



European externalization policies and a migration crisis imaginary: the cases of Egypt, Jordan, Lebanon and Turkey

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MAGYC: The MAGYC (**Migr**Ation **G**overnance and **AsY**lum **C**risis) project seeks to assess how migration governance has responded to the recent “refugee crises” and has since been influenced by it, and how crises at large shape policy responses to migration. This four-year research project (2018–2022) brings together twelve international partners: the Hugo Observatory from the University of Liège (Coordinator), Sciences Po, the University of Economics in Bratislava, the GIGA institute of Global and Area Studies, Lund University, the IDMC, SOAS University of London, the University of Milan, the Lebanese American University, the University of Macedonia, Sabanci University, IfPO/CNRS.

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MAGYC working paper

Abstract

This paper takes the case of four MAGYC case studies considered key 'partners' in the European externalization agenda, namely: Egypt, Lebanon, Jordan and Turkey. It provides an overview of key developments in which migration has been governed in the context of the growth in Syrian refugees post-2011, often qualified as a 'migration' or 'refugee' crisis. Our aim is to explore in these settings whether we can speak of a shared governing framework underpinning EU externalization policies and practices as they interact with a crisis imaginary.

Introduction

As a means to strengthen control of the European borders, the European Commission, its member states and a host of other actors, from international organisations and non-governmental organisations to private agencies, have been involved in efforts to engage non-European countries in European bordering practices. Since the early 2000s, a number of scholars have examined how the practices of the EU and its member states have sought to shift migration and border controls beyond the territorial lines of European jurisdiction (Lavenex and Ucarer 2002, Lavenex 2006). They have spoken of 'external governance', 'externalisation' or 'extraterritorialisation' to make sense of the process by which the EU has delegated its migration policies to so-called third countries, often categorised in EU jargon as transit and sending countries (Boswell 2003; Balzacq 2008). Externalisation refers to the way Justice and Home Affairs provisions have become part of EU external affairs. It implies that border controls no longer only take place at the territorial or maritime border, but target migrants along their routes, from their country of departure. Extraterritorialisation captures the way in which the EU tries to extend its 'legal boundary' by exporting internal policies, while providing the targeted countries with only limited access to the EU's institutional boundary.

Cooperation with third countries on migration governance is nothing new: European leaders announced that it was "a key priority" as far back as the 1999 Tampere Summit. Since then, this dimension of migration governance has dramatically grown in allocated funding and political salience. In 2005, the Global Approach to Migration (GAM) would first frame the EU's so-called external dimension of migration policies. The GAM was modelled upon a 'comprehensive' approach as it declares that it addressed the management of legal immigration, the fight against illegal immigration and the relation between migration and development concomitantly. In 2012, the GAM became the Global Approach for Migration and Mobility (GAMM) and was promoted as the "overarching framework of the EU external migration policy" (European Commission, 2013). The revised approach developed a carrots and sticks approach whereby the more that third countries cooperated on border controls and through readmission agreements, the more advanced visa liberalisation would be provided for their nationals. The GAMM declares that "the EU should continue to give priority to the transfer of skills, capacity and resources to its partners, in order to prevent and reduce trafficking, smuggling and irregular migration, and to strengthen integrated border management" (European Commission 2013). The GAMM has been criticised much like its predecessor for following a security-orientated agenda (Statewatch 2012).

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Cooperation is pursued in order to encourage 'transit' and 'sending' countries to strengthen their border controls to prevent undesirable migration into EU territory.

The external dimension is characterised broadly by two underpinning discourses; on the one hand by an explicit *security dimension* which strives to combat irregular migration and, on the other, by a *prevention dimension* concerned with promoting development, tackling 'root causes' of migration and preventing migrants from embarking on dangerous irregular journeys. Funding for development was considered a means by which third countries could be kept on board with less attractive forms of cooperation, such as the signing of readmission agreements. However, while humanitarian and development policies attempt to balance a security focus, they end up being exploited to legitimate the control and containment of undesirable flows of migrants and refugees remote from European territory (Guiraudon and Lahav 2000; Boswell 2003; Bigo and Guild 2005). Thus, in the EU's external approach to migration and borders, the politics of security, humanitarianism and development are tightly interwoven.

Externalisation practices as 'crisis governance'

For an understanding of present EU externalisation practices, it is important to grasp the influence of the role played by a perception of crisis. This perception, which rests on the notion that 'too many' migrants are on the move, Syrian refugees in particular, has a clear impact on the shaping of policy interventions. To respond to the so-called 2015/6 'migration crisis', the EU migration policy agenda privileged providing economic support to refugee host states of first asylum, over hosting refugees in EU member states: Turkey secured an unprecedented sum of €6 billion in 2016, as well as other concessions, in return for keeping Syrian refugees within its borders. Egypt secured access to the EU's 2015 Emergency Trust Fund for Africa, worth over €2.9 billion in total. In 2016, Lebanon negotiated the Lebanon Compact, which involved a minimum of €400 million for the year 2016-17, as it sought 'to turn the situation into an opportunity to improve the socioeconomic prospects, security, stability, and resilience of the whole of Lebanon' (Tsourapas, 2019).

An exploration of European 'crisis governance' in 'transit' and 'sending' countries should not be read as governance driven by crisis simply as a conscious idea. Rather, as outlined in our analytical framework, crisis is also produced through governance (Fine and Thiollet 2020). Brassett and Vaughan-Williams (2012, 19) propose that "crisis is governance", by which they mean that the ways in which actors designate an event or phenomenon as a

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“crisis”, embeds as common sense what is considered to be an appropriate response. Quite paradoxically, “crisis” is often understood as a sudden break from routines but as we will see through our case studies its legacy can endure in incremental and cumulative practices.

Although ‘crisis’ seemingly evokes discontinuity from the past and the ‘exceptional’ for the large part, it seems that the EU’s externalisation response to the declared Syrian migration crisis builds on pre-existing, routine practices (Cantat, Thiollet and Pécoud 2020, Jeandesboz and Pallister-Wilkins 2016). The security paradigm which sees migration as a problem or threat was not created by the crisis narrative in the sense that a containment model (Agier 2011) in so-called partner countries and a sedentary bias which sees migrants as better off ‘at home’ has consistently driven migration governance over the last few decades (Guiraudon 2017). Can we trace back old techniques of governing but with more density, enthusiasm and players?

In the next section we will present four MAGYC case studies (Fakhoury 2020, Muftuler-Bac 2020, Tsourapas 2020a, Tsourapas 2020b) which focus on countries considered as key ‘partners’ in the European externalization agenda, namely: Egypt, Lebanon, Jordan and Turkey. We will provide an overview of key developments in which migration has been governed in the context of the growth in Syrian refugees post-2011, often qualified as a ‘migration’ or ‘refugee’ crisis. Our aim is to explore in these settings whether we can speak of a shared governing framework underpinning EU externalization policies and practices as they interact with a crisis imaginary.

Case Studies

i) Egypt

The Arab Republic of Egypt has long constituted a strategic partner of the European Union [EU], spanning decades: Egypt, the Arab world’s most populous country is also located in a key geopolitical position at the crossroads between Africa, Asia, and the Middle East; at the same time, the country’s cultural and historical significance has long been recognised by European elites, as we describe in Tsourapas (MAGYC 2020 – D2.4). Given Egypt’s importance, it is hardly surprising that the country has developed early links to the European Union, going back to the 1977 EC-Egypt Cooperation Agreement (İşleyen 2015). The country currently constitutes the main Middle Eastern target for EU technical and economic assistance, solidified by Egypt’s participation in the 1995 Barcelona Declaration that inaugurated the Euro-

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Mediterranean Partnership (EMP). In 2012, the EU-Egypt Agreement went into force, while an EU-Egypt Action Plan was put forth in 2007.

The question of cross-border mobility has become increasingly present in the evolving EU-Egypt relationship, particularly in the aftermath of the 2016 EU-Turkey Statement that signalled Brussels' interest in closer cooperation with Southern Mediterranean states in controlling irregular migration flows. At the same time, Egypt constitutes an interesting analytical case in which closer coordination on matters of migration forms part of a broader range of issues that concern both parties, including energy and security cooperation. In this sense, Egypt exemplifies the evolving multifaceted approach, one based on issue-linkage strategies and commonalities, that Brussels is developing across the Mediterranean.

With regards to its management of a diverse range of cross-border mobilities, Egypt arguably constitutes a major migration state in the Global South (Adamson & Tsourapas, 2019). For a number of historical, geopolitical, and socio-economic reasons, the country has been at the centre of migration flows for much of its history. Under Ottoman and British rule, Egypt's long educational tradition would attract thousands of Arab and Muslim students that wished to study at al-Azhar University (Matthews & Akrawi, 1949) or, more recently, at Cairo University (Reid, 1990). Egypt was home to European communities, primarily Greeks and Italians, that left the country following the 1952 Free Officers Revolution (Dalachanis, 2017). A similar fate awaited the country's Jewish community, who also departed from Egypt from the early 1950s onwards (Laskier, 1992). Egypt has been a destination state for low- and medium-skilled migrants from sub-Saharan Africa, particularly Sudan, pursuing employment opportunities, frequently informally: until 1995, Sudanese nationals were able to travel and take up residence in Egypt relatively easily (Norman, 2016). More recently, a number of sub-Saharan transit migrants aim to cross through Egypt either to Israel or, more recently, via Alexandria to Southern Europe.

In the immediate aftermath of the 2011 "Arab Spring" events and start of the Syrian civil war, the Muslim Brotherhood-led government in Egypt welcomed Syrians, who were made exempt from entry visas and allowed to enter on three-month tourist visas and register with UNHCR. Once the military resumed power in mid-2013, Egypt toughened its stance, requiring Syrians to obtain a visa prior to arrival and register with the government once their visa expired. As of April 2018, nearly 130,000 registered Syrians lived in Egypt, though the government estimates that the total number is 300,000. The exact size of

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Egypt's refugee population remains unclear (for an overview, see Tsourapas, 2018).

The complexity of cross-border mobility into, out, and through Egypt has arguably made migration a key component of EU-Egypt relations and a pressing matter in the cooperation agenda. In terms of migration, these relations have historically been governed through the Global Approach to Migration and Mobility (GAMM), which has been in place since 2005. This complements frameworks that are tasked with implementing the GAMM – namely, the European Neighborhood Policy (ENP), and the two processes that the EU uses to collaborate on migration-specific issues with specific non-European countries: the 2006 Euro-African Dialogue on Migration and Development (Rabat Process) and the 2013 EU-Horn of Africa Migration Route Initiative (Khartoum Process). In addition to this, the European Commission launched the formal EU-Egypt dialogue on migration (European Parliament, 2019), established in March 2017.

Despite the existence of a wide variety of cooperation processes, the 2011 Egyptian Revolution caught European policymakers by surprise. With the possible exception of the January 2014 launch of the “Shaping Egypt's Association to the European Research Area and Cooperation Action Plus” initiative, little occurred in terms of EU-Egypt relations in 2013 and early 2014. This ambivalence continued following the Egyptian Presidential elections of May 2014. After all, particularly given the rise of irregular migration flows across the Mediterranean, Egypt was becoming a powerful ally: “European countries with concerns that a rise in instability in the Arab world could lead to a sharp increase in the levels of illegal migration are very keen to support the stability of Egypt – even at the expense of Western democratic values” (Ezzat, 2014). In recognition of this, a National Committee on Countering Trafficking in Persons was created under the Ministry of Justice, while Ambassador Naela Gabr was appointed as Chairperson of the National Committee on Combatting and Preventing Illegal Migration – both measures serving as a signal that Egyptians' wished to co-operate formally on irregular migration with the EU. Europe continued building bridges – albeit modestly – with the new status quo actors in Egypt, as President Abdel Fattah al-Sisi paid official visits to Italy and France, in an effort “to restore Egypt's standing” (Egypt Independent, 2014).

In this context, a growing *rapprochement* between the EU and the new Egyptian regime occurred, not unexpectedly including matters of mobility. On the Egyptian side, despite the growing consolidation of the military regime, its socio-economic foundations remained perilous. On the European side, there

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was a growing desire to recruit Egyptian help in the control of irregular migration and refugee flows across the Mediterranean. In May 2015, EU Commissioner for Migration and Home Affairs Dimitris Avramopoulos visited Cairo in order to strengthen relations on these issues (European Commission, 2015). In its migration diplomacy, the Egyptian regime stressed its importance vis-à-vis the regulation of irregular migration towards Europe (Adamson & Tsourapas, 2019).

The seventh EU-Egypt Association Council meeting, which occurred in Brussels on 25 July 2017, culminated in the signing of the EU-Egypt partnership priorities for 2017-2020, setting the framework for enhanced dialogue and cooperation and aiming to “fully [embed] migration on our overall relations and existing frameworks such as ENP, Khartoum [Process] and Valetta [Summit]” (European Council, 2017). At the moment of writing in early 2020, relations between Europe and Egypt appear particularly close, as cooperation deepens across three different issues, according to the revised ENP and to Egypt’s Vision 2030 document: economic and social development, foreign policy, and enhancing stability (Arab Republic of Egypt, 2015).

How does the EU-Egypt Partnership fit into the broader framework of governing mobility in the region? One way to approach this would be through a migration diplomacy framework, namely “states’ use of diplomatic tools, processes, and procedures to manage cross-border population mobility (Adamson & Tsourapas, 2019; Thiollet, 2011). Two notable facets of Egyptian migration diplomacy are arguably able to nuance our understanding of the EU-Egypt Partnership agreement and the management of the migration and refugee ‘crisis’ in the Mediterranean. First, Egypt follows a pattern seen in other MENA countries, having developed unclear immigration and refugee policies. The legal and institutional framework governing migration management in Egypt, as in other countries of the Middle East, is sufficiently vague to grant state actors significant leeway in their approach to migration management. The country’s “strategic ambivalence” toward these issues, to borrow Kelsey Norman’s term (Norman, 2017), allows the proliferation of informal practices that override formal regulations: For instance, refugees can gain employment across Egypt’s large informal sectors, yet these practices are not sanctioned or protected by government regulations, thereby further exacerbating these communities’ precarious position. At the same time, this ambivalence hinders efficient approaches to multilateral migration management given that it reduces the possibility of relying on solid data regarding migration stock and flows. The informality of migration management and the lack of transparent

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mobility measurement mechanisms has been a common trope in Egyptian migration history with a distinct political rationale (Tsourapas, 2015).

Moreover, migration governance as crisis often assumes a distinct economic rationality, namely “the root causes” narrative - which is premised on the idea that most migration to Europe is driven by economic motivations and consequentially more economic opportunities in countries of origin will lead to less migration. In the case of Egypt, this was centered on the EU’s decision to create the ‘Emergency Trust Fund for Africa,’ made at the November 2015 Valetta Summit on Migration. The resources there are meant for the creation of jobs and economic development, basic services for local populations, stability and governance, and migration management– namely, preventing irregular migration and enhancing capacity to combat human trafficking.

Beyond Egypt’s ‘strategic ambivalence’, a further important dimension of its migration diplomacy refers to decision-making processes: despite the plethora of structures set up to govern migration, policymaking frequently takes place in the highest echelons of the executive branch, rather than within transparent bureaucratic mechanisms, the legislature, or other institutionalized processes. Various migration matters, such as Jordan’s deportation of hundreds of Egyptian workers in 2012, for instance, ceased following a phone call by the Egyptian President to the Jordanian monarch. The content of numerous labour migration treaties is never made public. As numerous researchers have highlighted, the Egyptian regime approaches migration in security terms, further highlighting a lack of administrative transparency or any substantive engagement with NGOs or civil society actors.

What might Egyptian practices of migration diplomacy and the EU-Egypt Partnership Priorities indicate about European externalization policies in the Mediterranean? We have highlighted the importance of Egypt as a regional actor in terms of EU foreign policy priorities, which has been underlined by the multiplicity of agreements and institutional frameworks that have proliferated over the past few decades. Although the 2011 events and the country’s subsequent experiment with democratization caught Europeans by surprise, EU-Egypt relations resumed a trajectory of closer cooperation – aided no doubt by the rising security and humanitarian issue of irregular migration across the Mediterranean – that culminated in the signing of the 2017 EU-Egypt Partnership Priorities.

A closer look at the EU-Egypt agreement, in light of the specific characteristics of Egyptian migration diplomacy strategies, highlights an attempt to address a number of particularities – namely, the informality and ‘strategic

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ambivalence' that traditionally characterizes the Egyptian state's approach to the governance of migration as well as the insistence of governing migration at the highest level of the executive in a rather opaque way.

ii) Jordan

Jordan's geostrategic position in the Eastern Mediterranean has led to multiple experiences with forced migration throughout the Kingdom's history. Most notably, the 1948 Arab-Israeli War had Jordan host the largest number of Palestinian refugees (an event remembered as the Catastrophe (*al-Nakba*), while Palestinian refugees arrived following the subsequent 1956 and 1967 Wars; in 1950, the state granted citizenship to those Palestinians who wished to become Jordanian citizens as well as their descendants, but not those arriving since then (Abu-Odeh 1999). Following Jordan's 1988 disengagement from the West Bank, West Bank Palestinians would be granted Jordanian passports if they sought to travel abroad, but these papers are subject to frequent renewal and do not constitute citizenship (Tsourapas 2020). In the aftermath of the 1990-91 Gulf War, roughly 300,000 Palestinians, the vast majority of whom held Jordanian citizenship, returned to Jordan (Van Hear 1998). Due to the 2003 Iraq War, 500,000-750,000 Iraqi refugees arrived in Jordan (Chatelard 2010). As a result, Jordan long history of involvement in the governance of forced migration makes it a key case study for understanding how Europe's neighbourhood shapes the challenges that the EU is currently facing.

In terms of external relations, the fact that the country provides a haven for displaced Arab populations has led to a range of agreements with a multitude of third states, international organisations, and NGOs. Jordan signed a May 2002 Association Agreement with the EU and has been part of the Union for the Mediterranean, as well as the EU's Global Approach to Migration and Mobility leading to the signing of a Mobility Partnership in October 2014. Additional agreements involve free trade between Jordan and the EU but, arguably, the prescient document on the management of migration is the 2016 EU-Jordan Partnership Priorities & Compact. Adopting a historical perspective, it can be argued that Jordan's strategy in terms of migration and refugee governance aims for a fine balancing act (Tsourapas 2021): on the one hand, Jordan engages in multiple agreements with international donors in order to secure much-needed inflows of economic aid and to amplify its geopolitical position as an important, buffer state in the Middle East. This perspective allows to understand the development of the Jordan Response

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Plan to the Syria Crisis, as it emerged within successive Regional Refugee and Resilience Plans (3RP).

On the other hand, Jordan continues to not grant wider roles to external actors that explicitly prioritise the rights and needs of refugees and asylum seekers – for instance, organisations that pressure for refugee's access to work and medical care, legal residency, or access to education. The reasons for this are evident: beyond the political cost of providing further assistance to refugees and asylum-seekers, Jordan also considers the social cost of such concessions to be considerable, given the economic struggles of Jordanian citizens themselves. Ultimately, Jordan's approach to migration governance and its relationship with the EU can be characterised by a degree of delicacy built on mutual interests: national actors need the material support they receive from international donors, including the EU, while international actors rely on state-level cooperation in order to protect the rights of forcibly-displaced populations across Jordan. As a result, while Jordan is not a signatory to the 1951 Refugee Convention, it continues to seek to protect its international reputation by respecting the principle of *non-refoulement*, albeit with some exceptions (see Human Rights Watch 2017).

Overall, the Jordanian case allows for an insightful analysis of how EU external migration governance instruments interact with state-level across in major refugee host states. The 2016 Jordan Compact, in particular, has been a key document that continues to shape not merely Jordanian responses to forced displacement but serves to inform the broader aspects of Europe's approach to migration governance vis-à-vis its engagement with third countries.

EU-Jordan relations expanded significantly since the 2002 EU-Jordan Association agreement that focused on establishing a free trade area, as part of the European Neighbourhood Policy; the EU is Jordan's traditional largest trading partner – ahead of the US, Saudi Arabia, and China (European Commission, 2020). Migration was not a central concern for EU-Jordan cooperation until the context of the Syrian refugee crisis and the development of the Jordan Compact, which will be discussed below.

In terms of the legal framework governing forced migration in Jordan, as mentioned above the country is not a signatory to the 1951 Convention Relating to the Status of Refugees nor to its 1967 Protocol. The fact that the country does not partake in the 1951 or 1967 agreements allows stakeholders remarkable flexibility in the terminology used to describe Jordan's policy towards forcibly displaced communities. The only law discussing 'asylum' or 'refugees' – the Law of Residence and Foreign Affairs No. 24/1973 and its subsequent amendments – does not define these groups (De Bel-Air, 2019). The

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Ministry of Interior is entitled to specify the conditions under which refugees are able to enter into Jordan, as well as the documentation that needs to be issued. This is based on a country-of-origin model, which allows Jordan to implement selective refugee policies depending on a person's nationality or citizenship, with the agreement of the UNHCR and international donors. For instance, between 2012 and 2015, Syrians were granted *prima facie* refugee status while other refugees had to undertake refugee status determination (Mencütek, 2018, 193).

At the same time, Jordanian responses to forced migration are also driven by the 1988 Memorandum of Understanding signed on 8 April 1988 with the UNHCR and revised in March 2014. The agreement grants UNHCR full responsibility for determining refugee status, with Jordan committing itself to respecting the principle of non-refoulement. Although Jordan has granted the UNHCR considerable leeway in this, it retains firm control over the right to employment, which rests, according to the 1952 Constitution, exclusively with Jordanian citizens. Since 1973, foreigners with valid residence permits may also be employed in limited professions and industries.

Jordan hosted the largest number of Palestinian refugees following the 1948 War, remembered as the Catastrophe (*al-Nakba*). The second wave of Palestinians arriving in 1967 were not granted citizenship but registered as refugees with the United Nations Relief and Works Agency (UNRWA). A final wave of Palestinian refugees entered Jordan following the 1990-91 and 2003 Iraq Wars. Beyond Palestinians, the 2003 Gulf War produced an exodus of an estimated 2 million Iraqis that sought shelter in neighbouring countries. While they were given access to health services and public schools, Iraqis in Jordan were never officially granted refugee status, instead they were recognised as temporary guests.

Syrians first started seeking shelter in northern Jordan following the violent clashes in Syria in March 2011. Jordan broadly implemented an open-door policy until 2013, allowing Syrians to be self-settled until July 2012. This was partly due to the existence of a pre-war bilateral non-visa regime that allowed for the free entry of Syrians through the Jordanian border (ILO, 2015). From January to April 2013, only 300 Syrians were allowed per day. The majority of these refugees were able to self-settle across Jordan; in 2015, the Ministry of Interior led a process of issuing new security cards to all Syrian refugees outside camps, which forced refugees to visit police stations in order to apply for, and renew the card, on an annual basis in order to be eligible to reside in Jordan or to have a work permit. Other Syrians would be hosted in a variety of camps across

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the country: the King Abdullah Park was the first to be built for approximately 1,000 refugees; the Emirates Jordanian Camp and the Azraq Camp were constructed in 2013 and 2014, respectively, for a total capacity of 40,000 refugees. UNHCR helped build the Za'atari Camp in 2012, which reached approximately 200,000 refugees by April 2013. That said, Jordan continued to differentiate its policy with regard to refugees' nationality: from October 2012 onwards, Jordan refused to allow any Palestinians to enter from Syria – by then, some 7,000 Palestinians had gained entry into Jordan. Many were either forced back to Syria, or enclosed in facilities like the CyberCity refugee camp: from there, they would be able to leave only to return to Syria, unless they secured a Jordanian sponsor (Soh et al., 2016). This flexible process of bailout was extended to Syrian citizens seeking to leave refugee camps until mid-2014.

Whereas Za'atari hosted some 45,000 Syrians in November 2012, by February 2013 it was home to over 76,000 Syrians, a number that reached 156,000 refugees by 11 March 2013. This strategy enabled the Jordanian state to highlight that it was facing a clearly enumerated influx of Syrian refugees, and to strengthen its appeals for international aid. The Jordanian security official in charge of the Azraq refugee camp, which was constructed in May 2014, notes that “if we hadn't built the camps, then the world would not understand that we were going through a crisis” (Betts et al., 2017, p. 9). As Turner argues, “part of the reason why Jordan built camps for Syrians is that it used encampment strategically to enable it to raise the profile of, and receive funds for, Syrian refugees on its territory” (Turner, 2015, p. 393). In fact, Jordan insists that the number of Syrians inside its territory well exceeds the number of those formally registered: whereas the UNHCR puts forth approximately 655,500 Syrians registered with the United Nations inside Jordan, the government argues that Jordan hosts 1.3 million Syrians in 2017.

With regard to foreign policy decision-making, the Jordanian refugee rentier state relies upon securing refugee rent from the EU and the broader international community (Tsourapas 2020). It was the negotiations around the Jordan Compact that placed refugee management in the forefront of the EU-Jordanian relations. In February 2016, Jordan argued for a ‘holistic’ approach to manage the ‘spillover’ of the Syrian refugee crisis to its economy in the context of the London Donor Conference. A subsequent International Compact for Jordan (co- chaired by Germany, Kuwait, Norway, Qatar and the United Kingdom and a number of international institutions) agreed to disburse \$700 million of grants in 2016-18 and up to \$300 million in loans. In the context of this agreement, the EU adopted the Jordan Compact on 19 December 2016, as part of the EU-Jordan Partnership Priorities (Panizzon, 2019).

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A key concern for parties involved was the creation of 200,000 employment opportunities for Syrians within Jordan over a three to five-year period. Jordan also agreed to lift regulatory barriers in allowing refugees to work within the country, and to lower work permit charges for those seeking low-skilled work from 700 Jordanian dinars to 10 Jordanian dinars. The Compact put forth three broader aims:

- “1. Turning the Syrian refugee crisis into a development opportunity that attracts new investments and opens up the EU market with simplified rules of origin, creating jobs for Jordanians and Syrian refugees whilst supporting the post-conflict Syrian economy;
2. Rebuilding Jordanian host communities by adequately financing through grants the Jordan Response Plan 2016-2018, in particular the resilience of host communities; and
3. Mobilizing sufficient grants and concessionary financing to support the macroeconomic framework and address Jordan’s financing needs over the next three years, as part of Jordan entering into a new Extended Fund Facility program with the IMF.”

The contribution to the Jordan Response Plan referred to a funding package that aimed to support Jordanian capacity to host refugees that, by 2016, had only reached 30% of its target. In London, \$700 millions of grants were raised with the expectation that additional pledges will provide an additional \$700 million in 2017 and 2018. At the same time, the World Bank adopted the Concessional Financing Facility (CFF), which provided \$147 million in low-interest loans, available only to middle-income, refugee-hosting countries. Interestingly, although drafted within the context of the donor conference on Syria, the Compact declared that a new paradigm was necessary, promoting economic development and opportunities in Jordan to the benefit of Jordanians and Syrian refugees. In particular, as Betts et al. argue, Jordan secured support for its wish to boost its manufacturing sector by integrating refugees into Special Economic Zones: “By allowing refugees to work in the SEZs, Jordan hopes to attract the additional support needed to make its own national development strategy work” (Betts et al. 2017, 10)

While international aid to Jordan was linked to its treatment of the Syrian refugee population, Jordanian elites also perceived this revenue as contributing to the country’s economic development, within the broader aim of “turning the crisis into an opportunity” – in other words, to function as a form of refugee rent. However, the compact model has already run into specific

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problems: for one, the negotiations leading to the Jordan Compact were based on the expectation that 200,000 employment opportunities will be provided for Syrian refugees, as a way of reducing their dependence on aid. In practice, this has been difficult given a slower- than-expected economic growth since 2016, high unemployment, as well as a lack of interest in investing in Jordan's business sector. By July 2017, only 60,000 work permits had been issued. This has resulted in significant tensions between Jordan and the international donors.

Similar to the Jordanian case, in 2019, Ethiopia signed on to a new 'Jobs Compact,' a \$500-million program that aims to create 100,000 jobs for Ethiopians and refugees and which has been hailed as the latest example of the international community providing economic support to states most severely affected by forced migration. Framed in language that encourages a developmentalist – or, some would argue, neoliberal (Adamson & Tsourapas, 2019) – view of the management of forced migration, these agreements embody Global North states' keenness to externalize and outsource migration management beyond their geographical borders.

iii) Lebanon

Lebanon was previously considered a peripheral actor in the Euro-Mediterranean migration management system. Though it has been part of the European Neighborhood Policy (ENP) since 2007, its cooperation with the EU on migration and refugee governance has remained marginal. Former ENP plans have focused on issues at the heart of democratic reform, economic cooperation, and security (Fakhoury 2017). The case of widespread displacement from Syria has however turned into a game changer for EU-Lebanon relations. The small state has acquired increasing importance as a key regional-refugee hosting state. In this context, the EU has scaled up its cooperation with the Lebanese state, making it a key target of its policies in migration management and resiliency humanitarianism in the Southern Neighborhood (Fakhoury 2020; Seeberg 2018) A series of policy measures attest to that. In 2014, the EU has started negotiating a mobility partnership with the Lebanese government. Lebanon moreover became a key beneficiary of EU trust funds and refugee facility packages. In 2016, the EU developed new priority actions to consolidate Lebanon's capacity to withstand challenges arising from refugee displacement (European Union 2016). Following the 2016 Conference on Supporting Syria and the Region in London, it negotiated with the Lebanese Government a compact seeking to facilitate refugee access to residency and work in return (European Union 2016). Against this backdrop, the

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EU and Lebanese officials have capitalized on the refugee challenge as an opportunity to explore policy areas of mutual interest in migration, trade, counterterrorism and job creation (Fakhoury 2020).

Lebanon's cooperation with the EU on refugee governance provides broader insights as to how the EU has recently (re)shaped its "crisis governance" imaginary in terms of managing, policing, and regulating migration (Fine 2020). Unlike Turkey, Lebanon does not share geographical borders with the EU. Still, EU infrastructure of managing migration has extended beyond physical borders into practices and technologies of governance at a distance. In this instance, the EU has thus sought to co-opt Lebanese local authorities as partners in border management (Tholens 2016). It has also sought to regulate migration from afar through resilience-building refugee deals that would discourage the departure of potential asylum seekers. A case in point is the 2016 Compact which, alongside the Jordan Compact, has set the tone for the newer EU refugee-related instruments. The latter enshrine resiliency humanitarianism within a broader logic of governance from afar (Lavenex and Fakhoury 2021).

In the context of Lebanon's cumulative crises ranging from the economic meltdown to the Beirut Blasts, Mediterranean crossings from Lebanese to Cypriot shores have noticeably increased (Alpes et al 2021), turning the small polity into a dynamic site for EU and EU member states' bordering practices. In the wake of increasing boat departures of Syrian refugees and Lebanese citizens to Cyprus, the Cypriot government has signed an agreement with the Lebanese government calling on the government to stem such boat departures and take back individuals seeking refuge to the island by boat. The Cypriot government has also asked FRONTEX, the European border and Coast Guard agency to help in stemming arrivals from Lebanese shores.

Within this setting, Lebanon represents a particularly insightful case for understanding EU rationality of extraterritorializing migration control. EU strategies span a fluid continuum ranging from softer humanitarian practices to harder practices of policing and surveillance. In the EU's crisis imaginary, Lebanon represents a dual site of refugee humanitarianism and policing. Recently, in the context of the Beirut Blasts and the economic meltdown that have pushed both Lebanese citizens and refugees into poverty, the EU has sought to revamp its resilience-building humanitarian toolkit in Lebanon, developing with the World Bank the so-called Reform, Recovery and Reconstruction Framework. At the same time, in the context of its strategy of "containment in the region" (Chatty 2017), the EU and its member states have

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explored ways to strengthen local authorities' capacity for integrated border management on the one hand, and their ability to stem departures from Lebanese territory on the other.

This case study explores the EU's refugee governing rationality and intervention in Lebanon with a focus on the 2016 EU-Lebanon Compact that was negotiated in the context of refugee flight from Syria. The EU has positioned the Compact within a broader approach aimed at regional stabilization and resilience-building. Lebanon's polarized institutions and its reluctance to integrate refugees have made the Compact from the outset "a letter of intent" rather than an actionable policy option (Lavenex and Fakhoury 2019). Further, the EU's logic of refugee governance in Lebanon has remained disconnected from the country's geopolitics of refuge. In this regard, the Compact that aspires to provide refugees with solutions and improved integration has fallen behind the complexities of Lebanon's (no)asylum dynamics.

Against this backdrop, a "crisis governance" approach has shaped the Compact's rationality and implementation. This approach has manifested itself at two levels. The EU has sought, through humanitarian and development aid, to build the resilience of refugees by providing them with more lasting livelihoods options in Lebanon. In contrast, the Lebanese government has embarked on an increasingly securitized refugee response, positioning the politics of refugee repatriation as its most pressing goal. Secondly, as the Compact could only provide refugees with temporary solutions, it remained disconnected from a rights-based humanitarian perspective which aspires to create legal remedies rather than quick fixes (Lavenex and Fakhoury 2019; Gordon 2019). From this perspective, and insofar as the EU's external dimension of asylum is concerned, Fakhoury (2020) stresses the pitfalls of refugee governance rationalities and practices that remain disconnected from sustainable legal remedies. It also attracts attention to the various ways through which governments mold the EU's policy instruments through their geopolitics of asylum, preventing such instruments from accomplishing their declaratory goals.

There is consensus that ambiguity and incoherence have greatly characterized Lebanon's official response to displacement from Syria since 2011 (Janmyr 2016). Officially, Lebanon does not consider itself a country of asylum but a country of transit. It is neither a party to the 1951 UN Convention nor to its 1967 Protocol Relating to the Status of Refugees. Historically, the country has shied away from developing laws that specifically address the status of refugees (Stevens 2014). Instead, Lebanon has outsourced refugee

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governance to external entities. In line with a memorandum of understanding (MoU) signed between UNHCR and Lebanon in 2003, the UNHCR undertakes refugee status determination in Lebanon, along with refugee protection and assistance provision. The MoU provisions ascertain that refugee stay in Lebanon is only temporary. In this view, the Lebanese state formally rejects the solution of local integration, one of the three durable solutions advocated by the UNHCR in addition to voluntary repatriation and resettlement.

Within this climate, and prior to refugee displacement from Syria, displaced individuals in Lebanon have enjoyed few legal rights. Indeed, the key national legislation governing refugee stay in Lebanon is predominantly the “Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country” (Saliba 2016). Given the absence of a national legislation recognizing legal solutions for refugees, the MoU between the UN Refugee Agency and Lebanon foresees that the Lebanese Government shall grant asylum seekers temporary residency permits for a period between three to nine months with a view to allowing the UNHCR to explore more lasting solutions such as resettlement or return. In other words, the Government of Lebanon acknowledges incoming “asylum seekers” as displaced individuals who can only benefit from temporary residency.

At the outset of the Syrian war, Lebanon adopted an open-border policy that was soon replaced by a heavily securitized politics of refugee reception (Fakhoury 2020a). In 2014, Lebanon announced heavy restrictions halting crossings from Syria. In 2015, the government instructed the UNHCR to stop registering refugees. In this light, after the Lebanese government had asked UNHCR to stop refugee registration in 2015 (Amnesty 2015), Syrians who entered Lebanon through legal border crossings could claim legal residency permits in accordance with extremely complicated “entry categories” such as tourism, a pledge of responsibility by a local sponsor, a visit for medical purposes, a student or a transit visa etc.¹ In this setting, bureaucratic hurdles and inconsistent practices that fluctuated at times from one locality to the other have made it very difficult for Syrians to obtain legal residencies.

By 2016, as the Syrian regime had reconquered many of its previously lost territories, Lebanese politicians have started boldly calling upon Syrians to

¹ Every entry category has a border fee. It also requires a set of documents, and has a limited residency duration. Hence, such hurdles impose innumerable difficulties on Syrian refugees to renew their temporary residency permits and regularize their stay. Consequently, according to the UNHCR, 78% of Syrian refugee families in Lebanon have not been able to secure legal housing or legal livelihood opportunities. They are also at heightened risks of being arrested and detained (VASyr 2019).

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return, claiming that the regime-held areas are “safe areas” where Syrians can return and reestablish themselves (Fakhoury and Ozkul 2019). Since 2017, Lebanon’s security offices as well as political parties such as the Shiite Party Hezbollah have started organizing so-called voluntary return operations. Practitioners and scholars have however criticized these so-called voluntary repatriation schemes as being implicitly coercive (Mhaisen and Hodges 2019).

The EU’s policy of containment combined with Lebanon’s politics of “reluctant reception” has had a myriad of repercussions on refugee rights and their access to services (Saghieh 2015). According to the UNHCR, more than 70% of the Syrian births in Lebanon remain unregistered. Undocumented births as well as unregistered marriages among refugees have had a negative impact on refugees’ access to basic services and their ability to pursue alternative solutions such as resettlement or repatriation. Municipalities in Lebanon have imposed arbitrary curfews and restrictions on refugee mobility. Such measures have significantly curbed their freedoms, leading to their arrest at checkpoints and thereby heightening their precarity (Janmyr 2016).

The EU has been the key funding power in Lebanon in the context of refugee flight from Syria. Since 2011, it has developed a myriad of regional and bilateral tools with a view to boosting the state’s ability to host refugees (Fakhoury 2020). The EU’s bilateral engagement with Lebanon in the context of the refugee challenge is to be read within a broader regional approach. Against this backdrop, it devised several partnership frameworks that seek to leverage the EU’s policies in sectors such as development and trade with a view to branding them as “positive incentives” in migration management (European Commission 2016a). In a nutshell, these partnerships framed as the Compacts declared to consolidating refugee states’ capacity to host refugees, strengthening local protection regimes, and fostering the economic resilience of refugees as close as possible to their country of origin while mitigating their dependence on the host state (European Commission 2016b). At the same time, as various scholars have argued, partnership tools including the Compacts offer avenues to outsource migration control and to contain migrants away from the European border (Anholt and Rosetti 2020; Fine and Thiollet 2020).

In the context of the London Conference for Supporting Syria and the Region in 2016, the EU negotiated with Jordan and Lebanon, the two key regional hosting states, Compacts that seek to provide refugees with opportunities for integration and self-reliance. In the Lebanese case, the Compact commits funding until 2020 to various projects in the areas of employment, governance,

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security and countering terrorism. In the context of these financial arrangements, the Compact calls on the Lebanese government to facilitate temporary legal residence to Syrian refugees and access to employment. Appropriation of funds under the EU-Lebanon Compact was earmarked to projects in the areas of growth and job opportunities, governance and rule of law (including legal aid), regional stability, security, and countering terrorism.

The Regional Trust Fund in Response to the Syrian Crisis focuses on regional refugee hosting states including Lebanon and Jordan. This fund, known as the “Madad Fund” aims to foster more self-reliance of refugees, helping them thrive, not just survive, while at the same time assisting the countries and communities hosting them, thereby bridging the nexus between humanitarian relief and development aid. In practice, however, though the Compact was embedded within a broader developmental perspective, it has fallen back on its proclaimed objectives.

As analysts pointed out, in contrast to the Jordan Compact that had numerical targets and deliverables, Lebanon’s Compact was a vague document and did not dispose of any concrete implementation mechanisms (Howden et al 2017). Indeed, unlike the Jordan Compact, the Lebanon Compact does not foresee the provision of formal employment opportunities for refugees in Lebanon. Its implementation is moreover embedded in the Lebanese Crisis Response Plan (LCRP) which focuses on business development, infrastructure, and job creation for Lebanese assuming that this will indirectly foster opportunities for Syrian refugees (Bou Khater 2017).

Moreover, the Compact’s logic of intervention remained out of sync with Lebanon’s politics of refugee reception. The policy tool advocates for improved temporary integration and access to employment. In practice, however, as discussed earlier, the Lebanese government had started by that time tightening refugee regulations and cracking down on refugee rights. Against this background, Lebanon’s shifting policy imperatives swiftly eclipsed the rationality of the Compact which seeks to leverage the EU’s financial power to entice Lebanon into “integrating” refugees. Indeed, once it was adopted, Lebanon’s key governing powers have started pushing for repatriation as the desired policy and implementing the so-called “voluntary” return operations though conditions in Syria were not favourable.

In a nutshell, the failure of the Compact to yield concrete results in Lebanon can be attributed to a variety of complex factors (Fakhoury 2020). From the outset, the Lebanese state has been recalcitrant to integrate refugees. Adding to this, internal divisions and polarities across ministries and political offices on

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the Syrian conflict and the issue of refugees have prevented agreement on the Compact's outlined commitments. Lebanese policymakers are well aware that the Compact is to be situated in the EU's broader architecture of refugee externalization, and that the EU's developmental and humanitarian rhetoric underpinning the Compact is a desire for refugee containment.

As 'cooperation' or delegation in times of crises motivated to a great extent the adoption of the Compact, the latter engaged little with the absent framework of refugee protection mechanisms in Lebanon. In reality, the Compact – as a tool expressive of the EU's "migration governing intervention" – has fuelled vociferous reflections on its relationship with refugee humanitarianism. In practice, the Lebanese Compact remained detached from an underlying search for legal remedies and longer-term prospects for hospitality, settlement and dignified living conditions. As underscored above, Lebanon's politics of "reluctant reception" confined refugees to multiple pathways of precarity. At the same time, as the EU has been primarily interested in cooperating with Lebanon over the issue of refugee containment with little concern for refugee rights, turning a blind eye to abuses in the interest of sustaining dialogue with governing powers (Fakhoury 2020c). In this context, the Compact could neither provide a foundation for a rights-based approach that ensures a dignified refugee stay nor could it spur any structural reforms.

In sum, the 2016 EU-Lebanon Compact remains a predominantly discursive instrument. The Compact's rationality has remained out of sync with the complex dynamics of Lebanon's realities and its refugee politics. Indeed, understanding why the Compact has not materialized cannot be isolated from the country's historical legacies of refugee governance and its turbulent and divisive relationship with Syria. Unlike the Jordan Compact, which explicitly devised schemes around preferential trade agreements and refugee employment, the Lebanon Compact remained vague as to how the Lebanese state would temporarily integrate Syrian refugees on the one hand, and what it would exactly do to facilitate refugee inclusion on the other. Also, the negotiations between Lebanon and the EU that led to the Compact's adoption and that explored potential "positive incentives" in the light of the refugee challenge remained mired in confusion. Lebanon perceives a potential trade agreement in exchange for formal deals on refugee employment as a risky political act. Moreover, as Lebanon has extremely limited export capacity to the EU, its potential to benefit from a trade agreement negotiated in the context of a refugee deal is negligible (Lavenex and Fakhoury 2019). Against this background, the transformational potential of the Compact remained of little ambition.

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iv) Turkey

Turkey presents a unique case for migration flows, as a country sitting on the crossroads from Asia to Europe. Turkey's geographic location opened the pathways for both immigration and emigration roles (Memisoglu and Ilgit, 2017). "Transit migrants" from different countries of origin from Asia, the Middle East and Africa used the Turkish territory to gain passage to their destinations on continental Europe. Similarly, Turkey received multiple groups of migrants which remain in Turkey. By 2016, Turkey became the world's largest refugee host with 4.1 million refugees residing in the country. In addition, Turkey is also a source of immigration for the European Union member states, when a demand for Turkish workers in the 1960s in countries such as Germany, Belgium, the Netherlands, France and Austria saw large groups of Turks moving to these countries. This migratory landscape makes Turkey an interesting case study to probe into the multiple dimensions to Turkey-EU migration cooperation (Wolff, 2014; Yildiz, 2016).

As analyzed in Working paper Deliverable 2.2, Turkey went through a significant process of legal reforms and adopted multiple amendments to its immigration law particularly after the end of the Cold War (Muftuler-Bac, 2020). Turkey's accession process to the EU which officially began in 1999 in the Helsinki European Council necessitated a harmonization of its laws and rules to the EU *acquis*. When Turkey's accession negotiations were opened in 2005, this led to a new round of legal amendments on almost every aspect of Turkish governance. As a result, Turkey went through a process of legal change in its migration rules in order to adjust to the EU framework. However, this adoption of new legal instruments and revising its migration governance gained a new momentum with the Syrian refugee crisis in 2011. The findings in D2.2 illustrated the dual role of the EU accession process and the Syrian refugee crisis imaginary in paving the way for the Turkish-EU statement on the Refugees (Muftuler-Bac, 2020).

In terms of the EU accession process, EU-Turkey relations are structured through accession partnerships, an annual monitoring of the progress achieved by the candidate country, and accession-driven assistance relevant to the externalisation process. In 2000, the European Commission and the Turkish government adopted an Accession Partnership strategy for Turkey and a National Programme for the Adoption of the Acquis, which was later revised on several occasions (2003, 2006, 2008). This Accession Partnership called for specific reforms in all policy areas relevant to the Copenhagen criteria (which determine a country's eligibility to join the EU). These documents defined the

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reforms that Turkey would need to implement in order to pave the way for harmonisation in an array of policy areas, including Justice, Freedom and Security (Kirisci, 2005). Reforms touched upon a wide range of policy areas related to migration and borders including the negotiation of a readmission agreement with the EU, the introduction of national asylum legislation; the harmonization of visa stickers and regulations with the EU, and the establishment of a civilian border security agency. A National Action Plan on Migration and Asylum was issued in 2005, providing a roadmap for policy and institutional reform.

Despite the stalling of the EU-Turkey negotiations by 2006, the Turkish government made a number of significant steps towards the harmonisation of its migration system with the EU acquis. Turkey's adaptation to the EU rules in line with its National Programme on the Adoption of Accession Partnership for migration governance, as well as its 2005 Action Plan on Asylum and Migration, further intensified with the 2011 Syrian crisis and the unprecedented flow of refugees onto Turkish territories. Turkey indeed witnessed a significant number of Syrian refugees following the crises that broke out in 2011, leading to over 1 million Syrian refugees residing in Turkey in 2014 and 3.6 million registered Syrian refugees by 2021 (UNHCR 2021). In addition to Syrian refugees, Turkey has seen an unprecedented influx of asylum seekers from Afghanistan, Iraq and Iran since 2013.

Despite the EU-Turkey accession negotiations coming to a standstill early on, Turkey continued to harmonise its migration policies in line with the EU acquis. Notably, in 2013, Turkey ratified its first law on immigration and international protection which closely meets EU demands and sets up a civilian agency charged with 'managing migration'. On April 4, 2013, the Turkish Parliament thus adopted the Law on Foreigners and International Protection (*Yabancılar ve Uluslararası Koruma Kanunu*), or Law 6458, which came into force in April 2014. The Law led to the creation of a new governmental agency, the Directorate General for Migration Management (DGMM), which functions as a unit to handle all migration matters, as well as act as a medium of exchange between different Ministries, and particularly between the Ministry of Interior Affairs, the Ministry of Labour, the Ministry of Foreign Affairs, and the Ministry of Family and Social Policy. In May 2015, this new unit took over the task of registering incoming refugees and asylum seekers from the General Directorate of Security under the Ministry of Interior Affairs. In its implementation, asylum seekers who find themselves in the Turkish territory would apply both to the UNHCR and to the DGMM for resettlement into third countries, if their registration in these units is successful, then they are

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recognized as international protection applicants under Turkish law. On October 22, 2014, the Council of Ministers adopted an additional legislation as secondary law (known as the Temporary Protection Regulation), which changed the official status of Syrians from 'guests' to 'people in need of temporary protection'. This constituted a step towards the formalization of the Temporary protection Regime meant to demarcate Syrians from other asylum seekers. Once Syrians register with the Directorate General for Migration Management, formerly they are supposed to gain access to fundamental services such as health care and education.

It should be noted that Turkey did not accept the EU's demands in a straightforward manner. To offer some examples of resistance to European demands in the context of the accession process, one can note that Turkey has not removed the geographical limitation to the 1951 Geneva Convention in its new asylum law for fear of becoming a 'buffer zone' for Europe's 'unwanted' migrants. This geographical limitation entails that all non-European refugees are only tolerated in Turkey; they can only remain on a temporary basis and must eventually be resettled to a third country. For the EU, this is a considerable hindrance to being able to send back individuals wanting to claim asylum who had transited through Turkish territory on their way towards the EU. Another important marker of resistance lays in the Turkish government's reluctance to sign a readmission agreement with the EU to facilitate the expulsion back to Turkey of undocumented migrants who had passed through Turkey in order to reach Europe. The agreement was eventually signed in 2013, after almost ten years of negotiations, and ratified by the Turkish parliament in 2014.²

While, on paper, the recent Law on Foreigners and International Protection provides asylum seekers and refugees with a fairly extensive range of rights (although it has yet to extend this framework to long-term integration), to date, the law has not been properly implemented. The performative effects of the very existence of the law and of the DGMM in underpinning Turkey's categorisation as a 'safe country' has enabled the EU and its member states to claim some status and authority through the controversial Turkey-EU Refugee Statement signed on March 18, 2016. The Turkey-EU Refugee Statement postulates that "all irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey, and for every Syrian being returned to Turkey from the Greek islands, another Syrian will be

² Today's Zaman, EU-Turkey Readmission Agreement Ratified by Parliament, 26th June 2014 http://www.todayszaman.com/anasayfa_eu-turkey-readmission-agreement-ratified-by-parliament_351412.html (accessed 16th September 2015)

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resettled to the EU, and Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU” (Council of the European Union, 2016). In return, the EU agreed to lift visa requirements for Turkish citizens by the end of 2016, to revitalize the accession negotiations and to a refugee fund of 6 billion euros. The “deal” then aimed to curb the flow of undocumented migrants and asylum seekers who passed through the Turkish territory to cross over the Aegean Sea to reach Greece and other EU member states.

The deal rests on the recognition of Turkey as a ‘safe third country’, which asylum seekers who passed through its territory could be returned to, i.e. a country to which asylum seekers can be returned as they could have requested and received refugee status there in line with the 1951 Convention. This is a central and controversial aspect for the implementation of the deal. While proponents of Turkey’s ‘safe’ status have argued that Turkey’s first law on international protection, ratified in 2013, guarantees the respect of the fundamental rights of asylum seekers and refugees in Turkey, this has been widely contested by scholars and civil society actors. This ‘safe’ designation was an outcome of a political decision rather than based on evidence from the field. Structural problems remain in Turkey, where the asylum and migration systems are still in their infancy and where effective safeguards against the violation of human rights are largely absent. Notably, in October 2016, under the state of emergency declared after the failed coup attempt on 15th July 2016, an important amendment was made to Turkey’s asylum law whereby an asylum seeker or refugee can now be deported at any stage of the asylum process if they are recognized as ‘a member of a terrorist organisation’, fundamentally undermining their protected status under asylum law and creating a risk of refoulement. Indeed, under this provision, no court decision or formal procedure is required to determine that a foreigner poses such a risk.

The security approach which drives Turkey-EU cooperation on migration has also been further integrated into Turkish domestic migration policies, most recently, in the context of the arrival of growing numbers of Syrian refugees, into the decision to build physical walls along its southern border. Upon its completion, the Turkish-Syrian border will consist of a 828 km long wall comprising the entirety of the border, becoming the third largest border wall in the world following the Great Chinese Wall and the US-Mexico border. In addition to the wall, 120 “watchtowers” are being built to enable soldiers to monitor border crossing attempts.

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Today, Turkey is the country that hosts the most refugees in the world. This has led to a reconfiguration of power between the Turkish government and EU member states, who want Turkey to contain Syrian refugees within Turkey's borders at all costs. These actors are therefore ready to comply with Turkey's demands, not only by turning a blind eye to the poor security conditions and rights framework that the country affords migrants and refugees, but also by praising its exemplary behaviour as a 'safe country' and even as a regional leader for migration management (Fine 2020).

Towards a shared governing framework for EU externalization policies as they interact with a crisis imaginary?

The key issues and outcomes of the EU's externalization policy with respect to our case studies are summarized below. As we can see from the case studies, externalization is a complex field of intervention and there is not a single intervention that can respond to this complexity. What is clear in the first instance is the need to draw up a framework for rethinking and negotiating the way in which mobility is governed. This framework would address:

The influence of crisis

Migration governance is influenced by problem setting according to a crisis imaginary (Fine and Thiollet 2020); this imaginary is made vivid by the spectacle of the influx of Syrian refugees post 2011. A lens on this imaginary tends to see the issue as primarily quantitative. Thus, a focus on the *numbers* of refugees is often privileged over a focus on the *nature* of their experiences. This feeds a moral panic about 'too many'. This crisis imaginary also has ramifications for managing domestic populations' concerns in third countries as well as in Europe. What is needed is a form of governance that reframes how we see migration – a paradigm shift – that values migration and sees it as normal rather than feeding a threat imaginary.

Sustaining irreconcilable agendas

Despite the changes in scale and nature across the four cases presented above, this has not contributed to a reconfiguration of the externalization governance approach. As hypothesised in our analytical framework (Fine and Thiollet 2020), our four case studies -Egypt Lebanon, Jordan, and Turkey – reveal a politics of continuity in which the EU's externalisation response builds on pre-existing, routine practices (Jeandesboz and Pallister-Wilkins 2016). That is not to say that cooperation practices have not found new packaging and

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increased funding; the EU-Turkey 'deal', the Jordan Compact or the EU Trust Fund for Africa were all created in the context of the EU's so-called migration crisis – but these policy initiatives are grounded in pre-existing practices and rationalities which strive to contain migrants away from European territories, more often than not, presented as a humanitarian or development endeavor.

Externalization is the strategy to relocate responsibility for migrants and refugees away from European territories. It **interweaves rationalities of security, humanitarianism, managerialism and development**. Security 'solutions' are invariably presented through appeals to humanitarianism and development (encampment of refugees in the region so that refugees are not forced to embark on hazardous journeys) and technologization (biometric controls for 'fairer' food distribution). As externalization interacts with a crisis imaginary, it claims to pursue diverse objectives from development aid and poverty eradication (as claimed in the context of the EU's Trust Fund for Africa or Jordan's Compact) to readmission agreements and deportations – in reality, these practices all pursue a sedentary bias (Fine and Thiollet 2020).

EU containment strategy

To what extent can we read these diverse rationalities as coming together in a containment strategy? It would seem that, on the one hand, they are about invisibilising and relocating responsibility for migrants and refugees to 'transit' and 'origin' countries, and on the other hand, they serve the staging of the EU positioning as a moral actor in migration governance.

As argued in our analytical framework (Fine and Thiollet 2020), European externalisation interventions favour **persuasion** and **concertation** over domination and imposition. For example, cooperation agreements rely on positive framings for the target countries, both in terms of conveying flattering identities such as Turkey or Jordan as migration management regional leaders. Moreover, interventions which support migration and refugee containment are framed as beneficial for modernization, order and even economic prosperity. Notably, the Lebanese Compact which claims to "increase the resilience of the Lebanese economy", the Jordan Compact which claims to "Turn the Syrian refugee crisis into a development opportunity" or the EU's Trust Fund for Africa which also boasts development 'solutions' to migration 'problems'. This positive and almost altruistic framing makes it difficult to contest externalization; its enemies after all are 'disorder' and 'bad governance' (Walters 2004).

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Liminal conditions

Externalization – like ‘crisis’ - is invariably imbued with **short-termism** and **ad hoc solutions**. One of the preferred policies of externalization in Jordan and Turkey has been the operation of refugee camps for Syrian refugees. This ‘politics of encampment’, a term used by Agier (2010), has been used to articulate the political will behind the placing of refugees into camps. Encampment is a strategy holding refugees in-between spaces, in a situation of limbo with little prospect for a meaningful existence capable of being rooted in economic activity. There is little political will (or governance ambition) to open up long term employment opportunities, rights of citizenship and meaningful existence for refugees.

Rights-based governance

Formally speaking, the EU purports to offer a rights-based perspective particularly for migrants at sea or within EU territory. There are a number of issues which compromise this claim. The EU is primarily focused on pushing back migration on its own territory thus its thrust is to ‘return’ migrants to third country territory. There are gaps between espoused narratives about safeguarding migrant/refugee rights and local interpretations and practices. There are significant ‘grey areas’ in which migration governance decisions are made out of sight and of hearing of local populations and are remote from protective regulations; they are also of a fragmented nature, often due to lack of coordination of involved agencies. Migration governance is distributed in terms of agents and functions. These factors make it difficult to establish mechanisms of transparency and accountability.

North and South relations

Externalization is an outcome of negotiation between the EU and the ‘third country’ which is both object and subject of externalization. What emerges from the cases above is the mutually constitutive nature of governance in the ‘north’ and ‘south’. There is an intrinsic **centre-periphery bias** in many studies of externalization which obscures from view the autonomy and ‘self-interests’ of ‘transit’ and ‘sending’ countries in developing and enacting migration policies. Although externalization approaches are often seen to be an unproblematic imposition of the north on the south, as our case studies have revealed the south brings to the table its own conditions and interests, symbolic and material.

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Local practices and future work

It would be useful to revisit these cases through an ethnographic lens to grasp local practices and configurations of power. Future research might probe the relation of espoused practices with actual practices. An assemblage methodology could offer a useful way forward to make sense of the productive connectivities between the actors, objects, institutions and spaces studied here as they generate a crisis imaginary (Fine and Thiollet 2020). In our framework we also make a plea for closer attention to be paid to the role of non-state actors in the light of the growing role they play in migration governance. In all the cases there are a variety of players: international organisations (Pécoud 2015), non-governmental organisations (Cuttita 2020), security professionals (Andersson 2015) but also more surprising actors involved in bordering such as computer engineers (Tazzioli 2020) or missionaries (Fine 2018). Do these actors play a key role in governing European borders at a distance? How do they reconfigure externalization practices? To what extent might this be mediated through a crisis imaginary? How do responses to these questions vary across the cases? We cannot understand fully the outcomes of outsourcing to 'third countries' without due attention to the outsourcing to the many agencies and local practices involved in EU externalization policy. The cases suggest that the complexities of local conditions and approaches invite more understanding about these contextual issues for the next phase of this inquiry.

A sustainable and inclusive framework for mobility governance needs to shift the focus away from crisis and seeing migration as 'problem' or 'threat', towards a new way of thinking about mobility and rights protective practices, of cooperation beyond containment, of social and economic benefit to European and non-European countries alike and which respect the need for transparent and accountable structures. The case studies suggest that in order to address these factors, there needs to be an inclusive, deliberative process involving all relevant parties, which recognizes existing initiatives and contextual variation.

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