4   Crisis Situation
Policy Heritage, Problem Pressure, and Political Pressure

Introduction

In this chapter, we present the crisis situation – the policy heritage in the relevant policy domain of asylum policy, as well as the immediate problem and political pressure at the EU level and in the eight countries. The refugee crisis of 2015–16 was not the first refugee crisis in Europe. Other such crises preceded this one and have shaped the policy heritage at both the EU and the national level, which in turn was what the decision-makers relied upon when the problem pressure and the political pressure kept mounting during the summer and early fall of 2015. With increasing numbers of refugees arriving in Europe, the crisis pressure has been building up continuously. We track the mounting pressure in terms of the number of asylum seekers (problem pressure) Europe-wide, the salience of immigration issues in the national publics, and the strength of the radical right (political pressure) in the different countries. The crisis situation is expected to set the stage for the policymaking patterns as the crisis evolves.

In the first place, policy responds to the consequences of *policy legacies* (Heclo 1974). Past policies create a situation of path dependence that limits the available choices for policymakers in the crisis situation. Policy legacies generate institutional routines and procedures that constrain decision-making. In particular, they constrain the range of available options (Pierson 2004). In the multilevel polity of the EU, the heritage of past policies refers both to the EU and the domestic level. Importantly, in the EU polity, the supranational level is not just another level at which international agreements are negotiated to be transposed nationally later on, nor is the EU a full-fledged federal system. In this "compound polity," as a result of market integration and the more or less extensive pooling of core state powers, the EU member states are highly interdependent.

In the domain of *asylum policy*, responsibility is shared between the EU and the member states. While the latter have retained core competences,

their policymaking still depends on the common Schengen–Dublin framework. Moreover, the policy-specific legislative framework is embedded in the overall institutional structure of EU decision-making. In asylum policy, the mixture of interdependence and independence of the member states imposes reciprocal constraints on the decision-makers at each level of the EU polity: While the interdependence imposes constraints on the policy response of national policymakers, the independence national policymakers have retained constrains the decision-making in asylum policy at the EU level. The limited competence of the EU in the asylum domain poses a great challenge for policymaking in a crisis, a challenge that is enhanced by the diversity of the policy heritage as well as the uneven incidence of the crisis in the various member states.

The immediate *problem pressure* is crisis-specific, as is the distribution of the incidence across the member states. The refugee crisis represents a specific type of crisis in terms of its problem structure and in terms of the distribution of its incidence across the EU member states. Crucially, the problem structure of this crisis implied a high degree of urgency but only a limited degree of uncertainty. Given the previous experience with refugee crises, one could have seen this crisis coming, and, as we shall see in the next chapter, the EU Commission was, indeed, preparing for its advent. But when the crisis arrived, it still hit the member states unprepared and required responses under conditions of high urgency. Crucially as well, the incidence of the crisis across EU member states was asymmetric. Some member states were hit hard by the crisis, while others hardly experienced any problem pressure at all. As we have already seen in the previous chapter, in addition to the problem pressure, the capacity to deal with the problem also varied considerably between member states, as some were more resourceful than others. We shall argue that the asymmetrical distribution of problem pressure and problem-solving capacity across member states, combined with the independence member states have retained in asylum policymaking, made joint responses particularly difficult. *Political pressure* added to this predicament in a number of key member states.

Policy Heritage

As already mentioned, the refugee crisis of 2015–16 was not the first refugee crisis in Europe. The most important previous crisis was the one linked to the Balkan wars in the early 1990s. At the end of the Cold War, between 1989 and 1994, the break-up of the former Yugoslavia led to the inflow of roughly 1.5 million refugees into the EU and in particular into Germany (see Figure 4.1). Germany not only managed hundreds
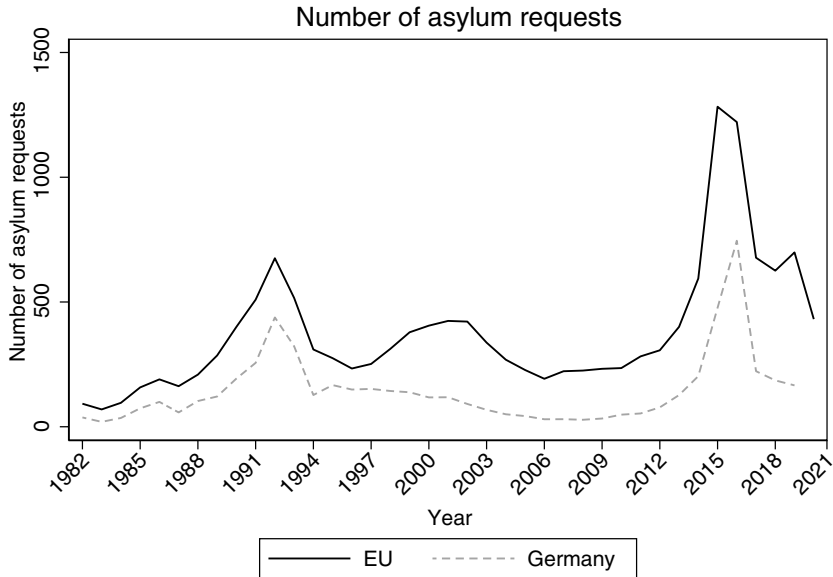
Number of asylum requests

Figure 4.1 Refugee crises in Europe: number of asylum requests in the EU and in Germany, 1982–2020, in thousands
Sources: 1982–1997: UNHCR Statistical Yearbook 2001, Table C1; 1998–2020: Eurostat

of thousands of refugees at the time, but it also received 1.1 million ethnic German "Aussiedler" from central–eastern Europe and the former Soviet bloc. In reaction to this influx, the German government sought to export the crisis to the EU level. As Schuster (2000: 120) has already observed in her comparative analysis of the asylum policy in seven western European member states, six of which are part of our selection: "[P]erhaps the most remarkable about all the countries discussed in this volume is that, in spite of their different histories and experiences of granting asylum, asylum policy in each state has been so reactive. Asylum policy is developed and changed in response to particular crises." Thus, although more limited in quantitative terms than the 2015–16 crisis, the previous crises have been very important in shaping the thinking of policymakers in the field. It forged the EU's policy heritage, or, in Andrew Geddes's (2021) terms, its repertoire of migration governance. The Dublin Convention, which became the centerpiece of European asylum policy, was adopted in 1992, at the height of the earlier crisis. It was to determine which member states would have jurisdiction in matters of asylum – fatefully, responsibility was attributed to the member state in

which the refugees arrived. As Geddes (2021) argues, the past experiences of migration policymakers with crises generally shape their representations of what is normal about migration. Perceptions of normality, in turn, define what they know how to do and what they think they are expected to do next. Core perceptions and beliefs, once established, are hard to change and prove to be rather stable over time, even in new crisis situations.[1]

The repertoire of EU migration governance has two components: free movement internally and a common migration and asylum policy with regard to third country nationals (TCNs). Put simply, the EU has an open borders framework internally, but external migration restrictions (Geddes and Scholten 2016). EU member states cannot control internal movement, but they are in charge of regulating admission of TCNs. While none of the EU laws govern admission, there are EU laws covering asylum, the return/expulsion of TCNs, family migration, the rights of TCNs who are long-term residents, highly qualified migrant workers, seasonal migrant workers, and a single permit directive linking work and residence. Added to this are a lot of other activities. Overall, EU asylum policy is partial in that it covers some, but not all, aspects of policy, and it is differential in that its effects have been more strongly felt in some member states than in others. Crucially, as argued by Geddes (2021), while the numbers of TCNs in general and asylum seekers in particular to be admitted and their "integration" remain matters for member states, EU measures on migration and asylum are primarily oriented toward stemming "unwanted" flows at the external borders.

Policy Heritage at the EU Level

The Single European Act (SEA) in 1986 was a major trigger for the common immigration agenda (Hadj-Abdou 2016). The abolition of internal border controls by the SEA provided a strong incentive for cooperation on immigration issues at the external borders. The member states addressed the issue through intergovernmental or trans-governmental arrangements.[2] More specifically, it was national interior ministries

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[1] Similarly Ripoll Servent and Trauner (2014) and Trauner and Ripoll Servent (2016). However, they more explicitly build on the advocacy coalition approach. In addition, these authors downplay the impact of more recent exogenous events and of institutional change (such as the communitarization of Area of Freedom, Security and Justice [AFSJ] policies) on the policymaking process.

[2] The term "trans-governmental" has been coined by Wallace (2000: 33) and Lavenex (2000: 854). In contrast to "intergovernmental," the term "trans-governmental" arrangements refers to the activities of governmental actors below the level of heads of government, such as ministerial officials, law-enforcement agencies, and other bureaucratic

that set the direction of EU cooperation on migration and asylum (Guiraudon 2003). A first cornerstone was the Schengen Agreement of 1985 (implemented in 1995), which abolished internal border controls and constituted a paradigm for EU policymaking in this domain (Boswell and Geddes 2011: 231f). It began as a limited arrangement outside the treaty among the traditional pro-integration states (Benelux, Germany, France, and Italy), which have played a key role in shaping EU migration policy. The Dublin Convention, the second cornerstone of European migration policy, was, as already mentioned, adopted at the peak of the previous crisis in 1992 (implemented in 1997). This convention was motivated above all by the concern of "older" immigration states that newer immigration states in southern Europe or prospective member states in central and southeast Europe needed to have credible border control frameworks. Germany, the member state most directly hit by the earlier crisis, played an especially important role in the creation of the Common European Asylum System (CEAS) (Hellmann et al. 2005). Zaun (2017) explains why the frontline states followed the lead of the destination states when negotiating the key asylum directives: Given the absence of adequate asylum regulation in these states, they often felt that EU legislation did not concern them. They were not aware of the potential consequences and lacked the expertise and administrative capacity to foresee the effects of agreeing to individual provisions in the long run. The destination states with strong positions were able to exploit the silence of those less willing to fight to have their own positions accommodated.

Migration policy was supra-nationalized in several steps of treaty revisions. Eventually, since the Lisbon Treaty (2009), immigration has become a shared competence of the member states and EU institutions. However, the intergovernmental mode of decision-making still prevails in this policy domain, and the national ministries of the interior remain the most influential actors. At the EU level, they have been strengthened by the formalization of their deliberations in the Justice and Home Affairs (JHA) Council; the support they receive from a certified Council secretariat, and in particular the staff of the DG H (JHA); the absorption of the Schengen group; and the attachment of staff from the ministries of the interior and of justice to the permanent representations of the member states (Lavenex 2001).

The current legislative framework of the CEAS was developed in two phases (1999–2004 and 2005–15). First, between 1999 and 2004,

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actors who act with a certain degree of autonomy vis-à-vis their chief executives and are free to develop their own policy agenda.

several legislative measures designed to harmonize minimum standards for asylum were adopted. In addition, financial solidarity was reinforced by the creation of the European Refugee Fund in 2004, which compensated the member states receiving the highest numbers (in total) of asylum seekers. The harmonization effort led to the introduction of three important directives – the reception conditions directive (stipulates minimum standards for the reception of asylum seekers), the qualification directive (specifies the status and rights of refugees), and the asylum procedures directive (establishes minimum procedural standards for granting and withdrawing refugee status in member states). As of 2013, all three directives had been revised. In addition, the Dublin regulation has been revised twice (in 2003 and 2013). Moreover, to ensure a rigorous application of the Dublin regime, in 2000, member states agreed to introduce a fingerprint data base (Eurodac).

Despite being adopted under full communitarization, the second phase of the CEAS (2005–15) proved slow and difficult in coming and did not introduce any major changes that would address the effective implementation of EU asylum policies at the domestic level (Ripoll Servent and Trauner 2014). The common rules of the CEAS have largely remained on paper (Scipioni 2018), and the harmonization of asylum policies in the EU has barely led to the implementation of minimum protection standards in the EU, let alone common standards (Niemann and Zaun 2018: 12). Zaun (2017: 256f) concludes that it is striking how strongly the member states' asylum systems differ after more than fifteen years of EU asylum legislation and despite the official completion of the CEAS in 2015: "The gap between strong regulating member states with asylum systems that generally work effectively and weak regulating member states that are overwhelmed and paralyzed by rising numbers of asylum-seekers is even more salient during the crisis."

As a matter of fact, the large differences in the countries' asylum regimes resulted in different outcomes even before the crisis struck. As a result, recognition rates, reception conditions, and asylum procedures continued to vary strongly across member states, as is shown in Table 3.1. Moreover, as this table also shows, the capacity of national asylum systems to deal with asylum requests also varies considerably between member states. As the indicator for the systems' capacity suggests, the Greek, Hungarian, and French systems fall far short of what would have been required for proper functioning. As we have seen in Chapter 3, the national asylum systems of precisely those countries that were supposed to take care of the massive refugee inflows during the refugee crisis were least prepared to do so. Admittedly, annual budgetary appropriations are only one aspect of how effectively a given country's asylum system

functions. However, in the context of a sudden spike of requests, the available resources of the system are an important indicator of a country's capacity to satisfy its CEAS obligations.

As a result of the lack of harmonization of minimum standards between member states and of the deficient capacity of some national systems, the entire CEAS rests on what has been called an organized hypocrisy (Krasner 1999; Lavenex 2018; van Middelaar 2019: 103ff). Even in terms of the protectionist policies, not to speak of humanitarian values, the system failed to fulfil its task: The states that were supposed to control the external borders were the least able to do so. Even before the crisis exploded, they had reacted by waving the refugees through to other states (Lavenex 2018: 1197), while the northern destination states had turned a blind eye to this kind of disruptive behavior because they had imposed these obligations on the frontline states in the first place. Predictably, the crisis led to the breakdown of the CEAS and to exposure of the organized hypocrisy.

Policy Heritage in the Member States

In reaction to the suppression of internal borders by the Single European Act, and to the Yugoslavian crisis, asylum policy in western European member states generally became more restrictive from the mid-1980 up to the end of the 1990s, both in terms of immigration controls and the provisions and services available to asylum seekers during the asylum determination process (Bloch, Galvin, and Schuster 2000). Hatton (2017: 463f) shows the overall trend of the asylum policy index for nineteen countries (sixteen European countries, plus the United States, Canada, and Australia) up to 2005.[3] This trend confirms the tightening of the policies throughout the 1990s up to 2003. All three components of the index – access, processing, and welfare – display the same trend. However, at the country level, the extent and timing of changes in policy were far from uniform. A severe tightening occurred in several, but not all, countries. The effect was to reduce asylum applications by more than 25 percent in twelve out of the nineteen countries and by more than 40 percent in five of them (Austria, Australia, Ireland, Netherlands, and the UK).

Zooming in on the eight member states we cover in our study, we begin with the *open destination states* – Germany and Sweden – which provide a striking contrast to the increasingly restrictive trend in asylum policy. To begin with, *Germany* had traditionally not considered itself as an immigration country. German immigration policy was slow in

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[3] See his Table 4 on p. 459.

coming, and constraints on the development of a national immigration policy until the 1990s are key factors helping to explain why Germany was actively involved in the development of EU migration policies, partly compensating for the absence of national policies (Geddes and Scholten 2016, Chapter 4). Thus, the EU's Dublin system for asylum applications facilitated Germany's own 1993 "asylum compromise" that helped to significantly reduce the number of asylum seekers entering Germany and defuse the asylum crisis of the early 1990s.

Traditional approaches to immigration faded in the early 2000s, when a series of reforms fundamentally reshaped Germany's migration policy (Müller and Rietig 2016) and, contrary to the common trend, changed the country from "a restrictive outsider to a liberal role model" (Kolb 2014: 71). These reforms also include the liberalization of asylum policy: As required by the EU directives, Germany gradually abolished many of the restrictions that had been introduced by the 1993 asylum compromise. These changes triggered an increasingly generous interpretation of humanitarian protection in German law. Consistently falling asylum numbers in the late 1990s and early 2000s helped make these adaptations politically feasible. The paradigm change is illustrated by Angela Merkel's statement on the occasion of the sixtieth anniversary of the Federal Office for Migration and Refugees (BAMF) in 2013 (Laubenthal 2019: 415): "Germany must become an integration country."

In the late 1970s and 1980s, Sweden became a major receiving country of both asylum seekers and resettled refugees. It is during this time that Sweden became known as a humanitarian haven (Skodo 2018). During the 1990s, the multicultural component was downscaled, but only to a limited extent (Borevi 2014: 714). There has been a continuity in asylum policy that differentiates Sweden from other EU countries (Abiri 2000). Although Sweden introduced a few mandatory requirements for asylum seekers following the civic integration model in the 2000s, they have not been enforced. Economic assistance and residence permits have remained largely independent of integration performance. Moreover, during the period 2005–14, Sweden saw a massive loosening of policy, which went against the general trend (Hatton 2017: 465). By September 2013, Sweden had become the first country in the world to offer permanent residency to all Syrians seeking asylum (Scarpa and Schierup 2018).

By contrast, the overall trend is illustrated by the *restrictive destination states* – France and the UK. Since the 1980s, in a series of legislative steps, France has consistently restricted the access of asylum seekers to the country (Wihtol de Wenden 1994; Wihtol de Wenden 2011). Moreover, as early as 2011, France was one of the first countries to call

the Schengen regime into question by starting to reintroduce checks at its border with Italy (AIDA 2018). France even temporarily closed its border with Italy at Ventimiglia in April 2011 and asked the EU to revise the Schengen border treaty to take into account "exceptional" situations like the massive inflow of Tunisian immigrants in 2011. As a result, the Schengen border code was reformed in 2013, granting a provision that in times of the arrival of large migrations, internal border controls could be reinstated for a certain period (AIDA 2018) – a provision that would become a major policy tool for member states during the refugee crisis.

In the second closed destination state, the *United Kingdom,* starting in the late 1990s and with the advent of New Labour, a cross-party consensus emerged that considered immigration in general and asylum seekers in particular as a threat (Mulvey 2010). Accordingly, the pace of restrictive legislation with respect to TCNs accelerated in the new millennium (DEMIG 2015). Among the large number of policies employed by the British state to act as a deterrent for asylum seekers, we highlight the dispersal system that distributes asylum seekers to socially deprived areas with highly precarious financial and material conditions and limited prospects for social integration (Bakker et al. 2016); the increased use of detention practices (Bosworth and Vannier 2020) that were facilitated by opt-outs from the EU's Asylum Procedures and Reception Conditions Directives; a heavy reliance on prohibitive fines and fees for immigration control, enforcement, and access to services (Burnett and Chebe 2020); and a general promotion of the "crimmigration" narrative in public discourse. When Theresa May, head of the Home Office at the time, declared the "Hostile Environment Policy" as a part of the Conservative–Liberal coalition's agenda in 2012, the foundations for such policies had already been laid during the previous decades.

The Mediterranean *frontline states* – Greece and Italy – have been traditional emigration countries, but they had experience with immigration as well. Thus, *Greece* experienced relatively large waves of migration after the fall of the Berlin wall, with the gradual arrival of migrants from Albania and Bulgaria but also Romania and other eastern European and Middle East countries (Cavounidis 2002; Kasimis and Kassimi 2004; Triandafyllidou 2014). In addition, the country saw the return of diaspora Greek groups who had long resided in the former Soviet Union as well as the return of exiled civil war fighters and their families, which created a strong immigration current into the country during the 1990s. Overall, it was estimated that approximately 1 million immigrants lived in Greece at the eve of the Euro area crisis in 2010, comprising 10 percent of the population (Chindea 2008). In the 2000s, the immigration profile shifted to refugees from Afghanistan and the Middle East

who – unlike previous immigrants –applied for asylum, with asylum applications climbing from 11,000 in 2005, to 51,000 in 2010.

However, the Greek immigration policy regime has always been among the most restrictive in Europe. It scarcely allowed for the integration of non-ethnic Greek immigrants (DEMIG 2015), discouraged entry into the country, and treated immigration as a "necessary evil" (Triandafyllidou and Ambrosini 2011). The main components of immigration policy consisted of deterrence of entry, tight border policing and quick expulsions of immigrants who had illegally entered the country, combined with intermittent "regularization" initiatives that settled the status quo of individuals who had managed to reside illegally in the country for a number of years (Triandafyllidou 2014: 16). Greek asylum policy in particular developed only in the 1990s, but remained one of the most rudimentary and restrictive in Europe (Sitaropoulos 2000).

Much like Greece, *Italy* has a generally restrictive policy heritage on immigration focusing mostly on regulating economic immigration. The most important influx of immigrants prior to the European refugee crisis, again like in the Greek case, came with the arrival of large numbers of Albanians in the early 1990s, an era that produced iconic images of people crowded in ships attempting to cross the Adriatic (Hermanin 2021; Zincone 2011). Like in Greece, the general impulse was to treat immigration as a "necessary evil" (Ambrosini and Triandafyllidou 2011), and it was not welcome among the traditionally culturally homogenous citizenry (Ambrosini 2013). Italian asylum policy was also slow in coming, and it was only the left-wing governments of the 1990s that paid more attention to the issue (Vincenzi 2000). Italian migration policies have typically been in reaction to emergencies (Fontana 2019: 433). Thus, its first comprehensive immigration laws – the Martelli Law (1990), the Turco-Napolitano Law (1998) and the Bossi-Fini Law (2002) – treated immigration and asylum mostly as exceptional phenomena and contained emergency-driven measures. The sudden influx of asylum seekers fleeing the Arab Spring uprisings in 2011 provided a new impetus for this reactive logic, which resulted in numerous ad hoc ministerial decrees to manage the large number of arrivals. To cope with these arrivals, the government granted humanitarian permits to all North African citizens who had arrived in spring 2011 and to asylum seekers coming from Libya. Until March 2013, humanitarian protection was recognized almost by default. As a result of these measures, Italy defied the overall restrictive trend preceding the refugee crisis.

Finally, we turn to the two *transit states* – Austria and Hungary. *Austria* is a somewhat ambivalent case in its own way. Like the destination states, Austria has experienced several major waves of refugee inflows

during the postwar period (Rutz 2018). Due to its geopolitical position, Austria was one of the main receiving countries for refugees fleeing communist regimes in central and eastern Europe between 1945 and 1989. However, a relatively limited number of refugees ended up staying in Austria; for example, most of the Hungarian refugees entering Austria in 1956 did not stay in Austria. In the 1990s and early 2000s, after the fall of the Iron Curtain and the outbreak of war in the former Yugoslavia, just like Germany, Austria was again hit by several waves of refugees originating in the Balkan states. This time, more of the arrivals stayed. As a result of this influx, the number of non-nationals in Austria doubled, from 344,000 in 1988 to 690,000 in 1993. As a reaction to the increasing number of refugees fleeing the Balkan wars, Austria's asylum laws and the country's traditionally liberal treatment of refugees became considerably more restrictive (Rutz 2018: 23f), making it a prime example of the general restrictive trend. From 1992, when a new Aliens Act tightened regulations on the entry and residence of foreigners, up to the refugee crisis, laws governing asylum and aliens' residence were amended several times (Rutz 2018: 25).

Finally, among the eight member states we analyze in depth in this study, *Hungary* is an exception in many ways. Economically the least developed among the eight member states and a country with few cultural, linguistic, and diaspora links to sending states, Hungary lacked many of the pull factors identified by the empirical literature on migration flows (Klaus and Pachocka 2019). Unlike Austria, the precrisis period was characterized by nation-building efforts to ease legal immigration for Hungarian coethnics living abroad and by aligning the migration regime with the EU's acquis communautaire – the CEAS – as a precondition for EU accession (Tétényi, Barczikay, and Szent-Iványi 2019). The Balkan wars had little impact on Hungarian asylum policy. As of 2002, only some 115,000 foreign citizens with a valid long-term permit (i.e., good for at least one year) or permanent residence permit were residing in Hungary. This population amounted to roughly 1 percent of Hungary's population. More than 40 percent of these foreigners were Romanians.

In the context of the external pressure from the EU, Hungarian authorities adopted a large number of pieces of legislation concerning immigration between the year of democratic transition (1989) and the refugee crisis. The DEMIG database (DEMIG 2015) identifies no fewer than 103 such legislative acts during this period. Perhaps most importantly, the Asylum Act of 2007 laid the foundations of the modern Hungarian asylum regime. The implementation of the acquis communautaire was, however, more than uneven. As we have seen in Table 3.1, in actual fact, the precrisis Hungarian asylum regime was characterized by highly

restrictive practices in the assessment of asylum claims, with an over-whelming majority of asylum decisions resulting in rejection. Especially the period between 2010 and 2014 marked a steady increase in rejection rates. Already before the refugee crisis, Hungary was primarily a tran-sit country for asylum seekers. Economic forces only partly explain this phenomenon (Juhász 2003). Equally important are the restrictive poli-cies and scarce opportunities for integration. Asylum seekers have gen-erally sought protection elsewhere, mainly in other EU member states. The most common reason for terminating an asylum procedure has been that the applicant simply "disappeared."

Problem Pressure

It was the external shock of mass displacements that created the crisis situation, that is, the urgency for decision-makers at the national and EU levels. This shock came to a head in the summer and fall of 2015, as is illustrated by Figure 4.1, which presents the development of the overall monthly number of asylum requests in the EU and in Germany, the country that received the largest number of such requests (as in the previous crisis). This figure also shows that, measured by the number of asylum requests, the problem pressure in 2015–16 crisis was consider-ably larger than in the previous crisis in the early 1990s. Given the accu-mulated experience with refugee crises, one might have expected that the uncertainty linked to the new crisis would be rather more limited and that the decision-makers were better prepared for this crisis. However, as we have already pointed out, this was not the case. EU asylum policy proved to be quite inadequate for dealing with the crisis shock, and the individual member states were, at least at first, left to their own devices. Past policy failures exacerbated the problem pressure that was mounting in the summer and early fall of 2015.

Importantly, however, the shock varied enormously from one member state to another, as is shown in Figure 4.2, which presents the monthly submissions of asylum requests as a share of the population (a proxy for problem pressure). It is in Austria, Hungary, Germany, and Sweden that the number of asylum applications peaked in the crisis situation of fall 2015 (indicated by the vertical solid line). Relative to the population, the peaks were most important in Hungary and Sweden, followed by Germany. In absolute terms (see Figure 4.1), Germany received by far the largest num-ber of applications. While Germany and Sweden became the key destina-tion states, Hungary and, to a lesser extent, Austria remained transit states, even as they also faced increasing numbers of asylum requests. In Hungary and Austria, asylum requests had already increased in the years preceding
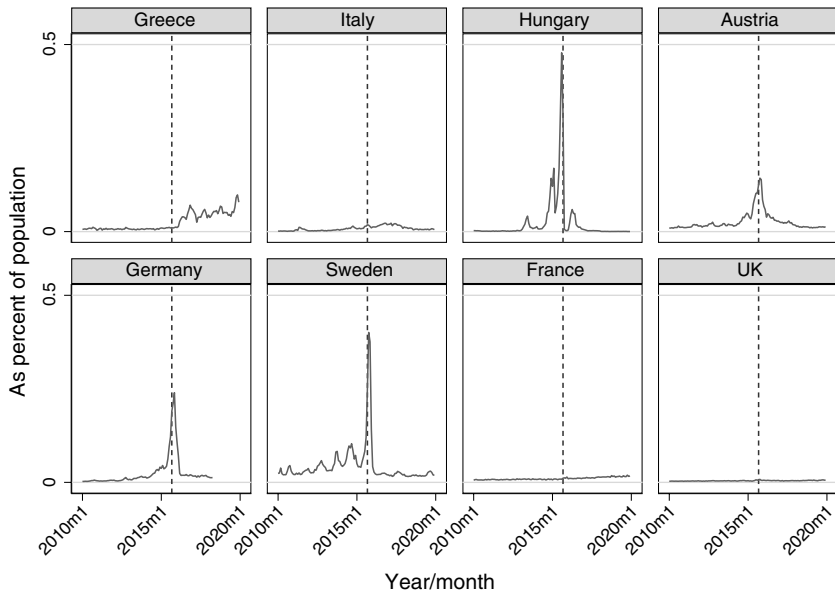
Figure 4.2 Monthly submissions of asylum requests in 2010–2019 as a percentage of the population
Source: Asylum requests: Eurostat: asylums statistics; for Germany: EASY registrations (*Erstverteilung Asylbegehrende*, initial distribution of asylum seekers)

the crisis, and they peaked in 2015 at the height of the crisis. Thus, from a couple of thousand in a year, the number of claims submitted in Hungary increased to 19,000 in 2013 and 43,000 in 2014, and they reached a peak of 177,000 in the crisis year of 2015. Even so, only a minor percentage of the refugees submitted their asylum request in Hungary, as most refugees arriving in Hungary wanted to reach the destination states in northwestern Europe. This is most dramatically illustrated by the events of September 4, 2015, when thousands of asylum seekers marched on a Hungarian highway in their stated goal to reach German soil (Than and Preisinger 2015). Moreover, most asylum requests were subsequently rejected by the Hungarian authorities. Similarly, Austria also waved through most of the arrivals to Germany and destinations farther north.

By contrast, France and the UK were mostly spared by the crisis in summer and fall 2015. These potential destination states were not accessible for refugees due to the strict regulatory regime, border control practices, and geographical location – which confirmed their status as restrictive destination countries. The inflow of refugees increased only

slightly in France and was essentially nonexistent in the UK. France experienced an almost linear increase in asylum requests after the peak of the refugee crisis of 2015–16, but it was at such a low level that it is hardly noticeable at all in Figure 4.2. The UK's geographically remote position with its maritime borders coupled with a restrictive immigration regime that had already made the "hostile environment" a reality on the ground by the time it was officially declared ensured that it would never face the kind of immediate problem pressure that open destination countries such as Germany and Sweden had to deal with.

Finally, the problem pressure measured by the number of asylum requests was also rather limited in the frontline states, in spite of the fact that one of them – Greece – was at the epicenter of the crisis because the inflow of refugees into the EU mainly passed through Greece. If measured by the *number of arrivals*, the problem pressure was most important in Greece, as is illustrated by Figure 4.3. In March 2015, the number of arrivals started to climb. They increased throughout the summer and autumn of 2015 and peaked at 211,000 in October 2015, before gradually declining to below previous levels in March 2016, when the deal between the EU and Turkey was signed. While Greece was overwhelmed
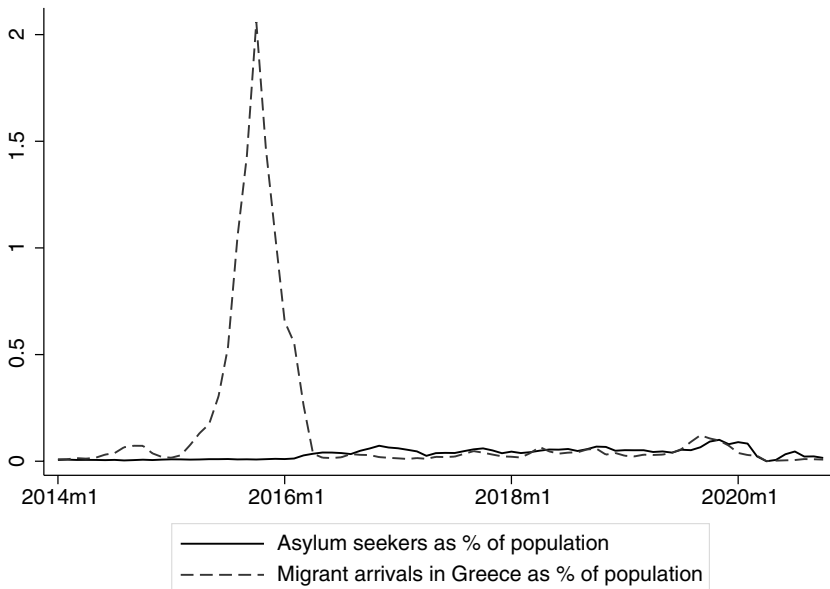

Figure 4.3 Asylum seekers and arrivals in Greece as a percentage of the population (arrivals are three-month rolling averages)

by arrivals in summer 2015, most of the refugees arriving in Greece made their way farther north and did not register themselves with the Greek authorities, who were unable to process large numbers of applications anyway. Of the 800,000 arrivals in 2015, the EU Commission estimates that only 60,000 remained in Greece (Dimitriadi and Sarantaki 2019).

However, once the Balkan route started closing in early 2016 and once the EU–Turkey agreement was signed in March 2016, the number of asylum applications started to climb as some of those stuck in Greece took their chances with applying for asylum there. From that point onward, asylum applications and arrivals have tended to evolve together, which serves to document not only the advanced control provided by the joint EU–Greece hotspot approach but also the fact that the main movement corridors were shut down, allowing Greece time to process the backlog of asylum requests.

Italy faced a different type of crisis than Greece: Rather than a sudden and explosive shock, its type of crisis was characterized by small but reoccurring shocks, which had already started before the refugee crisis of 2015–16 and which persisted during 2017 and 2018, as shown in Figure 4.4. It is only after the Italian–Libyan deals and the port closures
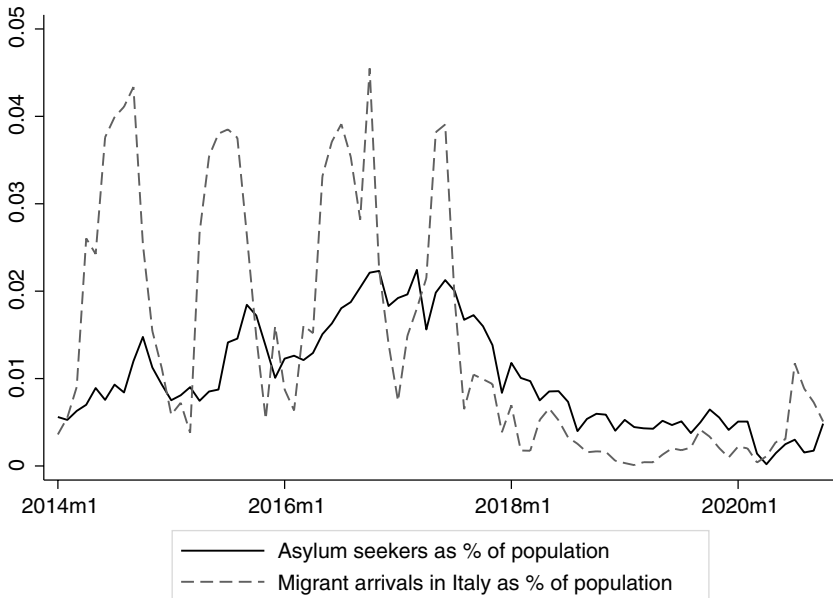

Figure 4.4 Number of asylum seekers and arrivals in Italy as a percentage of the population

that Italian arrival and asylum patterns displayed a steady declining trend. Moreover, the Italian migration pattern had seasonal characteristics: A lull in the winter is followed by an increase in sea arrivals in Sicily during the spring and summer – a scenario that, until 2018, played out each year in a similar fashion. In Italy's case, too, a large percentage of these arrivals did not register in the country, as is made clear by the two lines in the graph: Until 2018, only a fraction chose to apply for asylum in Italy, with the rest instead probably pursuing their journey toward other European countries without being registered.

The two trends are largely uncorrelated up to mid-2017, when their relationship goes into reverse and becomes more tightly aligned: The arrivals drop significantly, and the number of asylum applications exceeds the number of arrivals. At this point, most probably as a result of the increasing difficulties related to pursuing their journey to other European countries, a larger number of refugees decided to register with Italian authorities.

Political Pressure

Political pressure contributes to problem pressure and the urgency perceived by policymakers in two ways: On the one hand, political pressure is exerted by the issue in question becoming more salient in the general public, and on the other hand, political pressure results from the issue being picked up by challengers in the party system who "own" it or by social movements from outside of the party system that mobilize on an "ad hoc" basis. We use as indicators for political pressure the issue of salience in public opinion, which is measured by a Google trends search for topics related to immigration and refugees; the issue salience according to Eurobarometer data; and the presence of a radical right challenger party – that is, the party that "owns" the immigration issue – at the outset of the crisis.

In terms of the *salience of the issue in public opinion*, political pressure was added to problem pressure in precisely those member states where problem pressure was greatest. Figure 4.5 presents the public salience of immigration and refugees as measured by Google trends and by the share of respondents to the Eurobarometer who considered immigration to be one of the most important problems at the time of the interview. As is shown by this figure, in the open destination and transit states, the public salience of immigration and refugees spiked at precisely the moment of greatest problem pressure at the peak of the crisis. In *Germany*, the salience of the migration issue shoots up in summer 2015, peaks in September 2015, and then drops off in two steps – first in November
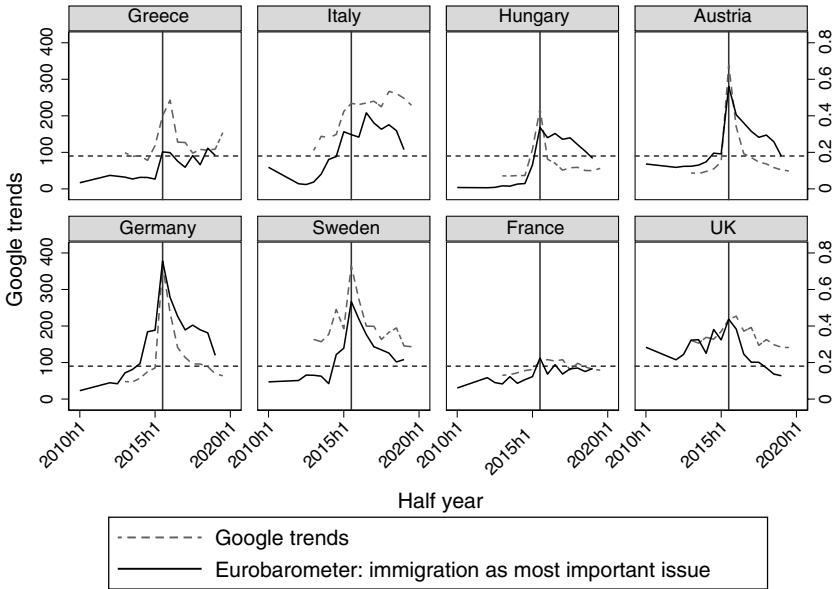
Figure 4.5 Salience of immigration in national publics: Google trends
and share of Eurobarometer respondents who consider immigration to
be one of the most important issues

2015 and then in early 2016. When measured by the second salience
indicator – the most important problems mentioned by Eurobarometer
survey respondents, the salience of migration similarly shoots up in the
second half of 2015 – from 29 percent who consider immigration as one
of the three most important problems facing the country in early July to
an incredible 75 percent in September 2015. The salience of immigra-
tion declines more slowly according to this measure and remains at a
high level of more than 30 percent up to the end of 2018. In the *Swedish*
public, not only is the salience of migration issues closely related to the
refugee crisis (with a peak in fall 2015), but the salience of immigration
declines more slowly according to this measure and remains at a high
level of more than 30 percent up to the end of 2018. In the Swedish
public, the salience of migration issues is closely related not only to the
refugee crisis (with a peak in fall 2015) but also to the national elections
(witness the secondary peaks in September 2014 and September 2018),
which saw the rise of the Sweden Democrats (SD), the radical right party
in Sweden (see below). In fall 2015, no less than 44 percent of Swedes
considered immigration to be among the most important problems, up
from 21 percent in the first half of 2012. Similar developments can be

observed for transit states – Austria and Hungary. In *Hungary*, 34 percent of the public considered immigration to be one of the most important problems facing the country in fall 2015, up from only 8 percent in 2013. Similarly, in fall 2015, the immigration issue was most important to 56 percent of Austrians, up from 19 percent in the first half of 2015. In these countries, too, after the peak of the crisis, the public salience in terms of the most important problem did not fall off as rapidly as the salience measured by Google trends.

Public salience of immigration and refugees increased in the frontline and closed destination states at the peak of the crisis, too, but to a much more limited extent. *France* is the extreme case, where the public hardly registered the crisis at all. In the *UK*, the other closed destination state, the immigration issue had already been salient in the public before the crisis. Its salience in the British public did spike in fall 2015, but in terms of Google trends, it peaked only in June 2016, at the time of the Brexit referendum, when related concerns featured in the campaign, such as the largely unfounded claim that Turkey was about to join the EU. *Greece*, in turn, was in the thrall of the Eurozone crisis when the inflow reached its peak in fall 2015, and the crisis tended to crowd out any other public concern. The fact that most of the arrivals pursued their journey to the north also explains the relative lack of public salience of the issue in Greece, as does the fact that the migration flows at that point were concentrated on five islands, where only a small percentage of the Greek population lives. As the number of stranded asylum seekers grew, however, and the opposition's leadership changed in late 2015, the perception of the issue became much more salient in the public sphere, as is evidenced by the Google salience trends in Figure 4.5, which reached a peak in Greece in March 2016, at the time of the EU–Turkey agreement and the closure of the Balkan route.

In *Italy*, finally, the salience of the issue of immigration seems to have a reverse relationship with the actual problem: The issue rises in importance according to Eurobarometer data, reaches its peak by 2017, and then recedes in importance. But the salience according to Google trends remains comparatively high throughout 2018 and 2019, although the number of arrivals and asylum applicants was in full decline (Figure 4.4). The case of Italy illustrates that problem pressure and political pressure do not necessarily rise and fall in lock-step, even if they did so in the open destination and transit states during the refugee crisis. Importantly, political pressure may actually be constructed by political entrepreneurs for their own purposes, and it may serve as a substitute for problem pressure. In other words, immigration issues may be rendered salient by the operation and effects of politics and the wider socioeconomic context
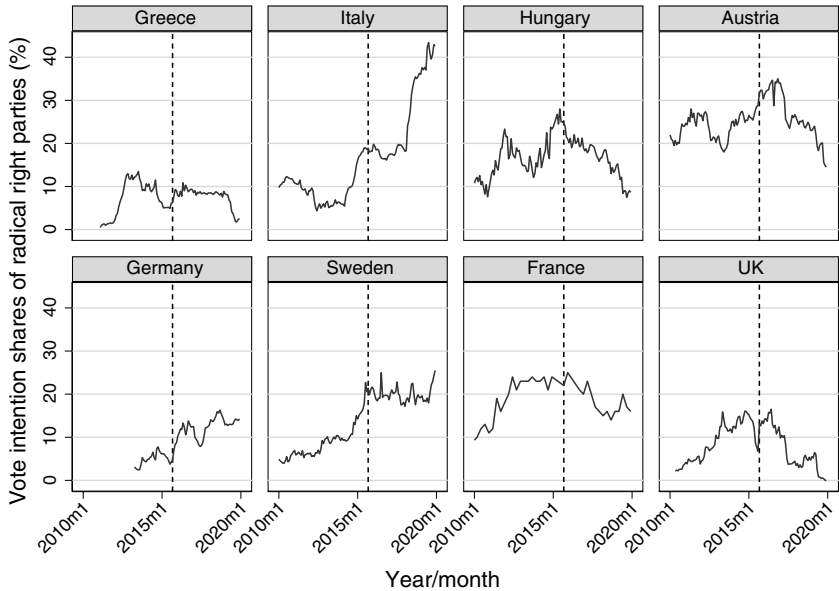
Figure 4.6 Political pressure: radical right vote shares by country, monthly vote intentions

within which they are embedded (Hadj-Abdou, Bale, and Geddes 2022). Party strategies play an important role in this context (Abou-Chadi, Cohen, and Wagner 2022).

This brings us to the more direct pressure exerted by *political challengers*. Figure 4.6 presents the monthly vote intentions for the radical right party in the different countries. We can first distinguish between countries that already had a *strong radical right* before the crisis (Austria, Hungary, Italy, and France) and countries that had a comparatively weak radical right before the crisis (Germany, Sweden, Greece, and the UK).

Among the strong radical right challengers, with the exception of France, all have been reinforced by the experience of the crisis. Only the French radical right did not benefit at all from the crisis, which is not surprising, given that France hardly experienced any crisis shock at all. Among the other three countries, the rise due to the crisis was temporary in the two transit countries, followed by a decline for similar reasons: Both the Austrian Freedom Party (FPÖ) and the Hungarian Jobbik were outcompeted by their mainstream center right competitors – People's Party (ÖVP) and Fidesz, respectively. It is important to recognize, however, that at the time the crisis hit, both in Austria and

in Hungary, the government was under pressure from a strong radical right. In Hungary, Jobbik had crossed the 20 percent threshold in the 2014 elections, becoming the main opposition party, and by the spring of 2015 it was polling above 25 percent. Well-positioned to capitalize on the influx of asylum seekers, Jobbik's rise prompted Fidesz's Victor Orbán to shift gears and to outcompete Jobbik on its own terrain – immigration. Contrary to the main thrust in the party competition literature that highlights mainstream parties' difficulties in coopting the radical right vote (Meguid 2005; Pardos-Prado 2015), Fidesz's shift to the right on immigration has proved surprisingly successful. As shown by Figure 4.5, after its peak in the spring of 2015, Jobbik's electoral strength began a steady decline, leaving Fidesz in a dominant position on the right by the end of the refugee crisis.

In Austria, the FPÖ had already been on the rise before the refugee crisis and had obtained 20.6 percent of the vote in the 2013 elections. As the crisis hit, the party clearly was one of its beneficiaries: At the peak of the crisis in fall 2015, its vote intentions reached 32 percent, and in summer 2016, it was 34 percent. In the local elections in Vienna, which took place at the peak of the crisis in October 2015, the issues of immigration and security were most salient. The dominant SPÖ defended an open border policy, while the FPÖ, its main challenger, called for a more restrictive policy. The SPÖ lost roughly 5 percent (from 44.4 to 39.6 percent), while the FPÖ gained roughly the same share (from 25.8 to 30.8 percent). Most importantly, in the presidential elections, which took place in April 2016, just after the EU–Turkey agreement had been signed and in the midst of heated debate on the asylum law, the candidates of both the SPÖ and the ÖVP failed to reach the run-off, where the candidates of the FPÖ and the Greens faced each other. This was an important reason for the then SPÖ chancellor to step down.

Importantly, the pressure from the rise of the FPÖ was felt not only by the SPÖ but maybe even more so by the ÖVP, which took a sharp right turn early on in the refugee crisis. The ÖVP leader also stepped down before the next elections and was replaced by Sebastian Kurz. The 2017 elections essentially turned into a battle over the meaning of the developments in migration policy since 2015 – a battle that was won by the mainstream conservative camp. From a traditionally pro-business party, the ÖVP transformed itself into a party focused on "law and order" in migration policy, largely adopting the respective positions of the FPÖ (Bodlos and Plescia 2018: 1357). In 2019, the FPÖ ended up being almost destroyed by a huge scandal involving its leader in the so-called Ibiza affair.

Italy is a special case because, as we have already seen, problem and political pressure were not aligned. Accordingly, the Lega and Fratelli

d'Italia, the two parties of the radical right, increased their vote share not only when the crisis hit in fall 2015 but above all in later phases of the crisis when it became largely politically constructed by the very parties that benefited the most from its construction.

The four countries with an originally *comparatively weak radical right* can be divided into the two open destination states (Germany and Sweden), where the radical right rose as a result of the crisis and became a stable element of the party system, and Greece and the UK, where the radical right hardly benefited from the crisis and ended up essentially disappearing for reasons that were highly idiosyncratic – prosecution of Golden Dawn as a criminal organization in Greece and the aftermath of the Brexit referendum in the UK. However, as in the case of the transit countries, in both of these countries, too, competition from the mainstream right played a non-negligible role in the disappearance of the radical right. In Greece, New Democracy's right-wing faction, emboldened by its role in helping elect the then leader of the opposition, Mitsotakis, had acquired crucial influence in the party. Launching rhetorical attacks on the government, its members managed to turn New Democracy into the largest beneficiary of the widespread public perception that Syriza's "pro-immigration policies" had been one of the causes of the refugee inflow (Dimitriadi and Sarantaki 2018). This contributed to the party's sudden climb in voting intentions and deprived the far right of its electoral support. In the UK, the radical right challenger (UKIP) was originally disadvantaged by the first past the post electoral system. In addition, similar to Greece, the Conservatives succeeded in outcompeting UKIP by becoming a hard-Brexit party. As we have argued in the section on British policy heritage, in this particular case, freedom of movement within the EU had become closely linked to the Brexit issue, and it was on this issue that the main bout of competition between the radical right challenger and the mainstream party from the right took place in the UK.

Finally, the cases of open destination states are very interesting because in both of these countries, the radical right experienced its breakthrough belatedly compared to other northwestern European countries and strongly benefited from the crisis. For different reasons – the long prevalence of class politics in Sweden and the fascist heritage in Germany – the rise of the radical right was delayed in these two countries. The breakthrough of the Sweden Democrats (SD) took place in 2010, when they obtained 5.7 percent of the vote, and they more than doubled their vote share (to 12.9 percent) in 2014. At the peak of the crisis in 2015, they polled 23 percent, becoming the largest opposition party. They have maintained an average of around 20 percent ever since. Their rise is part of the decline of class politics in Sweden, of the growing

salience of sociocultural politics and in particular of the politicization of immigration, of the increasing convergence between the major mainstream parties (Social-Democratic and Conservative Parties), and of the radical right's moderation (Rydgren and van der Meiden 2019; Jungar 2015). Predictably, the Sweden Democrats exploited the refugee crisis and mobilized against asylum seekers coming to Sweden. Among other things, they praised Orbán's hardline immigration policy in Hungary, organized an information campaign in foreign media to discourage asylum seekers from heading to Sweden, and even called for Sweden's withdrawal from the EU if that was the price they had to pay for ending free movement.

Similarly, the German AfD rose belatedly. It had originally experienced a first breakthrough in 2013 thanks to its opposition to the Eurozone's bailout operations, but eventually it benefited enormously from the refugee crisis. While it had not crossed the electoral threshold in the 2013 elections, when it received only 4.7 percent of the vote, it gained additional ground in the European elections of 2014 and in the subsequent German state elections, transforming itself from a neoliberal elitist party to a prototypical populist radical right party (Bremer and Schulte-Cloos 2019a). It had fallen in a trough by summer 2015 (with only 4.7 percent of vote intentions) but rose rapidly during the peak months of the refugee crisis. By the end of 2015, it had reached 10 percent. After a new setback in summer 2017, it obtained 12.7 percent in the fall 2017 elections and has been able to maintain this level of support ever since.

As we have already seen in the cases of Austria, Hungary, Greece, and the UK, and as we shall see in the subsequent chapters, political pressure on the governments during the refugee crisis did not only or, depending on the country, not even mainly come from the radical right challengers. Transformed parties of the mainstream right, whether in opposition or in government, have become key protagonists of opposition to the reception of asylum seekers and of tightening asylum policies during the refugee crisis.

Conclusion

The configuration of the crisis situations among the member states makes for a complex configuration of transnational interests. Given the cumulation of both problem and political pressure in the open destination and transit states, we expect these states to become the major protagonists not only in the national responses to the pressure but also in the search for a joint EU policy response to the crisis. For these states, stopping the inflow of refugees and sharing the burden of accommodating the refugees

who had already arrived was a priority. In the short run, the two types of states shared a common interest, which aligned them with the frontline states but put them in opposition to the restrictive destination states and the bystander states, as we argued in Chapter 2. While the interests of the transit states were clearly in line with those of the open destination and frontline states with respect to the inflows, the position of transit states with regard to accommodation was more ambiguous, since they clearly benefited from the secondary movements of the refugees within the EU. Moreover, the interests of the frontline and destination states differed with regard to the reform of the CEAS: Together with the other member states, open destination states were in favor of restoring the Dublin regulation, while the frontline states wanted to reform the CEAS in such a way that they would no longer have to assume the entire responsibility for accommodating the flood of new arrivals. Among the hard-hit open destination states, Germany is a special case. Even if it shared the most explosive combination of problem and political pressure with some other member states, the combined pressure became particularly important in its case – because of its size and influence, which enabled it to take the lead in common initiatives.

Let us finally add that the political dynamics that develop based on the country-specific conditions in the crisis situation are hard to predict. They depend not only on the exogenous pressure in the crisis situation but also on endogenous political dynamics – the actor configurations in the respective countries and the strategies of the respective political actors, which do not follow general expectations. Thus, with the benefit of hindsight, we know that the two transition states played an outsized role in managing the crisis. But we are hard put to formulate some general expectations in their respect. In both of these countries, center right parties radicalized, outflanked their radical right competitors, and proceeded to become the dominant governing parties. Both of these governments adopted policy positions designed to limit the number of successful asylum seekers, and both of them became highly influential in shaping the European response to the refugee crisis. The Hungarian government, together with its allies among the eastern European bystander states, actually became the most important opponent of European burden sharing in asylum policy. We shall now turn to the characterization of the individual episodes to get a better idea of how these political dynamics evolved during the crisis.