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Mapping the external dimension on EU migration and asylum policies: what impact on the governance of asylum?

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1. Introduction

In the last decade, the many migration crises at the European Union's (EU) Southern borders have inevitably put the spotlight on the external dimension (ED) of EU Migration and Asylum Policies (MAP). The process of externalization is not new and already from the early 2000s the EU has moved towards international cooperation as a way to compensate for the deficiencies of traditional domestic migration control and for the failure to develop a common policy (Boswell 2003; Vega 2019). Yet, due to the scale and salience of recent migratory movements across the Mediterranean, the involvement of non-EU countries in the management of migration at the EU borders has gained a new prominence. The relevance of the ED comes under the spotlight not only because extraterritorial actions and cooperation with countries of origin and transit work as migration policy tool to stem, prevent and contain migratory flows. But also because externalisation inevitably affects asylum-seekers and more broadly their right to international protection. Whereas the EU and the Member States (MS) have developed standards and procedures to assess asylum claims and protect vulnerable people, externalisation practices affect asylum-seekers' mobility and prevent them from entering the EU territory and make protection claims able to receive due consideration.

While externalisation has received an impressive scholarly attention, comprehensive efforts towards the mapping of the ED of EU migration policies across countries and regions, as well as towards the analysis of the impact of ED on asylum and international protection, remain rare. This research seeks to provide some updated insights that -while building on previous studies- make the effort to map and take stock of the ED of EU migration policies in the last twenty years and the ensuing implications for asylum. More specifically, the goal of the article is twofold. It aims to engage into a mapping exercise that permits to understand how 'geographically spread' is the ED of EU migration policies and through which tools; it explores the consequences and implications for asylum governance of the ED's tools and their distribution across borders.

Theoretically, the article builds upon existing literature while trying to build its own typology of EU's 'toolbox' of externalization. Empirically, it builds upon the preliminary data collection carried out in the framework of the H2020 project – PROTECT - The right to international protection. Methodology is based on primary and secondary sources, as well on the construction of a comprehensive database of tools according to their characteristics and regions. The database is also transformed into a visual map as an interactive tool for anyone interested in exploring the ED and willing to know 'what the EU is doing where', when it comes to migration policies and cooperation with third countries. The paper is organised as follows. The first part briefly explores the ED of EU migration policies and its significance for asylum governance. The second part addresses efforts towards an operationalisation of the ED while the third shows preliminary results.

2. The External Dimension of EU MAP: what is it about?

The inclusion of the EU migration and asylum policies in the scope of the Union's external relations policy has been defined as the 'external dimension' of the Migration and Asylum Policy. It refers to a broader strategy aiming at involving migrants' countries of origin and transit in the control of migration flows. This concept was formally defined in 1999 by the European Council during the Tampere Special Meeting on Justice and Home Affairs, where the development of partnerships with migrants' countries of origin and transit, as well as with third countries concerned with the topic, was identified as one of the four main actions for managing this issue. Nevertheless, the relevance of the relations between the EU and external actors in MAP was developed since the early 1990s when the European Commission claimed for the need 'to make migration an integral element of Community external policy' (European Commission, 1991:2).

To implement this strategy, the EU has developed a multifaceted policy. It consists of a variegated policy toolbox which includes several political, legal and financial instruments conceived to enhance cooperation with third countries in the management of migration, borders and asylum: regional and bilateral migration dialogues and compacts, mobility partnerships, common agendas on migration and mobility, readmission and visa facilitation agreements, migration clauses in association and cooperation agreements, regional development and protection programs, Frontex and EASO's specific mandates (European Parliament, 2015). This policy toolbox should serve for realizing the overall strategy of EU cooperation with third countries in the field of immigration and asylum and for tackling the compounded dimensions of the migration phenomenon.

Within the literature on the external dimension of migration policies, three main strands can be traced. The first strand considers the ED as part of a broader redefinition of contemporary border theory that implies the reorganization of the link between authority and territoriality and a process of reshaping of the classical understandings of borders and sovereignty. In this strand, scholars define this strategy as 'remote control of migration' (FitzGerald, 2020), 'extraterritorialisation of territorial boundaries' (Lavenex 2006; Ryan and Mitsilegas Eds, 2010) or 'deterritorialization of migration control' (Munster and Sterkx 2009: 238). They consider this phenomenon as embedded in a broader process of transferal of borders control from the nation-state to external actors in a process of redefinition of old boundaries and creation of new ones (Lavenex, 2006; Guiraudon and Lahav 2000; Geddes 2008).

The second strand is focused on the 'securitization of the migration control' (Bigo, 2001). The development of an 'external dimension' of common migration policies is considered the result of the entrance of migration and asylum policy into the security agenda of the EU and it is part of a larger process of the re-definition of the EU security concept based on the indivisibility of the domestic and external aspects of security (Longo, 2013). More broadly, the call for externalization was rooted in the process through which, after the end of the Cold War, migration[1] gradually emerged as a foreign and security policy matter. While originally intended as a social and economic concern, the transformation of the global security regime following the end of the bipolar security framework changed both the nature and the perception of the

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[1] Migration is intended as the movement by people across boundaries that search for a permanent settlement different from the origin countries. Immigration is defined, from the perspective of receiving countries, as the entering of third national citizens in a specific territory.

issue. At the same time, migration became a global phenomenon with Europe emerging as one of the largest areas of immigration in the world. The mass arrivals of people fleeing their countries to the EU and the inherent growing salience of migration in the political agenda had two main consequences. The first is that since the early 2000s migration entered the political agenda of the EU walking walk through the door of foreign and security policy, with the EU policy on migration, visa and asylum being considered a 'security matter' and giving priority to security and border control over social inclusion. The migration-security nexus (Huysmans and Squire, 2009) explains the incorporation of the broader field of Justice and Home Affairs (JHA) in the EU security agenda (Longo, 2013; Trauner and Carrapiço, 2012). The second consequence is that the framing of migration as a security threat (Leonard, 2010) resulted in the connection of the migration policy with the European border regime (Hesse and Kasparek 2017), and traditional 'home affairs' issues, such as migration, gradually 'went abroad' and came to be incorporated into the broader spectrum of EU external policies. In this perspective, cooperation with third countries revealed a broader strategy aiming at involving migrants' countries of origin and transit in the control of migration flows to reduce the number of migrants entering Europe, and was thus mainly focused on the control of irregular migration rather than on legal migration and mobility (European Parliament, 2015). Management and patrolling of external borders came to be considered part of the security policy. At the same time, migration policy is reduced to the prevention of 'illegal immigration', intended as the entrance of people who do not comply with the EU requirements, and depicted as a complementary tool to fight against terrorism and organized crime.

Finally, the third strand of literature on the external dimension of migration policies is focused on the analysis of the toolbox of EU external cooperation in this field and on the contents of specific international agreements on migration and asylum. Many scholars (Carrera, Vara and Strik, 2019; Lavenex 2006; Rijpma and Cremona 2007 among others) stressed this strategy is mainly guided by the EU's will to control the mobility of individuals while they are outside the European Union to shift responsibilities on refugees towards transit and/or origin.
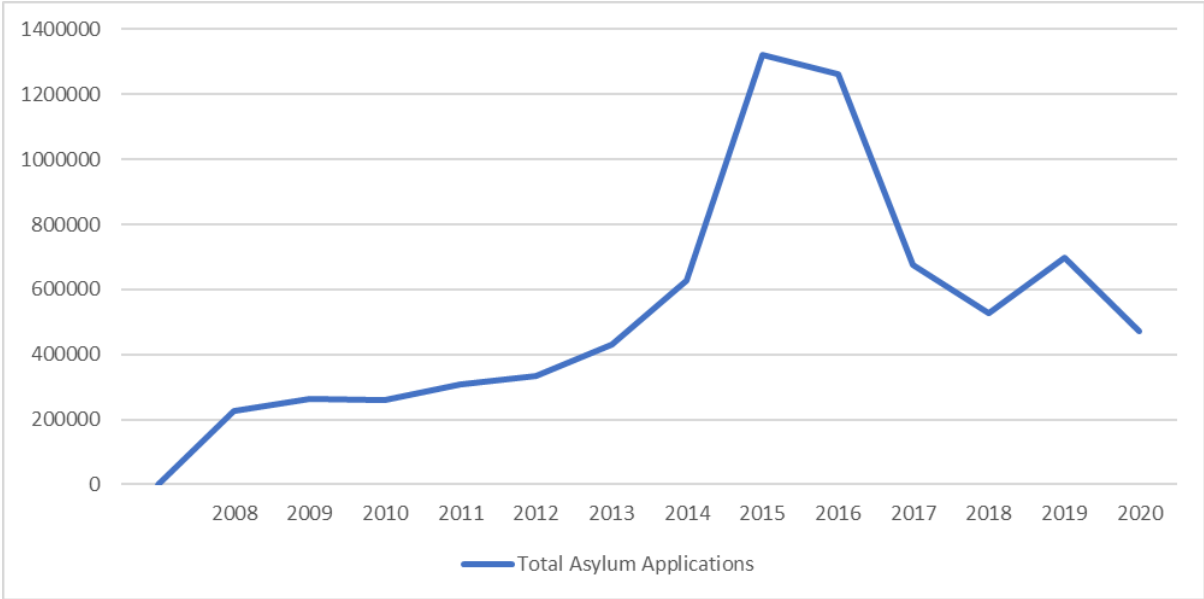
3. External Dimension: what that has to do with asylum governance in the EU?

While most of the literature explores the ED and the inherent externalization process with regard to EU migration policy, in fact the ED has a lot to do also with asylum, asylum policies and more broadly the governance of international protection. More specifically, EU asylum policies came to be strictly entangled in the process of externalization, for two main reasons.

The first reason is that the securitization of migration has gradually spilled over the asylum domain. Already in 1990s, asylum suddenly became part of the call towards externalization, by being framed as a parallel migration route due to the potential abuse of the right of asylum as a vehicle for migration (European Commission, 1990). This trend was further reinforced in the 2000s, when a series of events in the global system acted as push factors which raised the number of people moving towards the European territory in search of safety or subsistence. The Arab uprisings and their predictable and unpredictable outcomes in terms of profound transformations in the domestic politics of the Arab and Middle Eastern countries deeply changed the structure of migratory flows. Mass movements of people in search of protection and personal safety complemented the traditional economic migration movements.

As a major consequence, the number of asylum applicants has risen from 2000 to 2020 in Europe and this trend has increased dramatically from 2011 onward (Fig.1).

Fig. 1. Total Asylum Applications (non-EU) in the Member States (2008-2020).

Source: Eurostat

Moreover, in many frontline MS such as Italy and Greece, the significant gap between arrivals and asylum applications was often interpreted as an indicator of 'mixed' flows composed by only a small group of asylum-seekers and rather by a high number of economic migrants and bogus asylum-seekers not entitled to international protection (ANCI et al. 2017; Fontana 2022). These dynamics pushed asylum high on both the EU political and security agenda, with tools of migration control and externalisation as a way to stem mixed flows of both migrants and asylum-seekers. Moreover, following the first tragic migrant shipwreck off the Italian island of Lampedusa on October 2013, as well as the rising number of dramatic migrant deaths at sea[2], externalization policies started to justified on the humanitarian rationale to prevent migrants and asylum-seekers from embarking on dangerous journeys (Moreno-Lax 2018).

      The second reason is that the Treaty of Lisbon grouped asylum along with border control, immigration, judicial and police cooperation all under the heading 'Area of Freedom, Security and Justice' (AFSJ). The Treaty's chapter on 'policies on border checks, asylum and migration' includes therefore three different policy areas: 1) the policy on asylum and subsidiary protection; 2) the policy on border checks and control; 3) immigration policy. Whereas this was intended to develop a coherent MAP, the unification of asylum, immigration and border control in a single chapter rather created a controversial and contradictory approach with a mismatch between policy frames and policy tools. On the one hand, it lays the ground to a dual-track approach that separates migration from asylum. Even if immigration and asylum are formally

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[2] According to the Missing Migrants Project's Data (https://missingmigrants.iom.int/region/mediterranean), Between 2014 and 2020, 24.858 deaths were reported among those who attempted to cross the Mediterranean Sea between Africa and Europe.

linked, share the legal basis and are inserted in the larger policy domain of AFSJ, nevertheless, they do not share the same policy approach. Migration policy rules the crossing of the European external borders for third countries nationals, is based on the **security paradigm** and on the physical control of the borders, and it is mainly focused on the fight against 'illegal immigration'. Asylum policy rules the management of the European regime for international protection of the asylum seekers, is based on the **protection paradigm** and has been framed in the human-rights approach that derives from the need to comply with international standards on protection of asylum seekers and refugees.

On the other hand, while being based on different policy frames, the inclusion into the same chapter has often resulted into a spill-over of the security approach of migration policies onto the very domain of asylum. This has resulted not only into a critical friction between protection and security in the case of asylum policies, the problematic protection of human rights (Guild 2009, Kaunert, 2009) and the unclear distinction between migrants, international protection seekers and potentially risky groups (Takle, 2012:287; Guild, 2003). It has also turned into the prevention of onward movements of migrants, including asylum-seekers, from entering the EU territory (Haddad 2008). Cooperation with third countries of origin and transit has therefore increasingly featured as a key pillar for a comprehensive and effective policy in terms of both migration and asylum. Externalization therefore does have an impact on international protection because it involves new third actors in the governance of flows and because, as new tools and agreements are introduced, or as existing ones do evolve, this impinges on the capacity of people on the move to apply for international protection

For all these reasons, the ED of MAPs is a crucial aspect affecting asylum, the EU governance of international protection and its capacity to comply with the related international regime. More specifically, key questions do emerge: how does the ED affect potential refugees and asylum-seekers? What is the impact of the different ED's tools on asylum-seekers? How is this impact changing across countries and regions? Does the ED have an impact on the number of asylum applications to the EU?

4. Mapping the external dimension: what impact on asylum?

In order the address the above-mentioned questions, we first make a comprehensive effort to map the ED of EU MAPs with a focus on the several multifaceted political, legal, and financial instruments conceived to enhance cooperation with third countries in the management of migration, borders, and asylum. The rationale is that mapping the ED provides an analytical basis to investigate and assess whether and how externalisation affects asylum in direct and indirect ways (e.g., shaping the number of asylum applications to the EU; impacting on the capability to comply with international norms and protect refugees; etc.). Moreover, it permits:

1) to conduct a comparative analysis across countries and regions, taking stock of the ED of EU migration policies both in terms of geographical projection and of policy tools;

2) to assess the political and legal patterns of cooperation between EU and third countries in the field of migration and asylum;

3) to evaluate the extent to which EU and its MSs incorporate informal practices in their process of governance of asylum different from the Geneva Convention and the Common European Asylum System;

4) describe and evaluate the role and relevance of third countries in the multilevel model of EU governance in this policy area.

4.1. How to Map the External Dimension: operationalization and methodology

The development of the external dimension has produced a plethora of different agreements and tools to secure cooperation with third countries including several political, legal and financial instruments. While the ED of migration policies has been widely explored by scholars in terms of definitions, institutional development and key features, less attention was devoted to its mapping. To put it differently, how can we measure the ED of EU migration policies? How can we map it and along which dimensions? What kind of instruments/agreements are adopted to engage third countries in cooperation on migration? How can we classify them and what are their main features (binding, non-binding, political, legal, operational etc.)? Moreover, where does the EU externalize what? How much is the external dimension 'spread' across geographical areas and regions?

In order to address these questions, this article identifies the 'toolbox' of instruments adopted by the EU to secure cooperation of third countries in the domain of migration. The toolbox is based on twelve elements (Fig.2), which range from binding and formal agreements to soft or even informal tools. Readmission and Visa Facilitation agreements are legally structured binding agreements generally presented as a package: visa facilitation may be offered in return for the conclusion of a return agreement. Similarly, migration clauses are generally embedded in broader legal agreements, such as association or cooperation agreements. Mobility partnerships, Common Agendas on Migration and Mobility, migration dialogues or bilateral political agreements are instead political tools taking the form of dialogue, declarations, and commitment to cooperate even they are not legally binding. FRONTEX arrangements entail cooperation with border and security authorities in a partner country, while CSDP missions help resolve or prevent conflict and enhance the capacities of partners and might include border control and training to contain human smuggling and trafficking.
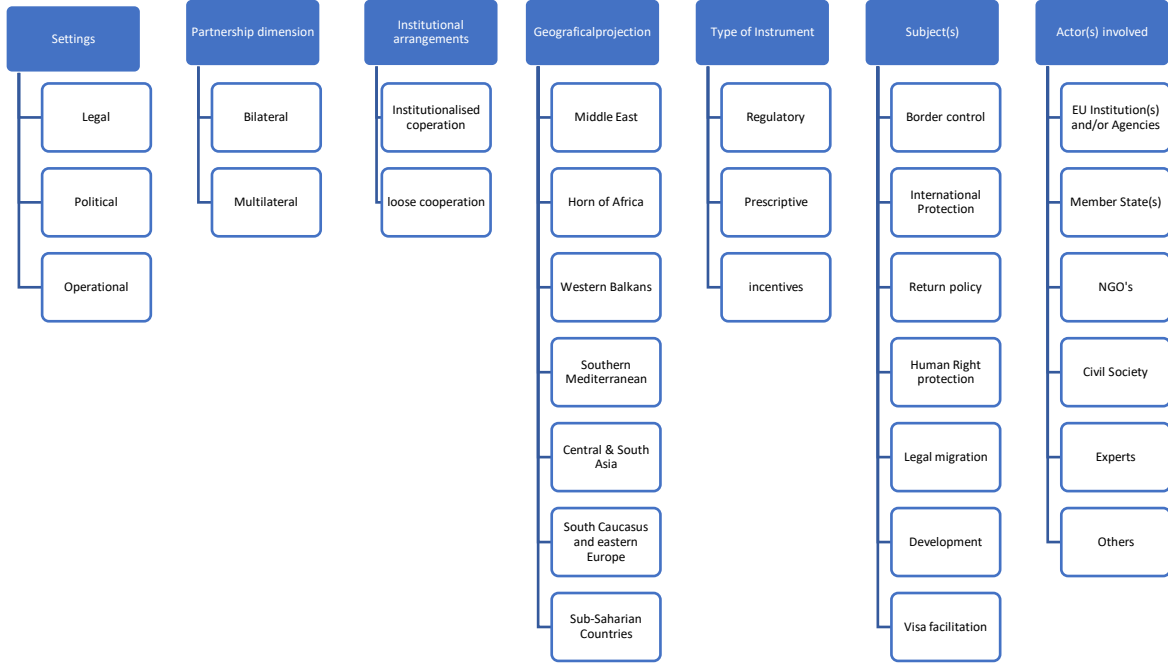
Fig. 2. Building the EU toolbox of externalization

1) Migration (structured) dialogues (both regional and bilateral),
2) Mobility Partnerships (MPs),
3) Common Agendas on Migration and Mobility (CAMMs),
4) EU Readmission Agreements (EURAs),
5) Informal Readmission Agreements (IEURAs)
6) Visa Facilitation Agreements (VFAs),
7) Visa Liberalization Agreements (VLs)
8) Migration clauses in broader legal agreements (Association Agreements, Cooperation Agreements)
9) Regional Protection Programmes (RPPs) and Regional Development and Protection Programmes (RDPPs)
10) Frontex and EASO arrangements
11) Bilateral Agreements (BA) (e.g. Strategic plans, common strategies, ENP Action Plans, Privileged Partnerships and other bilateral political agreements)
12) Migration related issue in CSDP operations

The identification of different categories of policy instruments provides a starting point for mapping and classifying policy tools that make up the external dimension of the EU's migration and asylum policy. To this end 140 bilateral and 13 multilateral agreements/tools with 48 non-

EU countries were collected and classified in different groups organised around the following taxonomic table (Table 1):

Table 1: Taxonomy of EU's external dimension instruments

Departing from this taxonomic table, a dataset was constructed with data about the externalisation toolbox. All the different types of tools/agreements were mapped per country/geographical area, as well as in terms of characteristics (binding or not, legal or political, and its main focus area -return, asylum, border control, mobility, visa etc.). This data set provides researchers with a comprehensive set of information for each policy instrument and permits either quantitative or qualitative analyses. The data stem from a combination of secondary (literature review, EU website, EU documents) and primary sources (the text of the agreement itself). The former is needed to reconstruct the entire historical path of migration cooperation between the EU and a specific third country. The latter is needed to go through the text of any agreement and locate it in the database.

In addition, in order to make a comprehensive effort towards the mapping of the ED, data collected are being transformed into a user-friendly, easily accessible, interactive open-source visual map[3] that allows to navigate the ED of EU's migration policies across countries. Moreover, it permits to have an immediate snapshot of the ED and its main tools.
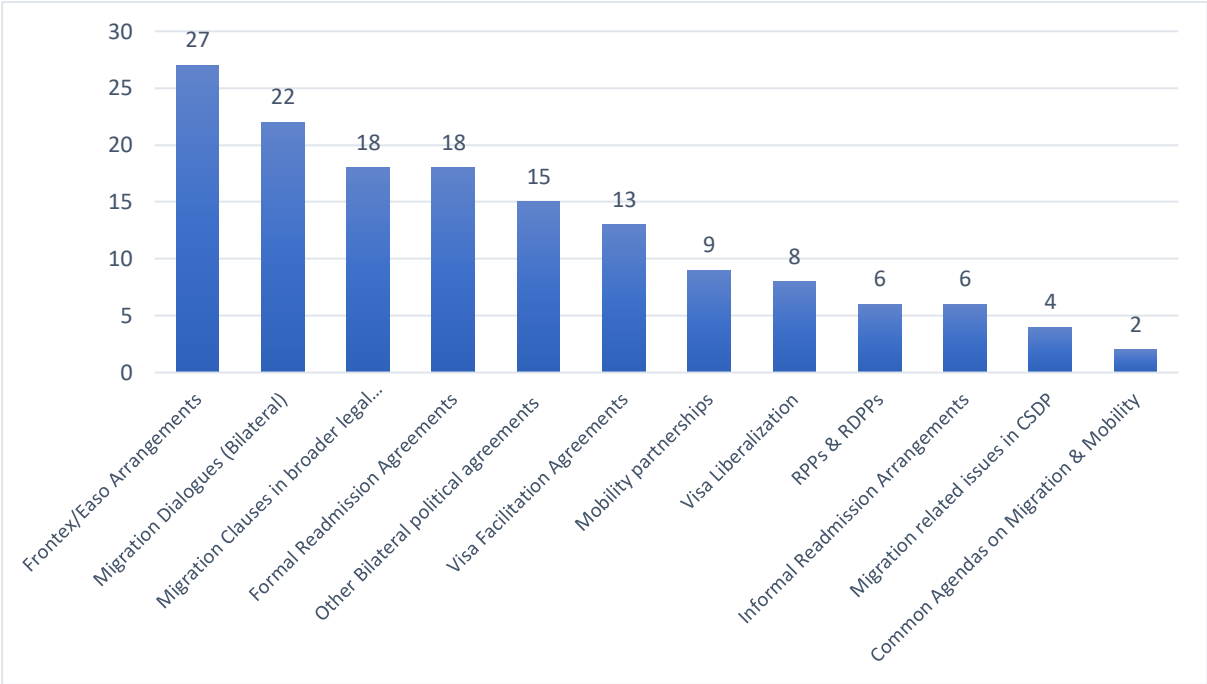
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[3] https://umap.openstreetmap.fr/en/map/eu-external-migration-policy-tools_584227#4/30.33/41.13.

5.   Preliminary results

5.1. The ED across tools, countries and regions

The database is currently hosting data about 140 bilateral tools/agreements which fit the classification of our policy toolbox and that refer to 48 countries across seven geographical areas (Balkans; Southern Mediterranean; Southern Caucasus and Eastern Europe; Middle East; Central and South Asia; Sub-Saharan Africa; Horn of Africa). Figure 3 shows the number and type of different tools across the concerned geographical areas.
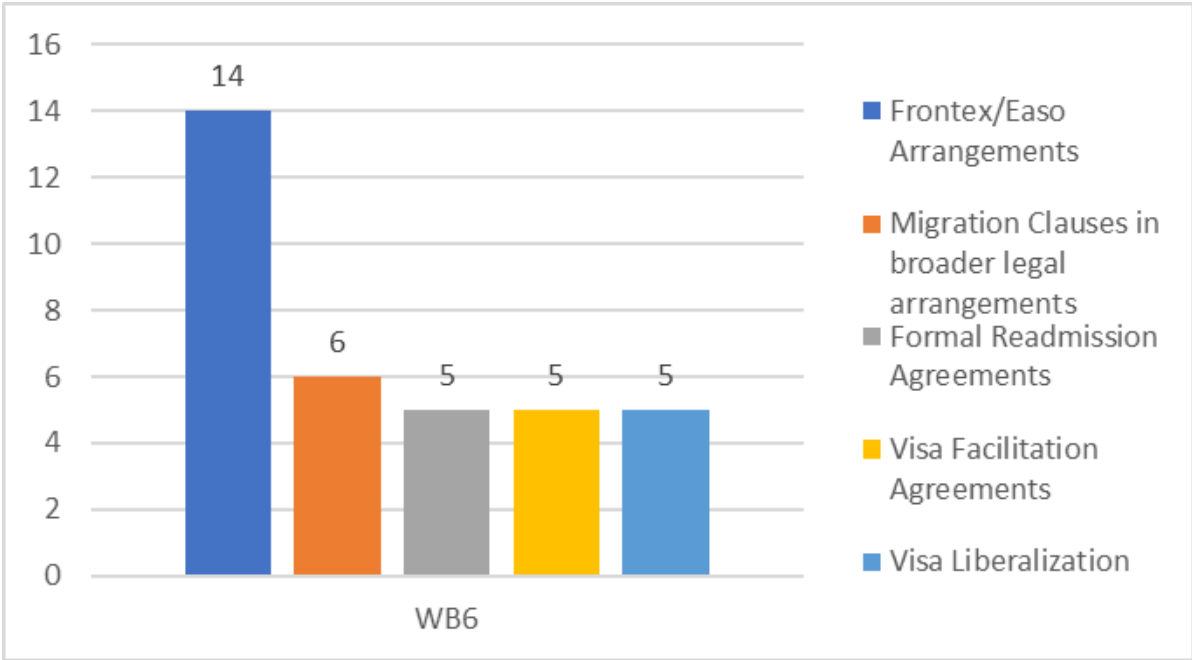
Fig. 3. The ED of EU Migration Policies – number and types of detected tools.

As it can be seen from the chart, preliminary results reveal a prevalence of political tools in terms of Frontex arrangements, migration dialogues, and bilateral political agreements (in the form of special partnerships, common strategies, compacts etc.). Migration clauses are the third most common tool. Interestingly, there is an evident gap between the number of readmission agreements and the number of visa facilitation agreements. While visas are generally offered as a bargaining chip to secure a readmission agreement, the data reveal an imbalance and a hierarchical mode of governance with return agreements not often being matched by the incentive of legal mobility.

If we look at the geographical distribution of the tools/agreements, we can see how their characteristics change across areas. In the Western Balkans (Fig 4), along with FRONTEX Arrangements, most of the agreements are formal and embedded into a binding and 'constraining' cooperation framework. There is no room for informal or merely political cooperation in a context shaped by the enlargement policy.
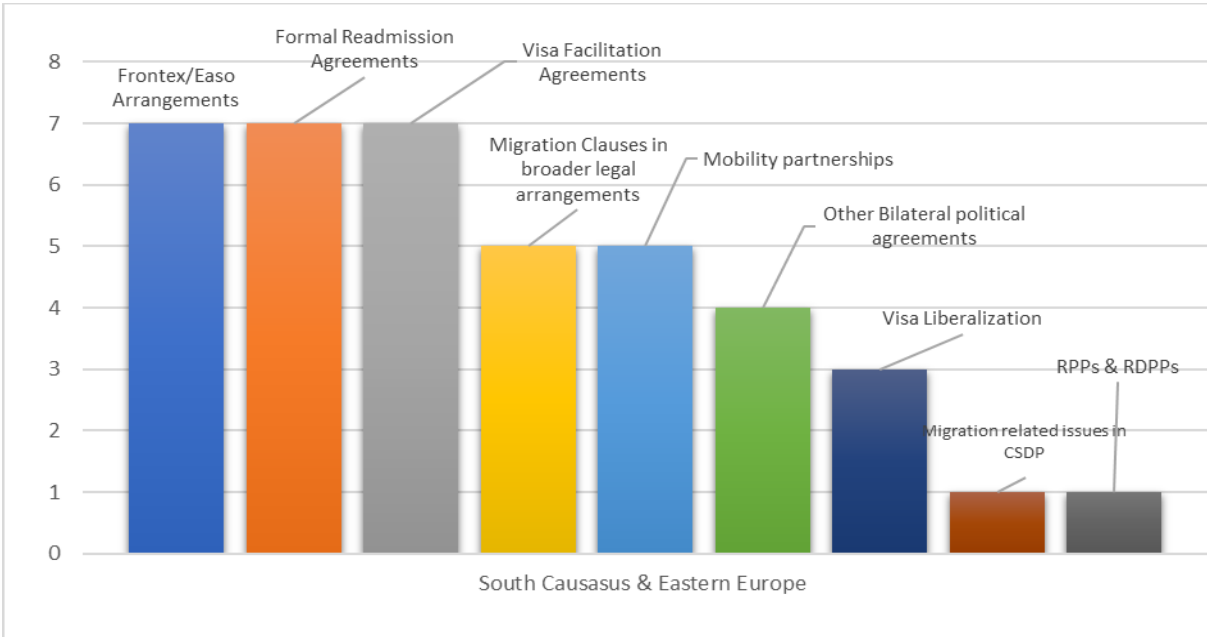
Fig. 4. the ED of EU migration policies in the Western Balkans.
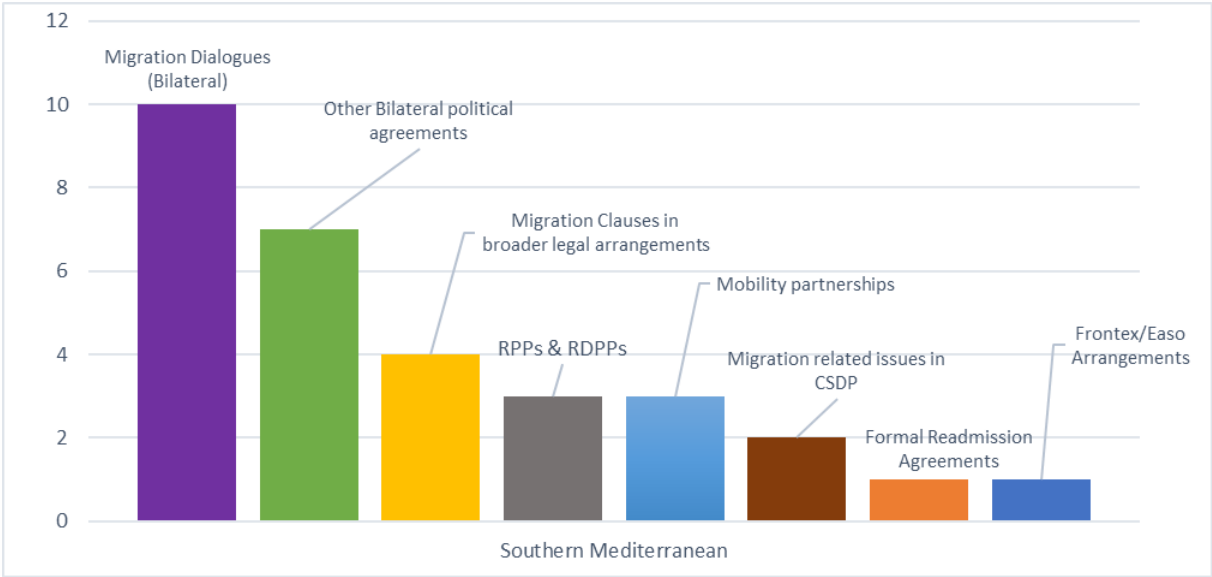

Source: authors' elabration.

In the case of the eastern neighbourhood in terms of South Caucasus and Eastern European countries (Fig. 5), the ED is shaped by a mixture of formal legal tools (migration clauses, visa facilitation and readmission agreements, visa liberalization) and bilateral political agreements for a medium-tight formal and informal framework of cooperation. By contrast, in the case of Southern Mediterranean, while there is some formal legal cooperation represented by migration clauses in the Association Agreements, bilateral political arrangements and migration dialogues remain the prevailing tools (Fig. 5a and b).

Fig. 5a. The ED of EU migration policies in the Eastern Neighborhood
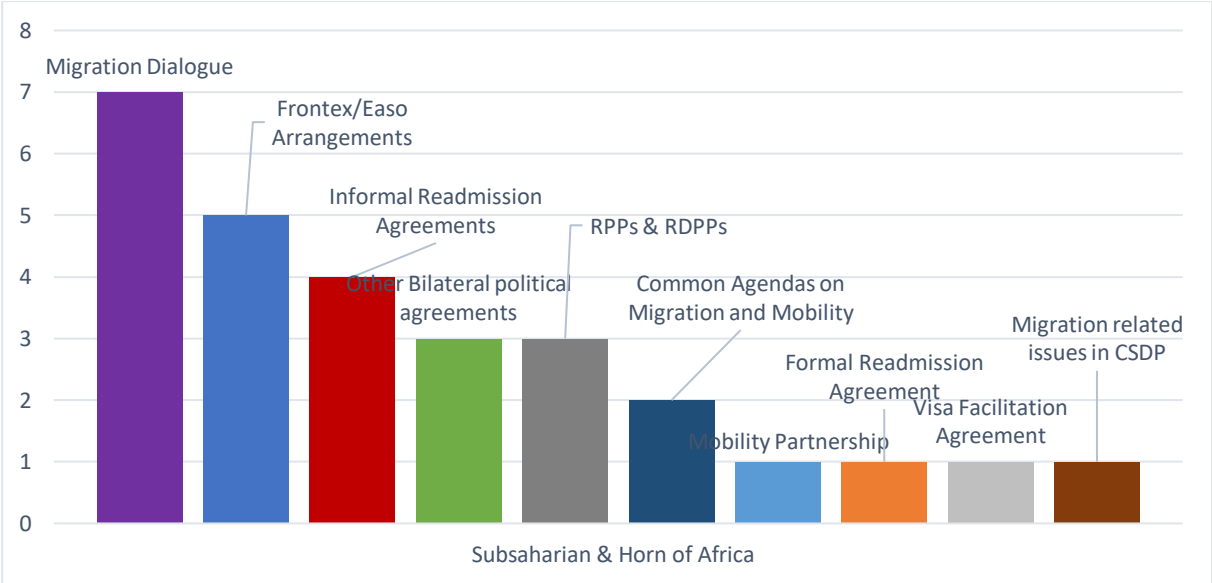

Source: authors' elaboration.

Fig. 5b. The ED of EU migration policies in the Southern Neighborhood

Source: authors' elaboration.

Finally, in Sub-Saharan and in the Horn of Africa, the ED is dominated by the domain of informality and non-legally binding policy tools (Fig. 6).

Fig. 6. The ED of EU migration policies in Sub Saharan Africa.

Source: authors' elaboration.

The data collected through the database are also being transformed into a visual map that will be available online once complete. Through icons and filtering mechanisms, the user can easily navigate the ED of EU migration policies in terms of countries and type of tools. The map is useful to also to show the 'density' of the ED, and its different instruments, across different borders. Figure 7 shows a snapshot of the map and of the navigable levels.

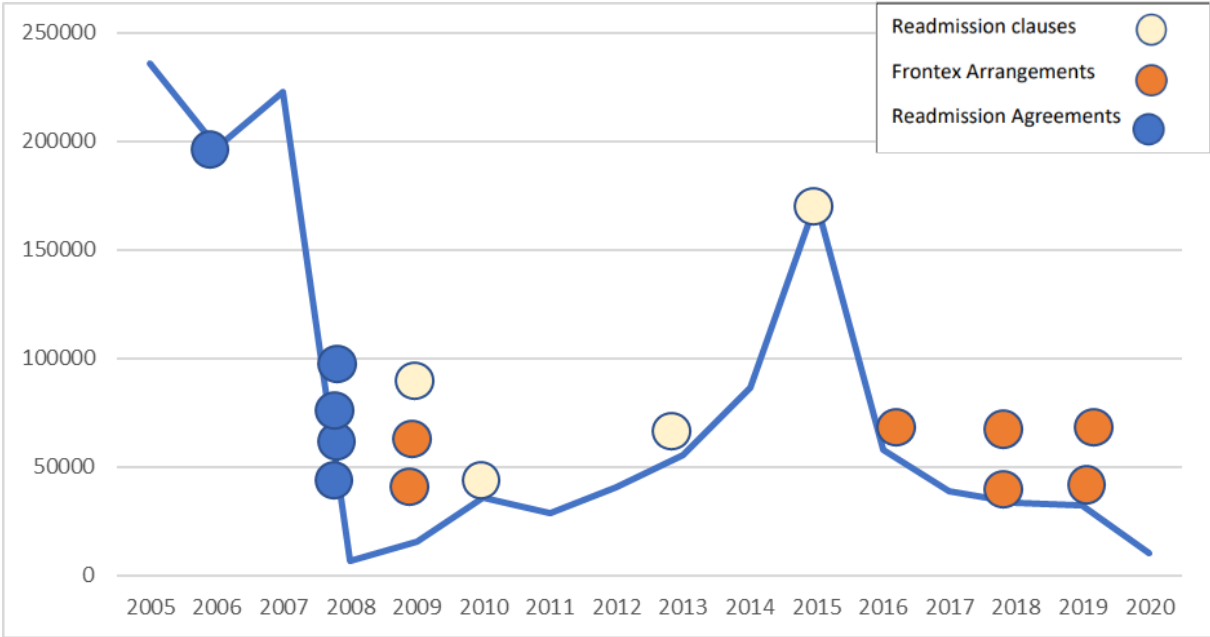**Fig. 7. Screenshot of the map soon to be available.**

Source: authors' elaboration. See bottom of the document for the data's access options.

5.2. The impact on asylum governance

The previous paragraph has shown the complexity of arrangements, tools and instruments which make up the ED of EU's MAPs and their distribution across countries and regions. Building upon these preliminary results in terms of mapping the ED, we can identify some key implications for asylum and the governance of international protection. First, the data collected show a gap between the number of security policy tools and the number of tools focused on international protection. Across all the considered regions, the toolbox is skewed towards border management and control, return and readmission. The only few instruments that refer to international protection are the RPPs and RDPPs, which aim to protect vulnerable refugees in key geographical areas; the Mobility Partnerships and only two EASO arrangements which aim to promote cooperation on asylum in terms of improving third countries' asylum systems according to the standards of the Geneva convention. All this entails one first major impact on asylum: the ED implies a lowering of the standards of international protection because it reduces the possibility to lodge an asylum application. Most of the tools (Frontex Arrangements; Readmission Agreements; Return Migration Clauses) engage transit and origin countries in a common effort to curb flows through enforcement measures, readmission and return. This not only prevents potential asylum-seekers from reaching the EU and enjoy their right to asylum, but also becomes a form of indirect refoulement through remote control. In this regard, the concomitant analysis of the number and trend of asylum applications from a certain country or region, on the one hand, and the evolution of ED tools towards that country or region on the other, can provide some promising potential research path to further investigate the impact of ED on the right to asylum.

A first preliminary investigation is applied to the case of the Western Balkans. This region has been considered very relevant because it includes at same time EU neighborhood countries and a high level of formal agreements on borders controls. Results are shown in Figure 8:

Fig. 8. Asylum applications to the EU from WB countries and ED tools.

Source: Authors' elaboration.

Asylum applications seem to go down as almost all countries conclude a readmission agreement. Following the peak of 2015, which is influenced also by the general rising flows of asylum-seekers to the EU across the Balkans route, numbers go down again. Interestingly, this happens concomitantly with five Frontex Working arrangements being concluded to monitor borders and fight cross border crime including human smuggling. While we cannot argue there is a correlation between the two variables, due to the huge number of potential intervening variables, nevertheless, data show how closely related the borders control agreements and the decrease in the number of asylum applications are. Moreover, still combining asylum applications and ED tools could pave the way to further interesting avenues for research rooted in both quantitative and qualitative analyses.

Secondly, the ED diversifies the geography of asylum governance between geographical areas where formal models of cooperation and agreements prevail; and other regions where informality prevails. This means that, especially in the latter case, asylum-seekers may be more likely to see their rights being violated, with no guarantees or forms of legal protection that become extremely blurred in the grey domain of informality.

Thirdly, the ED includes third countries in the process of managing human mobility. Some of these third countries do not comply with international and European regimes on Asylum and this questions the capability of the EU to comply with the Geneva and the international human rights regimes.

Fourth, the analysis of the different ED policy instruments reveals that several actors even not formally competent on asylum are often involved in the implementation of agreements and tools, such as Frontex, border guards, return joint committees, troops within CSDP missions.

6. External Dimension: preliminary concluding remarks

Migration and Asylum Policy is defined by rules and procedures governing entries and exits from national borders (Longo 2019). It is strongly connected with the process of the creation of statehood as it was analyzed by Stein Rokkan (1975) and it is perceived as a fundamental component of national sovereignty. Indeed, member states were not inclined to share authority on this topic and the frame "closed border-security" was soon institutionalized, among others, by: the title VI (Article K) of the Maastricht Treaty (van Munster 2009); the European Council in Tampere (1999); the Hague Programme (2004) which entitled a Chapter on the external dimension of asylum and migration and at this end identified partnership with third countries and return policy as two key instruments; the Laeken Presidency Conclusions (2011); and the Lisbon Treaty.

The goal of this paper was to explore the ED of EU MAPs, by focusing on its toolbox of instruments, geographical distribution and potential impact on asylum and governance of international protection. Data collected by this research show a gap between the number of security policy tools and the number of cooperation and international protection policy tools. They reveal that the number of formal and informal agreements aiming at securing European borders prevail on the agreements aiming at managing migration flows and at increasing the level of international protection. In this perspective, the ED confirms the EU MAP is based on the closure paradigm of the borders for third country nationals and with a special emphasis on security. The ED seems to reinforce the role of EU migration policy as a security policy which is limited to define strict criteria for entering the EU external border strongly focused on the interception and return of people without the required authorization. In this perspective, the external dimension of the migration and asylum policy is a critical aspect in evaluating the capability of EU to comply with the international regime on international protection. It challenges the right to apply for international protection and describes a systemic gap between the ambition to act as a normative actor able to provide an appropriate standard of protection of human rights and the political practices focused on measures for securing borders.

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Accessing the data collected on the ED of the EU's migration and asylum policy

In accordance with the rules applicable for data storage in the framework of PROTECT, the data collected for WP3 is stored on the DaRUS knowledgebase. This is a Dataverse that is based at the University of Stuttgart (https://darus.uni-stuttgart.de/). The administration of the PROTECT dataverse is based at the University of Stuttgart. The Dataverse structure allows for a rights and roles management and therefore, access to specific subdataverses and datasets is only provided if necessary for the work in the WP. The data is encrypted as per the data protection measures, which USTUTT has outlined under consultation with their DPO. Password management is also based at the University of Stuttgart.

The data can be accessed via a private URL at the following link:
https://darus.uni-stuttgart.de/privateurl.xhtml?token=ca035527-a834-46d5-ad42-3295cd87c5cb

The password to access the data after download can be requested from USTUTT and will be delivered via a third medium (e.g. telephone, mail). To request the password please contact Sara Schmitt, at mailto:sara.schmitt@sowi.uni-stuttgart.de. This data set will be made available to research milieus outside the PROTECT Consortium in spring 2023.