advocated a system of relocation in order to establish a uniformed EU position toward the migration crisis. The relocation system's goal was to ease the burden of EU front states, Greece and Italy, by introducing a distribution mechanism based on a fair and balanced quota system with the participation of all EU member states. Therefore, Merkel's proposal aimed to establish a system in which all EU member states will share their responsibilities on a fair basis. On 22 September 2015, the Justice and Home Affairs Council approved the temporary relocation system under the Article 78(3) of the Treaty on the Functioning of the European Union in order to establish a uniformed EU position and share the burden by distributing the asylum seekers across the EU member states based on a fair and balanced quota system. Proposed legislation was approved despite the opposition of Hungary, Czech Republic, Poland, and Slovakia (Zaun 2018). This group of countries rejected to undertake their responsibilities in accepting asylum seekers based on quota system. So even though the approval of the temporary relocation system was a success of Angela Merkel for bringing the EU member states together to establish a common EU position, the system of relocation failed to achieve the desired results because of the absence of solidarity among the EU member states.

Merkel's welcoming approach faced with an anti-immigrant sentiments at the domestic level as well. Following the German government's decision to suspend the Dublin Regulation for Syrian refugees and to cease sending asylum seekers to their first country of entry (Euractiv 2015a), Germany became the most popular destination in Europe and received a great number of asylum claims (Czymara and Schmidt-Catran 2017). In the summer of 2015, Germany itself received up to 10,000 new arrivals per day which felt most severely at the local level (Euractiv 2015b). The local authorities are "overburdened by the costs of providing for refugees and by the sheer demand for accommodations" (Heckmann 2016, p. 15). Although Merkel repeatedly used her famous phrase "Wir Schaffen das" (we can do this) to underline that Germany is a strong country that is capable of welcoming more than 1 million refugees, the growing number of refugees was accompanied with an increase in

nationalist sentiments and xenophobic rhetoric (Greenhill 2016). The Patriotic Europeans Against the Islamization of the West (PEGIDA) movement was an example of growing anti-immigrant stance which emerged in Dresden in autumn 2014 and organized weekly protest marches in several German cities (Czymara and Schmidt-Catran 2017). Moreover, the far-right political party Alternative for Germany (AfD) whose co-chairman referred to the flows of refugees as "invasion of foreigners", increased the number of its supporters during the migration crisis (BBC 2020). In addition, the Christian Social Union (CSU), the Bavarian sister party of Merkel's Christian Democrats Union (CDU), invited Hungarian Prime Minister Viktor Orbán to Munich. The head of the CSU, Horst Seehofer, said that "the goal is to make European rules valid again. For this reason, Viktor Orbán deserves support and not criticism" and advocated "a strict border control of the EU's external borders" (Deutsche-Welle 2015a). In the face of growing domestic pressure, Germany temporarily reintroduced the border controls on 14 September 2015 (BBC 2015b). Concerning the matter, Federal Minister of the Interior Thomas de Maizière said that "The goal of this measure is to restrict the present inflow of migrants into Germany and return again to an orderly process upon entry" and added that Germany has shown "enormous willingness" to help those in need of international protection but "the burden of caring for the refugees must be spread fairly" (Bundesregierung 2015b). German decision on reintroduction of border controls triggered a domino effect in Germany's neighboring countries: "Austria re-imposed controls on its borders with Hungary, Italy, Slovakia and Slovenia only days after Germany's decision. Sweden followed suit in November 2015, in turn triggering further measures in Denmark which intensified but did not reintroduce internal controls" (Scipioni 2018, p. 1365).

The prevailing anti-immigrant sentiments in Germany appreciably increased after the attacks on 2015/2016 New Year's Eve in which about 1,200 women were sexually assaulted and robbed in several German cities by men described as Arab or North African appearance (Czymara and Schmidt-Catran 2017; Greenhill 2016). The attacks on NYE not only redounded the present anti-immigrant sentiments, but also questioned Germany's liberal welcoming approach. The public support for asylum seekers significantly dropped in Germany (Figure 4.1). Following these events, the German government adopted provisions to "make it easier to deport foreign criminals and to refuse asylum-seekers found guilty of criminal offences" (Bundesregierung 2016c) Relating to the matter, Federal Justice Minister Heiko Maas pointed out the provision "is vital in order to protect the vast majority of innocent refugees in Germany. They do not deserve to be lumped together with criminals" (Bundesregierung 2016b)

Figure 4.1 Germany's changing attitude to immigration based on survey results



Source:(YouGov 2016)

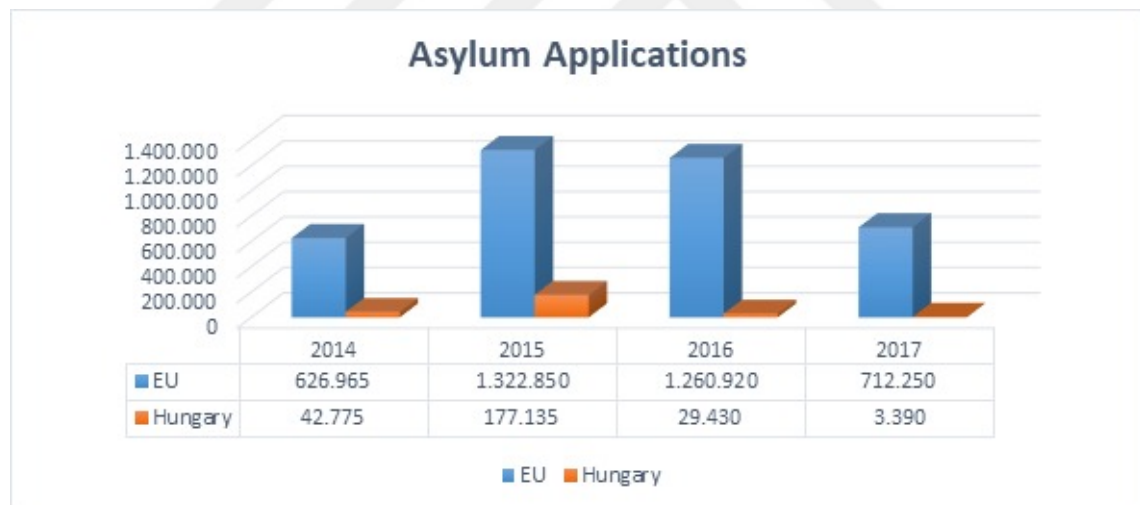
A year later, the 2016 State Parliamentary Elections in Germany presented that German public was discontented with Merkel's welcoming policy. Merkel's Christian Democratic Union lost votes in all three states, even lost the control in two of three; meanwhile, the Alternative for Germany, known by its anti-immigrant and Islamophobic stance, gained striking support from German public (Economist 2016; Greenhill 2016). Although the CDU's defeat was considered as a result of Merkel's welcoming stance, Vice Chancellor Sigmar Gabriel stated that the German government will not change its stance toward the immigrants, and added "there is a clear position that we stand by: humanity and solidarity" (BBC 2016).

In conclusion, the German coalition government adopted an open door policy towards the immigrants and refugees under the leadership of German Chancellor Angela Merkel. Throughout the migration crisis, Merkel emphasized on the moral responsibility of the European states to accept people who are clearly in need of protection and urged all EU member states to share the burden of refugees on a fair and balanced basis. As being the strongest economy of the EU, Germany, impacted on the EU-level policy making and played a leading role in establishment of relocation system. Later on, Germany involved in the negotiations with Turkey as well in order to proceed the EU-Turkey Statement. Although Merkel faced anti-immigrant sentiments at the domestic level as a result of growing number of refugees, Merkel pursued her welcoming approach at the expense of losing votes and endangering her position in the 2017 German Federal Elections where Merkel secured a fourth term as chancellor with "the CDU's worst electoral performance since 1949" (BBC 2017).

4.2 Refugee Flows and Quantitative Analysis

As the number of asylum seekers entering European territory rapidly increased starting from 2014 and exceeded one million in 2015, all EU member states received high number of asylum applications compare to previous years. Yet, a number of member states handled most of the asylum applications. In particular, Germany was one of the top destination countries during the migration crisis and received more than 1 million immigration only in 2015. According to the Federal Statistics Office, “under 2 million foreign people was registered by the end of 2015. At the same time, roughly 860,000 foreigners departed from Germany. Consequently, net migration of foreign people amounted to 1.14 million. This is the highest net immigration of foreigners ever recorded in the history of the Federal Republic of Germany” (Statistisches Bundesamt 2016). Yet, it is important to note that the number of asylum applicants was 476,510 in 2015 which demonstrates the fact that Germany is receiving a large number of EU internal migration as well (Table 4.2). In line with the Federal Government’s Migration Reports, 57.2 per cent of all immigrants came from other European states in 2015; 56.3 per cent in 2016; and 67.0 per cent in 2017 (Bundesregierung 2019).

Figure 4.2 Germany’s changing attitude to immigration based on survey results



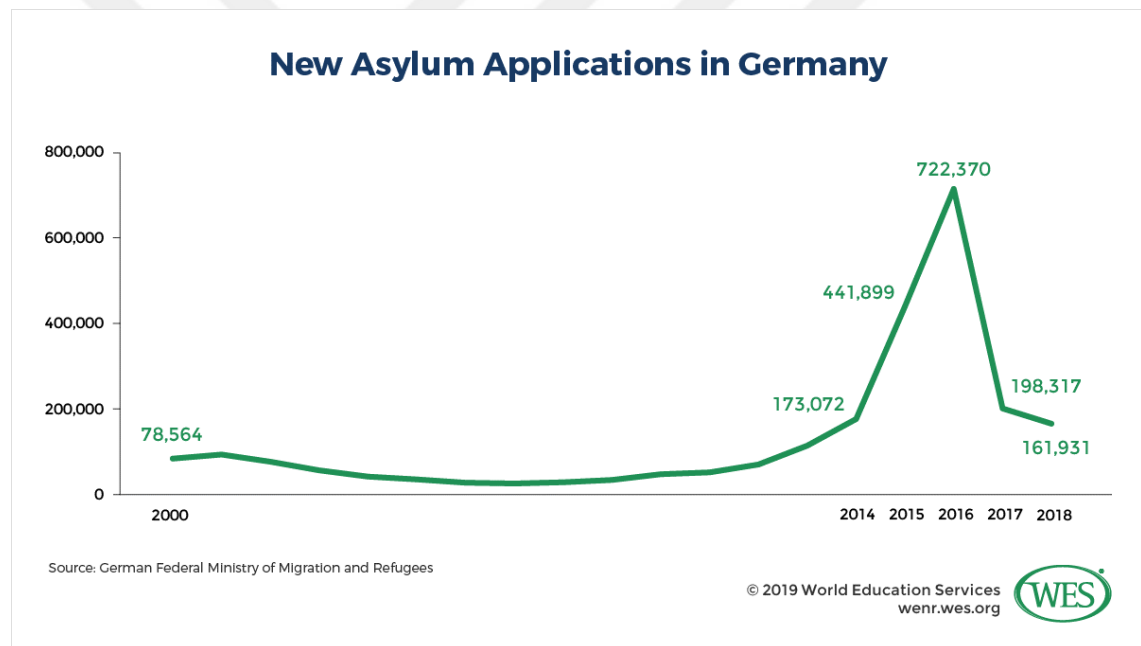
Source:(Eurostat 2020c)

Since Germany was one of the main recipient countries during the migration crisis, Germany’s share in total EU asylum applications was impressively large (Figure 4.2). Also, Germany’s willkommenskultur granted protection to a great number of asylum seekers. In 2015, almost half of EU’s positive decisions on asylum applications made by Germany (Eurostat 2015b); whereas more than 60 per cent of EU’s positive decisions granted by Germany in 2016 and 2017 (Eurostat 2016b, 2017).

Throughout the migration crises, German Chancellor Angela Merkel played a leading role in formulation of EU-wide response to the migration crisis. Merkel’s contributions resulted in both internal and external policy resolutions. As internal policy

resolution, Merkel proposed a temporary relocation system to distribute asylum seekers across the EU member states based on quotas determined in proportion to the size of their economy, unemployment rate, and population. On 22 September 2015, the proposal was approved by the Justice and Home Affairs Council, however, a group of the Central Eastern European countries refused to accept any resettlement in their countries. Therefore, the relocation system was not able to bring effective outcomes due to the lack of solidarity among the EU member states. As external policy resolution, Merkel was the leading figure in developing partnerships with the countries of origin and the countries of transit under the Partnership Framework with Third Countries in order to prevent irregular migration flows to Europe. In 2016, the EU-Turkey Statement set forward that Turkey would prevent irregular migration flows to Europe in exchange for visa liberalization, modernizing the Customs Union, re-energizing accession negotiations and in total 6 billion euros. In the aftermath of the EU-Turkey Statement, the numbers of asylum applications dropped sharply (Table 4.1).

Table 4.1 First-time asylum applications in Germany



Source:(WENR 2019)

5. EVALUATION OF HUNGARIAN RESPONSE TO MIGRATION CRISIS

*"All terrorists are basically migrants."
"We don't see these people as Muslim refugees. We see them as Muslim invaders."
Hungarian Prime Minister Viktor Orban (Deutsche Welle 2018a).*

5.1 Hungary's Anti-Migration Policy

The immigration and asylum policy of Hungarian government during the 2015 migration crisis presents a unique case. Although securitization of migration as a threat to national security was nothing new, in the context of Hungarian case, it was accompanied with anti-immigrant rhetoric and policies, strict measures including building fences on Hungarian borders with Serbia and Croatia, and constitutional amendments regarding the Asylum Act and the Criminal Code (Huysmans 2000; Juhász, Hunyadi, and Zgut 2015; Juhász 2017). In addition, the Hungarian government rejected the EU's mandatory quota system and introduced immigration and asylum policies that contradict the principles of the EU and the UNHCR. Current coalition government in Hungary was formed by Hungarian Civic Union(FIDESZ) and Christian-Democratic People's Party (KDNP), which reelected three times (2010, 2014, 2018) and dominated Hungarian politics since 2010 (Bocskor 2018; Kubas and Czyż 2018). The coalition was led by the Prime Minister Viktor Orban who is party leader of Fidesz. Therefore, the Fidesz-KDNP coalition government was responsible for the xenophobic and anti-immigrant policies throughout the migration crisis. Particularly, the Prime Minister Viktor Orban played a significant role in framing migrants as a threat to Hungarian culture, economy and security. Starting from Charlie Hebdo terrorist attack on 7 January 2015 in Paris, Orban began to associate migrants with terrorism and crime. In his speech after Charlie Hebdo terrorist attack, he concluded that:

"We will never allow Hungary to become a target country for immigrants. We do not want to see significantly sized minorities with different cultural characteristics and backgrounds among us. We want to keep Hungary as Hungary" (BBC 2018b).

In February 2015, Antal Rogan, then the chairman of the Fidesz National Assembly, announced launching a National Consultation on Immigration and Terrorism. The idea of national consultation was initially presented by Viktor Orban in 2005 “as means to establish a direct link between people and politics” (Bocskor 2018, p. 559). The national consultations aimed not only to reach public opinion on important matters but also to legitimize the government’s further actions on the issue. In particular, the National Consultation on Immigration and Terrorism intended to receive public support in order to reinforce stricter measures towards the migration crisis. In this regard, a letter written by the Prime Minister Viktor Orban and a survey consisted of 12 multiple choice questions were sent to all potential voters in May and expected to be return by July. Some critics argued that the National Consultation on Immigration and Terrorism consisted of manipulative, biased and leading questions by taking into account the word choices, the number of options, and the formation of sentences (Eszter 2016; Juhász 2017; Szalai and Göbl 2015). In Hungarian, there are two words to refer migrants which are *migráns* (migrant) and *bevándorló* (immigrant). Also, there are words for refugee (*menekült*) and asylum seeker (*menedékkézo*). Throughout the anti-immigration propaganda, the government of Hungary preferred to use ‘*migráns*’ as a catch-all term which is foreign-sounding and “vigorously associated it with derogatory connotations” (Bocskor 2018; Eszter 2016, p. 559). The Hungarian government avoided to use the term ‘refugee’, therefore, the choice of word as ‘*migráns*’ served the purpose of alienation, distrust and unfamiliarity.

The national consultation delivered a survey consisted of 12 multiple choice questions which offered only three options to choose from: ‘Fully agree’, ‘tend to agree’ and ‘do not agree’. Out of three options, two were positive and one was negative. There were no neutral options for those who wanted to stay abstaining. In addition, the questionnaire intentionally contained the term “economic migrants” instead of refugees which contributed to the framing of refugees as a threat to the jobs and livelihoods of Hungarians. In the questionnaire, first three questions were on terrorism. The Question 3 stated that “There are some who think that mismanagement of the immigration question by Brussels may have something to do with increased terrorism. Do you agree with the view?” while not demonstrating the relation between terrorism and immigration. The 3rd, 6th, and 7th questions were on Brussels’ policy on immigration. The Question 7 followed as “Would you support the Hungarian government in the introduction of more stringent immigration regulations, in contrast to Brussels’ lenient policy?” In the questions, one can comprehend that the Hungarian government found Brussels’ policies on immigration unsatisfactory, therefore, the Hungarian government aimed to reinforce more stringent regulations on immigration, and used the national consultation as means of its self-interest. Moreover, a half of the questions were on economic migrants. The Question 4 stated that “Did you know that economic migrants cross the Hungarian border illegally, and that recently the number of immigrants in Hungary has increased twenty fold?” The Prime Minister Viktor Orban also mentioned economic migrants in his letter as: “economic migrants cross our borders illegally, and while they present themselves as asylum-seekers, in fact they are coming to enjoy our welfare systems and the employment opportunities our countries have to offer”. The manner in which the migrants are mentioned in the letter and the questions is humiliating, accusatory, and exclusive. The terms “economic migrant” and “illegally

crossing border” were over-emphasized while the refugees who escaped persecution were never mentioned. Furthermore, the Question 8 offered a regulation to treat migrants as criminals: “Would you support the Hungarian government in the introduction of more stringent regulations, according to which migrants illegally crossing the Hungarian border could be taken into custody?” In the midst of the humanitarian crisis, the Hungarian government’s efforts to stop immigration were heavily criticized by the EU and the UNHCR. During the European Parliament Plenary, First Vice-President of the European Commission Frans Timmermans stated that:

“A public consultation based on bias, on leading and even misleading questions, on prejudice about immigrants can hardly be considered a fair and objective basis for designing sound policies. Framing immigration in the context of terrorism, depicting migrants as a threat to jobs and the livelihood of people, is malicious and simply wrong - it will only feed misconceptions and prejudice” (EUROPA 2015).

Also, the UNHCR Regional Representative for Central Europe, Montserrat Feixas Vihé, said that “the questions intentionally attempt to confuse refugees and asylum-seekers with so-called “economic migrants” and wrongly blame refugees for a number of purported threats to Hungary and Europe” and she concluded “We need to remember that around the world the primary threat is not from refugees, but to them” (UNHCR 2015).

On the closing day of the 26th Bálványos Summer Open University, the Prime Minister Viktor Orban announced the results of the national consultation. He said that “Hungarians have decided, they do not want illegal migrants. More than one million of the eight million questionnaires were completed and sent back, and according to the results, 95 per cent shared the view that we must support Hungarian families and children, rather than migration” (Hungarian Government 2015a). However the national consultation was manipulative and the Hungarian government used the public opinion polls to legitimize its further policy strategies on immigration.

A short time after the national consultation, the Hungarian government initiated an anti-immigrant billboard campaign which contained hostile and exclusionary messages toward immigrants. Given messages on the billboards purportedly targeted immigrants: “If you come to Hungary, you need to respect our culture”, “If you come to Hungary, you need to respect our laws”, “If you come to Hungary, you cannot take the jobs of Hungarians” (Bocskor 2018; Juhász 2017). Yet, the messages on the billboard campaign were in Hungarian, therefore, the target audience was, in fact, the Hungarian public. As the Hungarian government dominated the media, the government took the advantage of the tools of political communication in order to manipulate the public opinion (Szalai and Göbl 2015). Yet, the government was confronted with an alternative billboard campaign launched by the satirical Two-Tailed Dog Party. Under the name of this spoof party, 33 million Forints (around 105,000 Euros) were collected within a week through the donations which enabled 900 billboards to appear all across the country (Juhász 2017; Nagy 2016b). Given messages on the billboards were written in English and intended to resist the government’s anti-immigrant rhetoric: “Sorry about out Prime Minister”,

“Come to Hungary, we’ve got jobs in London”, and “I have survived the Hungarian anti-immigrant campaign” (Eszter 2016).

Figure 5.1 The official translation of the letter written by the Prime Minister Viktor Orbán



Source:(Hungarian Government 2015c)

Figure 5.2 The official translation of the National Consultation on immigration and terrorism

NATIONAL CONSULTATION
on immigration and terrorism

Published by the Prime Minister's Office

Please complete this questionnaire.

1] We hear different views on increasing levels of terrorism. How relevant do you think the spread of terrorism (the bloodshed in France, the shocking acts of ISIS) is to your own life?
Very relevant Relevant Not relevant

2] Do you think that Hungary could be the target of an act of terror in the next few years?
There is a very real chance It could occur
Out of the question

3] There are some who think that mismanagement of the immigration question by Brussels may have something to do with increased terrorism. Do you agree with this view?
I fully agree I tend to agree I do not agree

4] Did you know that economic migrants cross the Hungarian border illegally, and that recently the number of immigrants in Hungary has increased twentyfold?
Yes I have heard about it I did not know

5] We hear different views on the issue of immigration. There are some who think that economic migrants jeopardise the jobs and livelihoods of Hungarians. Do you agree?
I fully agree I tend to agree I do not agree

6] There are some who believe that Brussels' policy on immigration and terrorism has failed, and that we therefore need a new approach to these questions. Do you agree?
I fully agree I tend to agree I do not agree

7] Would you support the Hungarian Government in the introduction of more stringent immigration regulations, in contrast to Brussels' lenient policy?
Yes, I would fully support the Government
I would partially support the Government
I would not support the Government

8] Would you support the Hungarian government in the introduction of more stringent regulations, according to which migrants illegally crossing the Hungarian border could be taken into custody?
Yes, I would fully support the Government
I would partially support the Government
I would not support the Government

9] Do you agree with the view that migrants illegally crossing the Hungarian border should be returned to their own countries within the shortest possible time?
I fully agree I tend to agree I do not agree

10] Do you agree with the concept that economic migrants themselves should cover the costs associated with their time in Hungary?
I fully agree I tend to agree I do not agree

11] Do you agree that the best means of combating immigration is for Member States of the European Union to assist in the development of the countries from which migrants arrive?
I fully agree I tend to agree I do not agree

12] Do you agree with the Hungarian government that support should be focused more on Hungarian families and the children they can have, rather than on immigration?
I fully agree I tend to agree I do not agree

Source: (Hungarian Government 2015c)

On 17 June 2015, the Hungarian government announced the decision in building “175-km long and 4-metre high steel and barbed wire fence along the border with Serbia” in order to prevent asylum seekers entering Hungary (Juhász 2017, p. 41). One day after the Hungarian government’s announcement, Serbian Prime Minister Aleksandar Vucic said that he is “surprised and shocked” (BBC 2015*d*). On 14 September 2015, the border between Hungary and Serbia was sealed off. On the following day, Hungarian Foreign Minister Peter Szijjarto announced government’s decision to build a razor-wire fence along the border with Romania (Deutsche Welle 2015*b*). On 18 September, Hungarian Prime Minister Viktor Orban publicized the government’s plan to build 41-km long fence on the Hungarian border along with Croatia (Reuters 2015). Although successive decisions in fence construction were made with the allegation of blocking illegal immigrants and securing the EU borders, the main purpose was to keep asylum seekers out of Hungary.

Figure 5.3 Eurostat data on first instance decisions on applications by citizenship, age and sex

UNIT: Person
AGE: Total
DECISION: Total
CITIZEN: Total
SEX: Total

TIME ▾	2014Q3	2014Q4	2015Q1	2015Q2	2015Q3
GEO ▾					
European Union - 28	88,305	115,345	126,775	124,675	140,805
Hungary	1,060	3,290	1,255	690	530

TIME ▾	2015Q4	2016Q1	2016Q2	2016Q3	2016Q4
GEO ▾					
European Union - 28	204,865	240,465	234,725	280,940	350,640
Hungary	860	1,000	1,030	875	2,205

No footnotes available

Special value:
: not available

Source of data: Eurostat

Source:(Eurostat 2020*a*)

The numbers of Hungary’s first instance decisions on applications dropped dramatically after building fences along the borders with Serbia, Romania, and Croatia. There was a sharp decrease in between the numbers of 2015Q1 and 2015Q2. Yet, the numbers re-escalated starting from 2016Q1 and reached to a number very similar to the one before fences were built. These results demonstrated that building fences does not make a difference in the long period.

In 2015, the Hungarian Parliament passed major amendment decisions regarding the Hungarian Asylum Act (Act LXXX of 2007), Criminal Code (Act C of 2012), and Criminal Procedure Act (Act XIX of 1998). In July 2015, the Hungarian government promulgated the national list of safe countries of origin and the list of safe third countries under the Government Decree 191/2015 (VII. 21). According to the new amendment, Serbia was listed as a safe third country for asylum seekers. Yet, this decision contradicts the UNHCR’s decision on Serbia which does not regard Serbia as a safe third country for asylum seekers (Juhász 2017). Under the new amendment, Hungary deems “inadmissible all asylum claims lodged by applicants who came through a safe third country” (Helsinki-Community 2015, p. 1). Considering that more than 99 per cent of the applications to Hungary are made by asylum seekers coming through Serbia, these regulations meant “the quasi-automatic rejec-

tion at first glance of over 99 per cent of asylum claims, without any consideration of protection needs” (Helsinki-Community 2015, p. 2).

On 4 September 2015, the Hungarian parliament passed the second amendment to the Asylum Act. Once the border between Hungary and Serbia was sealed off, “a new border procedure was introduced only applicable in the transit zone, which combines detention without court control with an extremely fast procedure entailing no real access to legal assistance and dramatically reducing legal remedies” (Nagy 2016a, p. 1048). According to the new border procedure, asylum claims should be made within three days and the Office of Immigration and Nationality (OIN) should “decide on the admissibility of asylum claims within eight days” (Juhász 2017, p. 43). This is an unreasonably short time to examine all requisite circumstances.

“The new procedure is based on a fiction, untenable after *Amuur v France*: namely that the person in the transit zone has not yet entered Hungary. As a consequence, while the person is in the transit zone rules on deprivation of liberty, applicable in Hungary, are disregarded. The procedure only extends to the admissibility phase, which is once the application is found to be admissible, the applicant is allowed to enter the country and the normal reception conditions must be provided, however, the authority must decide on their admissibility within eight days. If the application is deemed inadmissible, the person who is detained in the transit zone may request a judicial review of the decision declaring the application inadmissible within seven days and review must be completed in eight days” (Nagy 2016a, p. 1048).

Table 5.1 A Detailed explanation of the OIN decisions under the amendment to the Asylum Act

	Inadmissibility decisions	Rejection in an accelerated procedure	Rejection in a standard procedure
Deadline to appeal the OIN's decision	3 calendar days after receiving the rejection	3 calendar days after receiving the rejection	8 calendar days after receiving the rejection
Deadline for the court to decide	8 calendar days	8 calendar days	60 calendar days
Personal hearing at the court	Optional	Optional	Optional (mandatory only if applicant is detained)
Suspensive effect on removal measures	No automatic suspensive effect, can be requested under general rules	No automatic suspensive effect, can be requested under general rules	No automatic suspensive effect, can be requested under general rules
	Exception: automatic suspensive effect if the inadmissibility decision is based on applying the safe third country concept	Exception: automatic suspensive effect if the accelerated procedure has been initiated on grounds of an illegal entry or stay	

Source:(Helsinki-Community 2015)

Table 5.1 demonstrates that the accelerated procedure made it almost impossible to obtain temporary protection in Hungary. In addition to the time restriction, the new amendment introduced a suspensive effect on removal measures on the condition of illegal entry and entry from a safe third country. As mentioned above, the Hungarian government considers inadmissible asylum claims made by the applicants who crossed safe third country/countries on their way to Hungary. The Hungarian government argues that asylum seekers could have applied for temporary protection in those safe third countries. And the government considers those asylum seekers coming from a safe third country as economic migrants based on the argument those asylum seekers could have stayed in the safe third country/countries. Moreover, the Hungarian government suspends asylum claims made by the applicants who entered Hungary in an irregular manner.

In parallel to the amendments to the Asylum Act, the Hungarian Parliament made amendments to the Criminal Code and the Criminal Procedure Act in 2015. The Article 352/A prohibited illegal entry into Hungary by a closed border and brought up to three years' imprisonment to those who passed a closed border illegally (Juhász 2017; Nagy 2016a). Moreover, the degree of punishment increased in the event of aggravated forms of the crimes:

“The aggravated forms of the crime attract the following sanctions: a) imprisonment for between one and five years if the offence is committed while armed or using a weapon or taking part in a riot; b) imprisonment for between two and eight years if the offence is committed while armed, using a weapon and taking part in a riot; or c) imprisonment for between five and ten years if the offence results in death” (Juhász 2017, p. 45).

The criminalization of illegal entry of asylum seekers contradicts the Geneva Convention of 1951 on the Status of Refugees and the New York Protocol of 1967. Moreover, all EU member states reaffirmed their obligations under the Geneva Convention based on Article 28 of the Schengen Acquis (EUR-LEX 2000), therefore, the Hungarian amendments to the Asylum Act and the Criminal Code are contradictory to the EU acquis as well.

Additionally, the Hungarian government continued its anti-immigrant and xenophobic propaganda through the media and intended to form public opinion against two critical issues: the EU's mandatory relocation quotas and NGOs helping asylum seekers. When the European Commission proposed the mandatory relocation quota system between the EU member states, the Hungarian government started a referendum campaign against the mandatory quotas. The Hungarian government argued that “Council decisions are imposed norms which lack any kind of social legitimacy since most of Europe's population does not agree with them” (Hungarian Government 2015b; Juhász 2017). Therefore, the Hungarian government aimed to say no to mandatory quota system by the referendum campaign entitled “Save the Country!” Throughout the campaign, the Hungarian government misguided the public opinion by claiming that “160,000 refugees would be relocated to Hungary, even though that was the number to be redistributed throughout the whole EU over five years” (Juhász, Hunyadi, and Zgut 2015, p. 27). In fact, 1294 refugees would be relocated

to Hungary within two years (Juhász 2017).

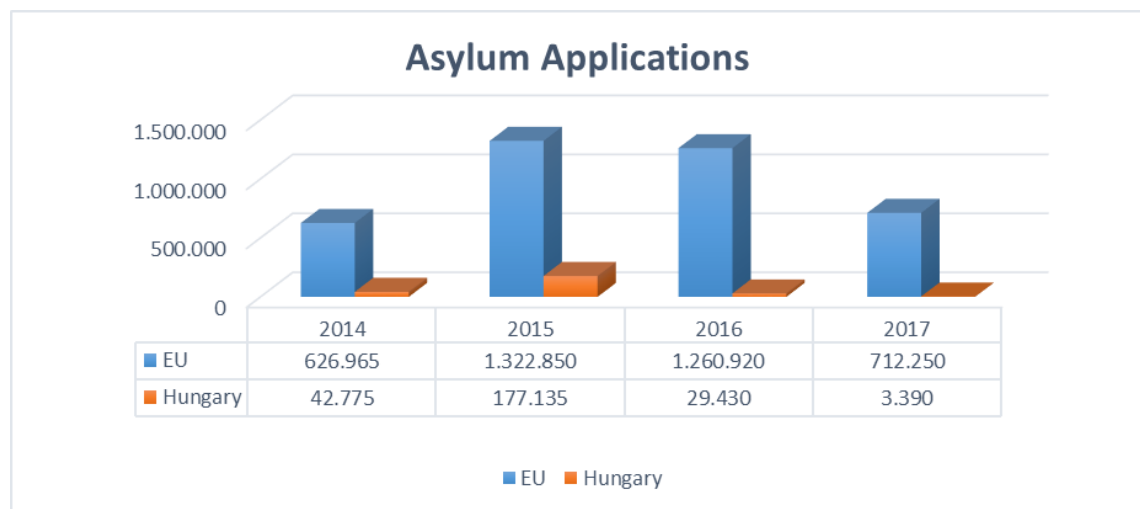
On 20 June 2018, the Hungarian parliament passed a package of constitutional amendments that criminalize helping illegal migrants under the “Stop Soros Law” (BBC 2018a). According to the law, any individual or civil society organization that “help illegal migrants gain status to stay in Hungary will be liable to prison terms” (Guardian 2018). In response to the Stop Soros legislation, the European Commission for Democracy through Law, also known as the Venice Commission, declared that “the Hungarian provision goes far beyond what is allowed under Article 11, as it unfairly criminalises organisational activities not directly related to the materialisation of illegal migration” (Venice Commission 2018).

In conclusion, the Hungarian government adopted anti-immigrant rhetoric and policies throughout the migration crisis. Under the leadership of the Prime Minister Victor Orban, the government framed refugees as illegal economic migrants by taking advantage of media instruments such as billboards, national consultation, and referendum. Orban’s anti-immigrant sentiments and xenophobic rhetoric led to an increase in the fear and anxiety at the domestic and the EU level. Orban’s stance against the EU’s temporary relocation system influenced other Central Eastern European countries namely Czech Republic, Poland, and Slovakia. This group of countries formed an opposition group and rejected to accept any refugees under the relocation scheme. Therefore, Hungary’s stance was crucial in terms of obstructing the implementation of joint EU decision in regards to the migration crisis.

5.2 Refugee Flows and Quantitative Analysis

As a consequence of the 2015 Migration Crisis, the EU member states received an unprecedented number of asylum applications. Across the EU, asylum applications in 2015 doubled asylum applications in 2014. Particularly in Hungary, asylum applications in 2015 quadrupled asylum applications in 2014 (Table 5.5). A large number of refugees coming from the Middle East and Africa followed the Western Balkan route in attempt to reach the Western European countries. According to the European Commission report, “by the end of October [2015], nearly 700,000 people had travelled along the Western Balkans route from Greece to Central Europe” (European Commission 2016). Hence, the Western Balkan countries was confronted with massive inflow of immigrants due to their “crucial geographical position at the borders of the EU” (Milan 2019).

Table 5.2 A total number of asylum applicants restructured by the author based on Eurostat data



Source:(Eurostat 2020*b*)

The Western Balkan countries were predominantly transit countries for migrants on their way to the Western European countries which meant that a large number of asylum seekers only passed through those transit countries. As mentioned before, a refugee corridor was created by the cooperation of Greece, Croatia and Slovenia to carry refugees to the borders of neighboring countries. Yet, the Hungarian government decided to build a 175 km long and 4 m high fence along Hungarian border with Serbia and soon after the Hungarian government announced their decision in building fences along the border with Croatia and Romania. This shifted the migration route and put pressure on Croatia, Serbia and Slovenia. Thereafter, Serbia, Croatia, Slovenia and Austria changed their policies into a number-based model and permitted only a certain number of refugees per day. The new policy regulations including fences and number-based limitations only caused more difficulties for refugees (Figure 5.4).

Figure 5.4 The Western Balkan Migration Route (European-Parliament 2016)



Source:(European Commission 2016)

In the case of Hungary, the asylum applications increased by the first wave of migration flow in 2015, but the numbers of application dropped dramatically in 2016 because of two main reasons. First, the Hungarian government's anti-immigrant policies which involved building fences along Hungarian border with Croatia, Serbia and Romania and constitutional amendments to the Asylum Act and the Criminal Code. As mentioned earlier, building fences did not make a big difference in the long period, yet constitutional amendment that listed Serbia as a safe third country resulted in elimination of a vast number of applications and only a small number of asylum applications resulted in positive decisions (Table 5.1) Moreover, the Hungarian government's xenophobic and exclusionary rhetoric influenced the public opinion, therefore, Hungarian public was not welcoming toward refugees. Secondly, Hungary was considered no different than the Western Balkan countries by refugees due to low level of prosperity and poor economic conditions (NYT 2015). According to the New York Times, a number of refugees said that "the fact is, we don't want to stay in Hungary" because "if we stay in Hungary there is no work. We can't study. The language is very strange, and they're not helping refugees" (NYT 2015). Consequently, Hungary is not a destination country, but a country of transit.

Table 5.3 First instance decisions

Title	2014	2015	2016
EU Total Number	357 425	592 845	1 106 175
EU Positive Decision	183 365	333 350	710 395
Hungary Total Number	5 445	3 420	5 105
Hungary Positive Decisions	550	545	440
Resettled Refugees in the EU	6 380	8 155	14 205
Resettled Refugees in Hungary	10	5	5

Source: (Eurostat 2014, 2015*a*, 2016*a*)



6. COMPARING GERMANY AND HUNGARY REGARDING THEIR MIGRATION POLICIES

This chapter aims to compare German and Hungarian policies on immigration and asylum during the 2015 migration crisis on the basis of history of migration and economic strength. I aim to examine the how these two EU member states remarkably differed in their responses to the migration crisis.

6.1 Migration History

In the process of policy-making on immigration and asylum, the contribution of history of migration cannot be denied. A country's migration history arises from its previous experience with the flows of immigrants and refugees. On the account of previous experience, a country may adopt more open and welcoming stance or reinforce strict border controls in the presence of a current migration crisis. Therefore, historical perspective plays a significant role in formation of policies on immigration and asylum. In this sub-chapter, German and Hungarian responses to the migration crisis will be associated with their histories of migration.

The origins of contemporary German approach to immigration can be traced back to post-WWII period. Between 1945 and 1955, around 12 million ethnic Germans fled from persecution in Soviet bloc countries and returned to West Germany (Henson and Malhan 1995). Under the Article 116 of the 1949 Basic Law, these ethnic German refugees were given German citizenship:

“German nationality or who, as a refugee, or as an expellee of German descent, or as their spouse or descendant has found residence in the territory of the German Reich in its borders of 31 December 1937” (Geddes and Scholten 2016, p. 77).

West Germany's absorption of 12 million refugees in post-war conditions demonstrates its extraordinary capabilities in which the number of refugees reached to 16 per cent of West Germany's population by the end of 1950 (Geddes and Scholten 2016). In the late 1950s, “inflows of immigrants with non-German ancestry began in a serious way” (Oezcan 2004). In order to resolve a labor shortage impelled by

economic growth, West Germany signed recruitment agreements with Italy, Spain, Greece, Turkey, Portugal and Yugoslavia (Van Mol and De Valk 2016). These agreements aimed to recruit guest-workers to assign them to blue collar jobs on a temporary basis. In the period of 1950-1974, the guest-workers policy served to fuel the labor market. Yet, the guest-workers policy was ceased as a result of the 1973 Oil Crisis which severely affected German economy. Despite the policy change, a vast number of guest-workers did not return to their home countries and even family reunification policies of 1960s further increased the number of foreign population in West Germany.

By the collapse of the Soviet Union and reunification of East and West Germany, another massive inflow of refugees started in 1990s. On this matter, “between 1990 and 1994 just over 1.2 million people made an application for asylum in Germany” (Geddes and Scholten 2016, p. 79). Therefore, Germany’s migration history evolved through these large-scale inflows of immigration. As a consequence of its previous experience, Germany became progressively more tolerant and gradually liberalized its immigration policies (Havlová and Tamchynová 2016). Following the 1998 election, Social Democratic Party and Green coalition government accelerated the liberalization of Germany’s immigration and integration policies. In this regard, a series of constitutional amendments on immigration and citizenship were made in Germany. In 2000, Social Democrat and Green coalition government introduced a new citizenship law and a Green Card system. A new citizenship law changed German citizenship from *jus sanguinis* (citizenship by descent) to *jus soli* (citizenship by birth) and allowed children born to foreign parents to acquire German citizenship for the very first time (Heckmann 2016). Following the new citizenship law, naturalization of 41,300 children born to non-German parents took place in 2000 (Oezcan 2004). Under the law, children born to foreigners had to renounce their other nationalities before the age of 23, however, the citizenship law was amended in 2014 in order to “allow children born and raised in Germany to retain their second nationality” (Oezcan 2004, p. 4). Moreover, the Green Card regulation in 2000 intended to attract high qualified immigrants, particularly the professionals in the field of information technologies. By the Green Card system, the high skilled immigrants were given five-year work permit (Geddes and Scholten 2016).

On 1 January 2005, the Immigration Act (*Zuwanderungsgesetz*) entered into force which constituted “the most significant development on migration and asylum in Germany” (EUROPA 2006, 3). The Immigration Act introduced significant reforms with respect to employment-based immigration, integration policies, and asylum admission (Green 2013; Heckmann 2016). The new act aimed to attract “highly qualified migrant workers, foreign students that had graduated from German universities and those willing to make major investments” in Germany (Geddes and Scholten 2016, p. 83). Also, the act extended the responsibilities of the Federal Office for Migration and Refugees (BAMF) in order to foster a systematic integration policy (Constant and Tien 2011). In this regard, it was supported to create a joint policy framework on integration at local and federal levels in a dialogue with immigrants. Furthermore, the first National Integration Summit was organized with the participation of local, state and federal authorities in 2006 which led a National Integration Plan and an establishment of the German Islam Conference (*Deutsche Islam Konferenz*). Starting from 2006, the German Islam Conference held annual

conferences between Federal Government and Muslims living in Germany (Green 2013). On this matter, a new anti-discrimination legislation was also adopted in 2006.

As part of the integration program, language training and social adaptation courses were significant component of the 2005 Immigration Act. Also, sufficient knowledge of German language was set as a condition for permanent residence and naturalization. In this regard, a citizenship test was introduced in 2007 for those who apply for German citizenship (Geddes and Scholten 2016).

In parallel to the EU legislation, Germany adopted the EU Blue Card Directive in 2012 that aimed to recruit highly qualified immigrants and enhanced the 2005 Immigration Act by recognizing “qualifications obtained abroad, which previously had proven an obstacle for labour migrants” (Geddes and Scholten 2016, p. 84). Similarly, Germany’s migratory policies were regulated in line with the EU acquis as following:

"Germany’s acceptance of gender-based and non-persecution for asylum claims in the 2005 Immigration Law can be traced back to the Qualifications and Procedures Directive (2004/83/EC), while the introduction of anti-discrimination legislation had its origins in the Racial and Employment Equality Directives (2000/43/EC and 2000/78/EC respectively). Similarly, the 2012 Professional Qualifications Law and the Blue Card both implemented EU Directives (2005/36/EC and 2009/50/EC respectively)" (Green 2013, p. 343).

Due to constitutional amendments in 2000s, Germany’s migratory policies were gradually liberalized and became more tolerant towards immigrants in which history of migration played a major role. In the aftermath of the WWII, Germany received approximately 12 million ethnic Germans. Yet, migration flows were not limited to ethnic Germans. Over the years, Germany continued to receive immigrants from different ethnicities which led to an inevitable demographic change. The presence of different ethnic groups and continuous migration flows required to make amendments to immigration and asylum acts in Germany.

Similarly, present Hungarian approach to migration evolved through the historical process. Starting from the establishment of ethnically homogenous nation-state in the aftermath of the First World War, Hungary preserved its homogeneous ethnic composition until today. Following the WWII, ethnic Germans were expelled from Hungary and ethnic Hungarians living in the Czechoslovakia were resettled into Hungary under the population exchange (Bocskor 2018). Throughout the Soviet takeover between 1949-1989, the Hungarian borders were sealed, therefore, emigration and migration were prohibited. The only exception was during the 1956 anti-Soviet uprising where the borders opened briefly and 200,000 people fled Hungary, after a couple of months the borders were reclosed in 1957 (Gödri, Soltész, and Bodacz-Nagy 2014). As a result of the Soviet takeover, Hungary did not experience a large inflow of refugees until the late 1980s. After the 1989 economic and political transition, Hungary lifted emigration and migration restrictions which

turned Hungary into a transit country for growing number of migrants heading to the Western countries (Bocskor 2018). The “corridor role” prevented Hungary from producing an active policy of migrant integration (IOM 2009). Around that time, Hungary also witnessed two major inflows of refugees from Romania and the former Yugoslavia, yet the majority of immigrants and refugees who entered Hungary in the post-1989 period were ethnic Hungarians (Goździak 2018; Melegh 2016). By the late 1990s, “the number of refugees decreased and remained at a low level” until the 2015 migration crisis (Bocskor 2018, p. 553). Since Hungary was a transit country and majority of the immigrants entered the country were ethnic Hungarians, its population remained ethnically homogeneous over the years. Consequently, Hungarian migration history influenced the development of Hungarian policies on immigration and asylum.

In 1990s, Hungary made constitutional amendments in regards to immigration and asylum. Following the Constitutional Reform in 1989, Hungary regulated other related policy areas:

“The Act on Hungarian Citizenship (Act LV of 1993) and the Act on the Entry, Residence and Settlement of Foreigners in Hungary or “Aliens’ Act” (Act LXXXVI of 1993) came into force, tightening the 1989 regulations. Act LV of 1993 stated that a foreign citizen can be naturalised after eight years of residence in Hungary, while the Aliens Act required a minimum of three years working and living in Hungary with a residence permit to obtain the settlement permit (status of immigrant). In parallel, the Act on Border Control and the Border Guard (Act XXXII of 1997) bestowed border guards with significant power and resources in order to prevent the illegal entry” (Gödri, Soltész, and Bodacz-Nagy 2014, p.13).

In line with the EU migratory legal framework, the Act on Asylum was adopted in 1998 which eliminated the geographical restriction of the Geneva Convention of 1951 on the Status of Refugees. In addition, the Act on the Entry and Residence of Foreigners entered into force in 2002 that “harmonized Hungarian and EU legislation and classified the legal status of foreign citizens separately into EU/EEA and third-country nationals”(Bocskor 2018, p.553). Following the Hungarian accession to the EU in 2004, the adoption of the Schengen acquis in 2007 introduced regulations with respect to the entry and residence of persons with the right of free movement, visa and residence permit for third-country nationals, and family reunifications (IOM 2009).

When the Fidesz government came to power in 2010, the Prime Minister Viktor Orban started to promote pro-natalist policies in Hungary rather than receiving immigrants. On this matter, Orban said that “Europe cannot build its future on immigration instead of families” (Hungarian Government 2015a). Furthermore, he underlined that in the absence of sufficient number of children, the issue of migration emerges in order to maintain economic welfare which threatens “the natural balance of society” (Korkut 2014, p. 5). In this regard, the Hungarian immigration system was repeatedly criticized for being discriminative and discouraging towards

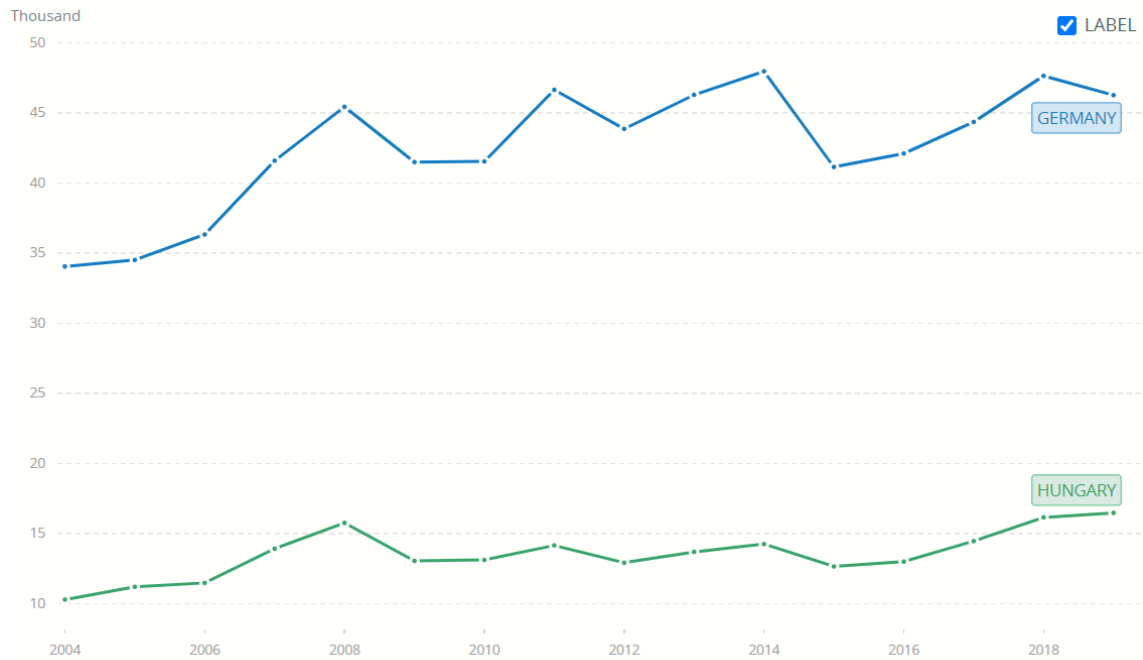
third-country nationals (Korkut 2014; Meleg 2016). According to the Article 27 of Act II of 2007, third-country nationals would obtain visa and residence permits for five years when they fulfilled the following criteria: “Hungarian language practice, maintaining national cultural traditions, non-scholarly curricula or self-education, and maintaining contacts with family and friends in Hungary” (Gödri, Soltész, and Bodacz-Nagy 2014, p.17). Also, the naturalization of foreign residents requires “12 years of residence and citizenship tests” (Bocskor 2018, p. 553). On the other hand, the Fidesz government passed a simplified naturalization process for ethnic Hungarians in which “non-Hungarian citizens living abroad can be naturalised without moving to Hungary if they or their ancestors held Hungarian citizenship, are able to speak basic Hungarian and they have a clean criminal record” (Gödri, Soltész, and Bodacz-Nagy 2014, p.17). Therefore, the Hungarian government aimed to stimulate its population growth through the policies of pro-natalism and simplified naturalization of ethnic Hungarians rather than receiving immigrants. In Hungary, the immigration is considered as a security issue, thus, Hungary accepts immigrants “unwillingly, selectively and primarily on an ethnical basis” (Korkut 2014, p. 5). Also, the public opinion polls presents that Hungarians have negative attitudes towards not only foreigners but also “the internal ‘other’ concerning the Roma, Jews and increasingly the homosexuals” (Korkut 2014, p. 8). Even a recent study explored that Hungarians would be more sympathetic towards ethnic Hungarians living abroad “if they stayed in their country of origin” hence “the initial sympathy towards ethnic Hungarians has declined due to economic rivalry” (Bocskor 2018, p. 554). Ultimately, Hungary’s migration history contributed to its current anti-immigrant and xenophobic stance.

6.2 Economic Strength

The process of policy-making is an end-result of “social, economic and political environment in which the state operates” (Skocpol, Evans, and Rueschemeyer 1985, p. 10). Immigration and asylum policies are also outcomes of these circumstances. In particular to immigration policies, economic strength is one of major factors in determining the states’ capabilities in accepting asylum-seekers, providing basic social services (housing, water, sanitation, food, and health care), and integrating into the labor market (Ostrand 2015). Moreover, the economic strength has an impact on the public support towards asylum-seekers. In strong economies, the public does not feel threatened by the presence of immigrants and refugees in terms of public resources. Because, the public is convinced that economy is strong enough to support coming immigrants and refugees, and to provide job opportunities. For instance, the German government assured the public that Germany is an economically strong country which is able to cope with the growing number of refugees. Meanwhile, the Hungarian government framed asylum seekers as economic migrants who threaten the welfare system and employment opportunities in Hungary which led to an increase in anti-immigrant sentiments at the domestic level. Table 6.1 illustrates the big difference between Germany and Hungary in GDP per capita. Starting from

Hungary's accession into the EU in 2004, Germany's GDP per capita continued to be three times higher than Hungary's GDP per capita. Considering GDP per capita is the main indicator of a country's economic strength, Figure 6.1 represents that Germany's economy is much stronger than Hungary's. Since Germany is more welcoming and open towards immigrants and asylum-seekers, it can be argued that the higher welfare level, the higher public tolerance towards the new comers.

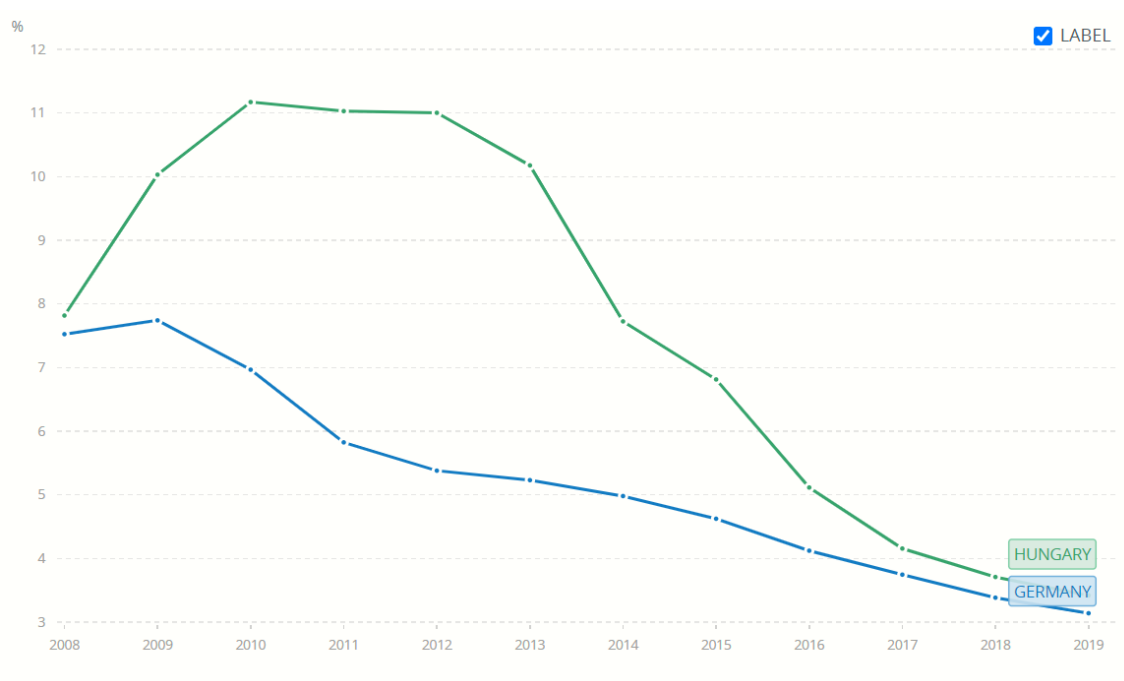
Table 6.1 GDP per capita (current US dollars) - Germany, Hungary, 2004-2019



Source:(World Bank 2019)

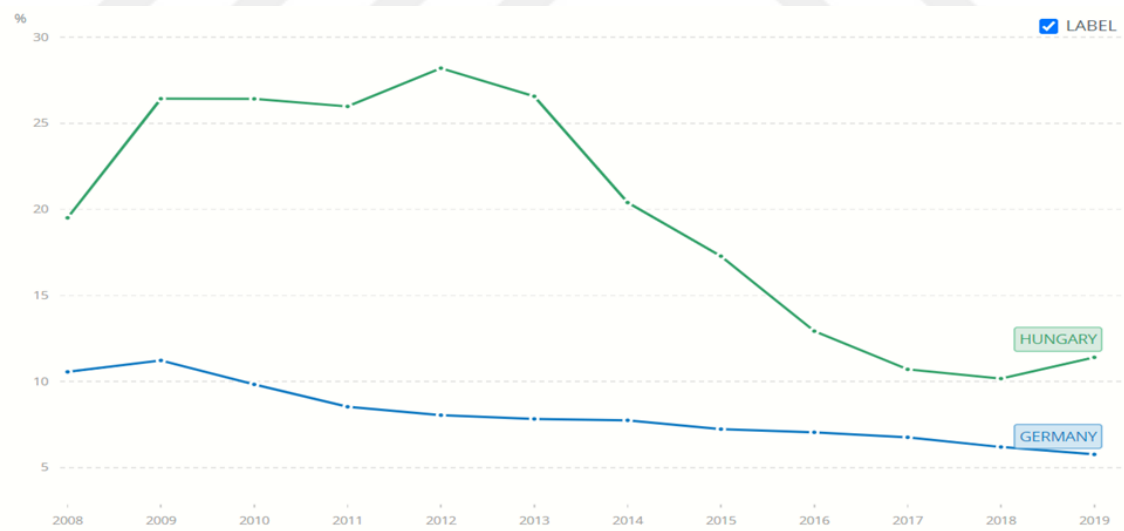
The unemployment rate is also a significant indicator of a country's economic strength. As the tables 6.2 and 6.3 demonstrate, the 2007-2008 Global Financial Crisis has an impact on the increment of the unemployment rates in both Hungary and Germany, but the increment of unemployment rate in Hungary was much higher and continued longer periods of time compare to Germany.

Table 6.2 Unemployment, total (national estimate) - Germany, Hungary, 2008-2019



Source:(World Bank 2020a)

Table 6.3 Unemployment, youth total (national estimate) - Germany, Hungary, 2008-2019



Source:(World Bank 2020b)

As the Tables 6.2 and 6.3 show that Germany managed the 2007-2008 Global Financial Crisis and the 2010 Eurozone Crisis better in terms of securing stability and employment. In the meantime, Hungary was badly affected by these financial crisis due to the fact that the Hungarian banking sector was highly dominated by the foreign banks. “By 2005, foreign banks headquartered in other EU states accounted for more than 82 percent of bank assets in Hungary” (Bohle 2014; Johnson and Barnes 2015, p.543). In the face of the Global Financial Crisis in 2008, a vast number of foreign banks “threatened to pull out to maintain liquidity in their home countries” (Fekete 2016, p. 46). Although the GDP growth in Hungary annually increased around 4 per cent from the accession into the EU in 2004; the GDP growth declined dramatically starting from the Global Financial Crisis in 2007-2008 (0.2 per cent in 2007, 1 per cent in 2008, -6.7 per cent in 2009) (World-Bank 2019a). These financial crisis led to a rise of total and youth unemployment rates in Hungary (the tables 6.2 and 6.3). In response, the Hungarian Government adopted the Magyar Munkaterv (Hungarian Work Plan) in 2011 which aimed to reduce unemployment by providing public work opportunities to unemployed people. The Hungarian Government represents the Hungarian Work Plan (HWP) as a successful policy because “public workers have been counted as ‘employees’ instead of ‘unemployed’, thus contributing to the slight increase of employment rates” (Szikra 2014, p. 493). However, the HWP received criticisms due the lack of social security of public workers.

“Public workers, the vast majority of whom have been engaged in physical work in forestry, waterworks and local renovations, are not protected by the new Labour Code. A special ‘public works minimum wage’ was created at 70 percent of the national minimum wage. Paid weekly, rather than monthly, the pattern of the minimal wage copies the traditional remuneration of (agricultural) day-labourers, rather than regular labour contracts” (Szikra 2014, p. 493).

Moreover, the European Commission’s Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL) estimated that “approximately one-fifth of current public works employees are being dismissed and then re-employed on lower salaries by their former employer” (Fekete 2016, p. 47).. On this matter, the Hungarian Ombudsman also reported that schools and emergency services “fired public employees and taking on public workers instead, thereby further decreasing the chances of effective and protected employment” (Szikra 2014, p. 493). In addition, the Hungarian Ombudsman detected discrimination against minority groups, especially the Roma. According to the Ombudsman’s report, a number of Roma women in Gyöngyös, Hungary, were excluded from public work program because of “wearing traditional costumes”(Fekete 2016, p. 48). In 2014, the United Nations’ Universal Periodic Review of Human Rights published a mid-term implementation assessment on Hungary which stressed that public workers suffer from severe working conditions and “sanctions violating basic rights and dignity” (UPR 2014, p. 15). Furthermore, the report emphasized that:

“As a consequence of restrictions introduced by the government, the number of adults not receiving social benefits and being excluded from welfare services has increased in Hungary since 2011, a tendency particularly affecting Romani communities living in deep poverty. The findings of a recent survey of public work agencies clearly reinforces the fact that public work in its current form is less of a labour market reintegration instrument than it once was and that Roma frequently suffer from the discriminatory attitudes of decision-makers (employers, job supervisors) when applying for and taking part in public work” (UPR 2014, p. 15).

Reflecting on the Hungarian Work Plan, the Hungarian government was not able to establish an inclusive, equitable and reliable employment program for its own citizens, therefore, the Hungarian government is not likely to integrate immigrants and refugees into labor market and welfare system. On the other hand, Germany proceeded efficient integration programs with the help of its strong economy and low unemployment rates. In addition, the Federal Republic of Germany enacted a federal law regarding the integration of refugees and immigrants. The integration program consists of German language courses and training courses, and aims to “integrate as many people as possible into the labour market” (Bundesregierung 2016a). Since “refugees cannot become properly integrated on the labour market until they speak the language”, the Federal Ministry of Education set a budget up to 180 million euros to promote literacy projects (Bundesregierung 2015a). Throughout their training, “individuals will have a tolerated residence status, which will be extended for six months to enable them to seek employment on successful completion of their training. If a company takes on the trainee, he or she will be given a two-year residence permit” (Bundesregierung 2016a). In respect to the federal law on integration, the German government not only provided protection of refugees but also contributed to its own economy by integrating refugees into the labor market.

Table 6.4 Projected old-age dependency ratio - Per 100 persons

Baseline Projections	2019	2020	2030	2040
Germany	33.2	33.7	42.1	47.7
Hungary	29.3	30.3	33.7	39.4
Sensitivity test: Higher Migration	2019	2020	2030	2040
Germany	33.2	33.7	41.3	45.9
Hungary	29.3	30.3	33.5	38.7
Sensitivity test: No Migration	2019	2020	2030	2040
Germany	33.2	33.9	44.9	54.2
Hungary	29.3	30.4	34.6	41.5

Source:(Eurostat 2020d)

In regards to the policies on immigration and asylum, ageing population is also a critical issue. The countries with an ageing population tend to be more open and welcoming towards immigrants and refugees in order to maintain their economic well-being. As the population ages, the number of economically active people decreases and the labor shortage eventuates in the long period of time. Table 6.4 illustrates the projected old age dependency ratio in Hungary and Germany which indicates “the ratio between the projected number of persons aged 65 and over (age when they are generally economically inactive) and the projected number of persons aged between 15 and 64” (Eurostat 2020*d*). Table 6.4 consists of three different categories that are baseline projections, higher migration and no migration projections. These three categories show the potential old-age dependency ratio in different scenarios. In all scenarios, there is a significant difference between Germany and Hungary in which Germany’s old-age dependency ratio is higher than Hungary’s. In the case of no migration scenario, the old-age dependency ratio in Germany reaches up to terrifying numbers that highlights that Germany necessitates young labor force in order to maintain the stability of economically active persons. For that purpose, migration is essential for Germany’s economic welfare. On this matter, Wolfgang Kaschuba, former director of the Berlin Institute for Empirical Integration and Migration Research, stated that: “If Germans want to maintain their economic well-being, we need about half a million immigrants every year” (Washington Post 2019).

Consequently, economic strength is one of the major factors in determining states’ policies on immigration and asylum. The economy’s impact on immigration and asylum policies was evaluated in this sub-chapter through GDP per capita, unemployment rate (youth and total), ageing population and a systematic plan of integration into labor market. It is demonstrated that Germany is both capable of accepting a number refugees due to its strong economy and owns sufficient mechanisms to integrate them into the labor market. For this reason, Germany is more welcoming and open towards immigrants and refugees compare to Hungary.

7. CONCLUSION

Since Syrian civil war started in 2011, 6.6 million people were internally displaced and over 5.6 million people fled from persecution and violence in Syria. These Syrian refugees started to seek asylum in the neighboring countries and Europe. Starting from 2014, the number of asylum applications to EU drastically increased and reached a peak in the summer of 2015. Total arrivals to Europe exceeded one million which led to the 2015 migration crisis. In the face of an unprecedented number of arrivals, the EU failed to form a single voice in the absence of common EU migration policy. The individual member states developed different responses toward the migration crisis due to diverging national preferences.

This thesis examined how Germany and Hungary remarkably differed in their responses towards the migration crisis in the absence of a common European policy. While comparing German and Hungarian responses on the basis of migration history and economic strength, this thesis also addressed the rhetoric and policies of the leaders of two EU member states. By using the theories of neofunctionalism and liberal intergovernmentalism, this thesis aimed to examine the EU's response to the migration crisis at institutional and intergovernmental levels. The EU's institutional response was explained by the theory of neofunctionalism in which the EU institutions, mainly the European Commission, played a central role in proposing an EU-level policy to tackle with the migration crisis. Meanwhile, the EU member states' diverging responses were analyzed by the theory of liberal intergovernmentalism in which member states' preferences shape the EU-level response.

The findings represented that the EU institutions were not able to establish a common migration policy toward the migration crisis. A temporary relocation system was proposed by the European Commission under the European Agenda on Migration in order to distribute the asylum-seekers based on a fair and balanced quota system with the participation of all the member states. However, the relocation system was not able to bring forth effective results due to the lack of solidarity and trust between member states. In the absence of a common migration policy, the member states' responses differed from one another. In response to the 2015 migration crisis, Germany and Hungary adopted remarkably different migration policies. Germany embraced an open and welcoming approach towards immigrants and refugees as a result of its history of migration and economic strength. Germany received a vast majority of total EU asylum applications, therefore, Germany was one of the main destination countries. On the other hand, Hungary interiorized an anti-immigrant and xenophobic stance towards immigrants. Therefore, Hungary made every effort to stop immigration flows into Hungary including building fences on Hungarian bor-

ders, rejecting the EU's relocation system, and provoking public opinion against immigrants. Although Hungary received relatively high number of asylum application in 2015, only a small number of asylum applications received positive decisions. Also, the number of asylum applications to Hungary dropped significantly in the following years because of the perception of Hungary as a predominantly country of transit and discouraging anti-immigrant rhetoric and policies.

This thesis analyzed how German and Hungarian responses diverged in their responses to the migration crisis on the basis of migration history and economic strength. History of migration examined two countries' previous experience with immigration flows and integration programs. In the aftermath of the WWII, Germany and Hungary both received inflows of migrants from their own ethnic origins, however, migration flows to Germany converted more heterogeneous in their origin in the following years. As a result, Germany became a multicultural country due to its heterogeneous population which made Germany more open and tolerable towards immigrants. On the contrary, Hungary maintained its ethnically homogenous demographic structure and even marginalized internal others including the Roma, Jews and homosexuals. Therefore, it was not a surprise to see anti-immigrant and discriminative policies in Hungary during the 2015 migration crisis. Moreover, economic strength analyzed two countries' GDP per capita, unemployment rate (youth and total), ageing population and a systematic plan of integration into labor market. Since economic strength is one of the major factors in shaping states' migration policies, Germany is both capable of accepting a number refugees due to its strong economy and owns sufficient mechanisms to integrate them into the labor market.

Ultimately, this thesis represented that Germany and Hungary diverged in their responses toward the 2015 migration crisis in the absence of a common migration policy. The comparison of German and Hungarian responses was contextualized on the basis of migration history and economic strength while leaders' rhetoric and policies on immigration were addressed.

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