Once declared obsolete, now applied to refugees from Ukraine - The EU Temporary Protection Directive

Hedda Marie Grieg Riisnæs

Master thesis

Spring 2023

Department of Comparative Politics

University of Bergen

Abstract

Following Russia's invasion of Ukraine, the European Union (EU) made a historic decision to activate the Temporary Protection Directive (TPD) for Ukrainian refugees. The directive had never been activated before and was even declared obsolete by the EU. The activation grants individuals fleeing the war in Ukraine immediate and temporary protection, including rights such as residence permits, employment access, and medical care. Negotiations in the EU were remarkably efficient, as the European Commission proposed the TPD activation on 2 March 2022, and the Council adopted it unanimously just two days later, on 4 March 2022.

This raises the question of why the TPD was not previously activated during past instances of significant refugee flows to Europe. This study explores the following research question: "Why was the Temporary Protection Directive activated in regard to the refugee flow from Ukraine in 2022, and why was the same directive not activated in regard to the refugee flow from Syria in 2015?". Literature published prior to the activation of the TPD in 2022, links its non-activation in 2015 to concerns over lengthy procedures, voting challenges, pull factors, and the level of associated rights. However, the swift and unanimous activation of the TPD in 2022 demonstrates that the directive was not activated in 2015 largely due to a lack of political will.

Through a comparative case study based on document analysis and interviews, this study points to that migration policies continue to be laced with intergovernmentalism. The reluctance to accept refugees among Central European governments posed obstacles to the activation of the TPD in 2015, while their support became crucial for its activation in 2022. However, the highly polarized political climate in 2015 demonstrated that support for the TPD would not have been obtained from other member states during that time either. Furthermore, demands to exclude third-country nationals and stateless persons from the scope of the TPD in 2022, demonstrate a general preference for certain types of refugees. Importantly, this study has also found that the Commission's proactive approach in 2022 reinforced the perception that the TPD was the appropriate measure to address the Ukrainian refugee crisis. Additionally, geo-political factors, such as the Ukraine-EU visa deal and the perceived direct threat against Europe, facilitated the activation of the TPD in 2022, whereas the absence of these factors in 2015 hindered its activation.

Acknowledgements

Table of contents

Abbreviations

AFSJ	Area of Freedom, Security and Justice
EU	European Union
CEAS	Common European Asylum Policy
CJEU	Court of Justice of the European Union
GAMM	Global Approach to Migration and Mobility
JHA	Justice and Home Affairs
LI	Liberal Intergovernmentalism
MSSD	Most Similar Systems Design
QMV	Qualified Majority Vote
TCN	Third Country National
TPD	Temporary Protection Directive
UNCHR	United Nations High Commissioner for Refugees

1.   Introduction

Since the beginning of the Russian military invasion of Ukraine on February 24th, 2022, millions of people have fled the war and sought protection in the European Union (EU) (UNCHR 2023). In response to the sudden large number of displaced persons arriving from Ukraine, the EU decided for the first time to activate the Temporary Protection Directive (TPD), or the "Council Directive 2001/55/EC". With the activation of the TPD, individuals fleeing the war in Ukraine are granted protection for at least one year, and it has now been extended until 4 March 2024 (Council of the EU and European Council 2023; Council of the EU 2022a). The directive aims to provide immediate and group-based collective protection, eliminating the need for individual asylum applications and easing the pressure on national asylum systems (Council of the EU 2022g). Beneficiaries of the TPD are also granted various rights, including access to the labor market, medical assistance, housing, and education for children (Council of the EU 2022a). The proposal to activate the TPD was made by the European Commission on 2 March 2022, and two days later, on 4 March, it was unanimously adopted by the Council (Council of the EU 2022g). As of May 2023, there have been 5.1 million registrations for temporary protection or similar national protection schemes recorded in Europe (UNCHR 2023).

The roots of the Temporary Protection Directive can be traced back to the 1990s when Europe faced the challenge of addressing mass influxes of refugees following the Yugoslav wars (Beirens et al. 2016, 4). During that period, the practice in the field of asylum was to provide temporary protection status. However, the application of temporary protection varied significantly among member states, resulting in the pressure of the mass influxes being unevenly distributed (Beirens et al. 2016, 5). Recognizing the need for a harmonized approach, the adoption of the TPD in 2001 became crucial for the EU, providing a mechanism to unify temporary protection statuses across member states and effectively respond to mass arrivals of refugees (Genc and Öner 2019, 2; Beirens et al. 2016, 5). The main purpose of proposing the TPD was to ensure that the EU member states could provide a collective and coordinated response when confronted with mass influxes of individuals seeking protection (Beirens et al. 2016, 5). However, although the EU has faced various humanitarian crises and significant refugee influxes in the past, the TPD was never activated before 2022.

The swift and cooperative response among the EU member states following the invasion of Ukraine, stands in stark contrast to their handling of previous large-scale refugee flows. Notably, in 2015, Europe experienced a significant influx of refugees. The number of persons arriving, the high death toll, and the EU's incapacity to effectively address the situation resulted in what is commonly referred to as the "refugee crisis" of 2015. By the end of the year, the EU had received over 1.2 million first-time asylum applications, which was more than double the number registered in 2014 (563,000), and the number of migration fatalities reached at least 3,770, mainly consisting of people risking their lives on the dangerous Mediterranean route (IOM 2016; UNCHR 2015). Almost one-third of the first-time asylum seekers in 2015 originated from Syria (Eurostat 2016). In response to this crisis and in an effort to alleviate the strain on the front-line member states, the EU sought to establish a collective approach through a relocation scheme (European Commission 2015e). However, these attempts faced significant obstacles, as several member states resisted the idea of accepting relocated refugees (Barigazzi and Baume 2015a). Consequently, instead of a collective approach, member states individually addressed the pressure on their asylum systems by reinstating border controls and constructing barriers to discourage refugee arrivals (Biermann et al. 2019).

1.1 Motivation for the study and research question

Several studies have prior to the activation of the Temporary Protection Directive in March 2022, tried to explain why the directive was never activated (Genc and Öner 2019; Gluns and Wessels 2017; Ineli-Ciger 2016; Mitrovic 2015). These studies claim the activation of the directive required lengthy procedures, that it would be difficult to reach a qualified majority vote in the Council, that the activation would create a 'pull-factor' for migrants, and that the rights associated with it would be too generous for the activation to be accepted by the member states (Genc and Öner 2019; Gluns and Wessels 2017; Ineli-Ciger 2016; Mitrovic 2015). The rapid activation process of the TPD in March 2022 has proved several of these claims to be insufficient explanations of why the directive never was activated earlier. Therefore, one might be able to examine which arguments still hold and discover new reasons as to why the TPD was not activated in relation to other refugee flows. Considering the large increase in refugees arriving to Europe in 2015, and that most were from Syria - this study will discuss why the TPD was not activated to Syrian refugees in 2015. Building on a comparative case study of the 2015 and 2022 refugee crisis, document analysis and interviews, this study will examine the Temporary Protection Directive and investigate the reasons for its non-activation in 2015, and

its activation in 2022. This thesis will explore the following research question: "Why was the Temporary Protection Directive activated in regard to the refugee flow from Ukraine in 2022, and why was the same directive not activated in regard to the refugee flow from Syria in 2015?"

1.2   Structure of the thesis

This thesis will proceed as follows. *The second chapter* will be a descriptive section, which will give an overview of the EU's asylum and migration policy, including the Temporary Protection Directive. Consequently, the *third chapter* will go through the relevant literature on the Temporary Protection Directive. Most of the existing literature published prior to the TPD's activation in 2022 consists of discussions on why the directive was never activated, which will be reviewed. In addition, the relevant literature on the TPD that has been published after the activation of the TPD will also be reviewed.

In the *fourth chapter,* the theoretical framework will be presented, which will include a comprehensive review of European integration theory. The European integration theories included are neofunctionalism, liberal intergovernmentalism, post-functionalism and state-building theory. This study will have a theory-testing approach, where the theories allow me to see whether the empirical findings in the Syrian and Ukrainian refugee crisis are in line with the integration theories, or whether they reveal potential shortcomings within them.

The *fifth chapter* will present the method used in this study, and the reason for using it. The methodological section will also include discussions of this study's specific case selection, more precisely why I have chosen to compare the 2022 Ukrainian refugee crisis with the 2015 Syrian refugee crisis.

Building on document analysis and interviews, the *sixth chapter* will analyze the most important events that took place during the Syrian refugee crisis and the Ukrainian refugee crisis, that are relevant for this study. The *seventh chapter* will discuss the findings from the analysis, which will be summarized in *chapter eight.* I will also present my conclusions and considerations for the future.

2.   EU's migration and asylum policy

In order to gain a deeper understanding of EU's migration and asylum policy, and the Temporary Protection Directive, this chapter will give an overview of the EU's most important developments in the area of migration and asylum. The contents of the Temporary Protection Directive will also be examined.

2.1   EU migration and asylum policy

Before the 1990s, migration and asylum were primarily considered national competences in Europe (Uçarer 2019, 324). However, increased cross-border movement and the removal of internal borders within the EU, meant that migration and asylum increasingly became of collective EU concern. This provoked European ministers to deal with the issues at European level, rather than exclusively at the national level (Uçarer 2019, 324). In 1999, commitment was taken during the Tampere Summit, which heralded the beginning of the Common European Asylum System (CEAS), based on the full and inclusive application of the 1951 Geneva Convention. One of the legislative instruments adopted at the time, was the Temporary Protection Directive (European Commission 2023a). Today, the Area of Freedom, Security, and Justice (AFSJ) regulates the EU's common policy on migration, asylum, visa, and external border controls (European Commission 2023a).

With the signing of the 1993 Maastricht Treaty, cooperation on asylum and migration was brought into the EU's institutional framework, and no longer mainly handled on an intergovernmental level (European Parliament 2023, 1). At the time, the Council was the main actor and was to involve the Commission in its work and inform the Parliament on its initiatives (European Parliament 2023, 1). The European Court of Justice (CJEU) had no jurisdiction on asylum matters. However, in 1999, the signing of the Treaty of Amsterdam introduced significant changes to the powers of EU institutions regarding the formulation of asylum-related legislation (European Parliament 2023, 1). These changes were implemented through a specific institutional mechanism known as a five-year transitional period. During this period, both the European Commission and the member states had a shared right to propose legislation on migration and asylum, and the Council made decisions through unanimity after consulting the European Parliament (European Parliament 2023, 2). Additionally, the CJEU gained jurisdiction in specific cases (European Parliament 2023, 2).

Following the Amsterdam Treaty, progress in the fields of migration and asylum accelerated with the 1999 Tampere Summit on the creation of the CEAS (Uçarer 2019, 333). The European Council decided that the CEAS should be implemented in two phases. The first phase, from 1999 to 2004, focused on establishing common minimum standards for asylum procedures, determining the member state responsible for examining asylum applications (the Dublin Regulation), and setting reception standards for asylum seekers.

The second phase, called for by the Hague Programme in November 2004, aimed to develop a single asylum procedure with common guarantees and a uniform status for those granted protection. The legislation also covered temporary protection in the event of a mass influx (European Parliament 2018, 4). The Presidency conclusions of the summit stated that: "The European Council urges the Council to step up its efforts to reach agreement on the issue of temporary protection for displaced persons on the basis of solidarity between Member States" (European Parliament 1999).

Subsequently, the Treaty of Lisbon, effective from December 2009, transformed the measures on asylum from minimum standards to a common system with uniform procedures and a uniform status (European Parliament 2023, 3). The treaty introduced several components to this common system, including a uniform status for asylum and subsidiary protection, procedures for granting and withdrawing protection status, criteria for determining responsibility among member states, reception condition standards, and partnerships with non-EU countries (European Parliament 2023, 3). These components also included the final adoption of the Temporary Protection Directive in 2001 (European Commission 2023a).

The process of migration and asylum policymaking shifted to the ordinary legislative procedure, involving "co-decision" between the European Parliament and the Council. Additionally, the Council began using Qualified Majority Voting (QMV) in this process.

2.1.2 The main developments

The primary objective of the CEAS is to establish and uphold shared standards, promoting collaborative efforts that guarantee equal treatment of asylum seekers within an open and fair system, regardless of where they submit their application (European Commission 2023a). The

system is based on a set of legal instruments, including the Dublin Regulation. The latest version, known as the Dublin III Convention, came into effect in July 2013, and its primary objective is to establish a unified system for determining which member state is responsible for processing asylum applications (European Commission 2023a). The aim is to ensure that each application is handled by only one member state, which is intended to be the country of the first point of arrival (Uçarer 2019, 333). However, the influx of a substantial number of asylum seekers into the European Union in 2015, along with their concentration in specific geographical regions, put a strain on member states' national asylum systems and the CEAS, and exposed shortcomings of the Dublin Agreement (European Commission 2023b). In response to the large influx of refugees and the strain it placed on Greece and Italy's asylum systems, the European Commission proposed a relocation scheme to ensure a more equitable distribution of responsibilities among member states in addressing the crisis. (European Commission 2015d). The relocation schemes however proved to create sharp tensions, as member states, primarily in Central Europe, were reluctant to relocate refugees (Traynor and Kingsley 2015).

In light of these events, in 2016, the Commission put forward a proposal to amend and replace the existing asylum instruments to better manage migration flows (European Commission 2023b). The European Parliament adopted a proposal to replace the criterion of first entry with an allocation system, where the applicant would be able to choose to be allocated to one of the four member states with the fewest applications (European Commission 2023b). However, negotiations stalled because of unsuccessful negotiations between member states in the Council. The Commission is now proposing to replace the Dublin III with a new Regulation on Asylum and Migration Management.

The EUs migration and asylum policy also encompasses an external dimension known as the Global Approach to Migration and Mobility (GAMM) (Uçarer 2019, 333; European Commission 2023d). The GAMM is based on partnerships with third countries and aims to address various aspects, including the management of legal migration from outside of the EU, the prevention and reduction of irregular migration, the enhancement of international protection and asylum policies, and the relationship between migration and development (Uçarer 2019, 333). Primarily focused on the Southern Mediterranean and Eastern Partnership regions, the EU seeks to persuade third countries to strengthen their border controls, enforce visa restrictions, and facilitate the readmission of irregular migrants by offering incentives

such as visa facilitation, trade benefits, or financial support (Uçarer 2019, 333). This approach has generated controversy due to the neglect of the human rights criteria in the selection of partner countries (Uçarer 2019, 333). The external dimension is also argued not to contribute to European integration but instead carry a tangible risk of disintegrating areas where the EU already holds exclusive or shared legal authority (Uçarer 2019, 333; Carrrera, Santos Vara, and Strik 2019, 11).

Lastly, the EUs asylum policy also encompasses effective border management through agencies like Frontex (European Border and Coast Guard Agency) to ensure security, prevent irregular migration, and protect external borders (European Commission 2023c). This includes activities such as border surveillance, search and rescue operations, and cooperation with third countries.

2.2   The details of the Temporary Protection Directive

As described in the former chapter, the Temporary Protection Directive appeared as a result of the Tampere Summit, and as a part of the creation of the CEAS. This chapter will go more in depth of the evolution of temporary protection and how the TPD was finally adopted.

Temporary protection was a frequent subject of discussion on the European agenda in the 1990s (Brekke 2001, 1). The question of how to deal with mass influxes arose after the war in the former Yugoslavia (Beirens et al. 2016, 4). In receiving refugees from Yugoslavia, the view from the United Nations High Commissioner for Refugees (UNHCR) was in 1992 to apply the temporary protection instrument (Joly 1998, 50). As no other initiatives were taken by most European states to receive refugees, UNCHR viewed temporary protection as the "least-worst" solution (Joly 1998, 50). For the European governments, temporary protection became a desirable solution as it satisfied the need to give protection, but also had a restrictive character because it was temporary and involved repatriation (Brekke 2001, 6). The reception of Bosnian refugees in 1992 and 1993, constituted the first test for the temporary protection instrument in Europe (Brekke 2001, 6). A few years later, in 1999, following the war in Kosovo, a particular lack of regulation was discovered when the largest flow of refugees since the second world war took place (Beirens et al. 2016, 4). The asylum practice across Europe was to give persons fleeing war temporary protection (Beirens et al. 2016, 4). However, the content of the national

schemes of temporary protection varied, i.e., regarding the maximum duration of protection and the associated rights and benefits (Beirens et al. 2016, 5). This resulted in uncoordinated responses to the refugee flows, and unevenly distributed pressure among the member states (Beirens et al. 2016, 5). Thus, a harmonization process began, and a temporary protection directive was proposed to provide a structured framework to help member states act in a uniform, balanced and effective way, based on the solidarity principle (Beirens et al. 2016, 5). The first legislative instrument in the field of asylum, the Temporary Protection Directive was adopted on July 20th, 2001 (Beirens et al. 2016, 8).

The Temporary Protection Directive's purpose is "to establish minimum standards for giving temporary protection in the event of a mass influx of displaced persons from third countries who are unable to return to their country of origin and to promote a balance of effort between Member States in receiving and bearing the consequences of receiving such persons."
(European Union 2001). Displaced persons, according to the directive, are third-country nationals or stateless persons who have had to leave their country and are unable to return in safe and durable conditions. Furthermore, "mass influx", is defined in the directive as arrival in the EU of a "large number", who come from a specific country or geographical area. The duration of the protection is for one year but can be extended automatically by six monthly periods for a maximum of one year. However, if reasons for temporary protection still persists, the Council can decide on a proposal from the Commission or a member state, to extend protection by up to one year (European Union 2001).

Contrary to the 1951 Convention which is implemented for individualized status determination, the applications for temporary protection are group-based, which minimizes the application procedure and the pressure on national asylum systems (Beirens et al. 2016, 4).

When it comes to the legislative procedure for the activation of the TPD, the Council must establish the existence of a mass influx of displaced persons in a Council Decision adopted by a qualified majority, on a proposal from the Commission. The Commission must also examine any request by a Member State to propose the activation of the TPD (European Union 2001). The European Parliament is only to be informed of the Council Decision.

When the TPD is activated, the member states must ensure that the beneficiaries of the TPD have access to extensive rights including a residence permit, employment, access to accommodation, health care and education (for minors), family reunification opportunities and guaranteed access to the national asylum system. The duration of temporary protection is supposed to be one year but can be extended by six monthly periods for a maximum of one year (Council Directive, 55, 2001). The directive further states that a member state must take back a person enjoying temporary protection to its territory, if the person remains on, or seeks to enter the territory, without authorization, another member state. However, member states can decide if the article should not apply.

All member states, except Denmark, participated in the adoption of the TPD, which has an opt out of EU Justice and Home Affairs matters, and is therefore not bound by its application.

Although the TPD was adopted already in 2001, it was never activated before 2022 in regard to the refugee wave from Ukraine. In 2016, the European Commission conducted a study to evaluate the reasons for the TPD's non-implementation and its relevance to address large inflows of displaced persons. They argued that provisional measures to tackle large influxes, such as a permanent crisis mechanism and revising the Dublin III Regulation, could be better tools, to guarantee for a higher level of rights and quicker activation procedures (Beirens et al. 2016, 82). Therefore, the Commission even suggested repealing the Temporary Protection Directive (Beirens et al. 2016, 82). The next chapter will further explore these discussions.

3.   Temporary protection in literature

This section will consist of a review of the relevant literature on the Temporary Protection Directive. The existing literature on the TPD published prior to the activation of the directive in 2022 mainly consists of discussions on why it was never activated.

Studies point out in these discussions that Europe, since the adoption of the TPD in 2001, had faced several situations where large numbers of displaced persons have fled to the continent (Genc and Öner 2019, 2; Gluns and Wessels 2017). Among the examples are Tunisia in 2010 and Libya in 2011, and Ukraine in 2014 (Genc and Öner 2019, 2; Gluns and Wessels 2017, 62). Following the uprisings in Tunisia and Libya, large numbers of Tunisians and Libyans arrived by sea to Malta and Italy (Gluns and Wessels 2017, 62). The conflicts associated with the Arab Spring caused around 48 000 people arriving irregularly by sea to Italy from Tunisia and Libya, which put a heavy pressure on the Italian asylum system (Gluns and Wessels 2017, 62; Genc and Öner 2019, 7). The Italian government, supported by Malta, therefore made a formal request to activate the Temporary Protection Directive (Gluns and Wessels 2017, 62; Genc and Öner 2019, 7). The former EU Commissioner Cecilia Malmstrøm responded in a Parliamentary question addressed to the Commission about this, where she replied that the Commission did not consider the conditions to trigger the TPD were met (Gluns and Wessels 2017, 62; European Parliament 2011).

The majority of literature on the TPD focus on explaining why the directive was not activated for Syrians during the refugee crisis in 2015 (Genc and Öner 2019; Gluns and Wessels 2017; Morsut and Kruke 2018; Ineli-Ciger 2016; Mitrovic 2015). Scholars argue that the activation of the TPD could have addressed the challenges posed by the mass movement of Syrian refugees, which put significant pressure on the EU institutions and front-line member states (Ineli-Ciger 2016; Mitrovic 2015; Morsut and Kruke 2018, 156; Genc and Öner 2019, 2). Olga Mitrovic (2015) and Claudia Morsut & Bjørn Kroke (2018, 156) argue that the TPD was a solution that was specifically designed to address emergency situations like the Syrian refugee crisis but was largely gone without mention. Mitrovic (2018) further argues that temporary protection could address the pressing humanitarian need of displaced persons, ensuring their safety, but also providing governments with means to manage the admission of the significant number of refugees and alleviating political tensions. Danielle Gluns and Janna Wessels (2017) present a different perspective for Germany. They argue that activating the TPD would have

minimal benefits due to vague legal criteria and high transaction costs, suggesting that it may even be considered "a waste of paper" without revision (Gluns and Wessels 2017, 83).

Furthermore, literature on the TPD published prior to its activation in 2022, involve discussions on why the directive was never activated. The most frequent arguments for its non-activation involve that it required lengthy procedures, that "mass influx" is a vague term, tpd it would be difficult to reach a qualified majority vote in the Council, and that the activation would create a 'pull-factor' for migrants.

Literature argue that complicated legal assessments and strenuous political process needed to reach an agreement between the member states, prevents the activation of the TPD (Genc and Öner 2019, 15; Morsut and Kruke 2018, 156). H Deniz and N. Aslı Sirin Öner (2019, 15) claim that the high threshold for achieving a qualified majority in the Council, prevents the activation and that the activation process itself is "unacceptably-time consuming" for refuge crises. It is argued that the Council could face problems in reaching a QMV since especially those member states that were not directly affected by the presence of refugees would be extremely reluctant to share the burden (Morsut and Kruke 2018, 156; Genc and Öner 2019). In addition, Genc & Öner (2019, 15) and Morsut & Kroke (2018, 156) argue that the inactivation comes from a fear of the TPD attracting more refugees, and concerns about burden-sharing. For these political and legal reasons, Genc & Öner (2019, 15) concluded that the TPD had become obsolete. Danielle Gluns and Janna Wessels (2017, 65), further highlight that the reason for the TPD's non-activation is the fact that "mass influx" is an ambiguous term. They claim that because there are no clear requirements as to when an influx can be characterized as a mass influx, which overloads the capacity of the asylum systems, the directive is a political instrument subject to the political will of the Council (Gluns and Wessels 2017, 67).

Many of these arguments are presented in the Commission's own study on the TPD (Beirens et al. 2016, 16). They argue that the absence of clear definitions and indicators for a mass influx has hindered the ability to reach consensus among stakeholders on activating the TPD (Beirens et al. 2016, 16). Furthermore, the study claims that the level of rights associated with the activation of the TPD may constitute an argument for member states not to support the activation (Beirens et al. 2016, 25). The study also emphasizes that some member states have expressed concerns that activating the TPD would create a pull-factor (Beirens et al. 2016, 35).

The study states that the transition from individual-based determination to group-based protection is seen as a factor that could potentially encourage refugees in neighboring countries to seek their chances in accessing temporary protection within the EU. This could lead to an increase in the number of individuals seeking refuge in the Union, intensifying the strain on member states (Beirens et al. 2016, 35).

More recent literature published in the aftermath of the activation of the TPD regarding Ukrainian refugees, have pointed out that the swift and unanimous decision by the member states to activate the TPD has been a positive step to ensuring solidarity, and that it stands in contrast to how the EU has responded to previous events of large refugee flows (Carrera et al. 2022, 32; Bosse 2022, 538; Kienast, Tan, and Vedsted-Hansen 2023, 384). Carrera et.al. (2022, 12 & 32) highlight that the finally agreed temporary protection regime raises key questions about EU solidarity, considering that the TPD leaves it open for member states to consider including third country nationals (TCNs) and asylum seekers in Ukraine, despite a clear call by the European Parliament to ensure a wider range of beneficiaries. Bosse (2022, 538) argues that the decision to activate the TPD is strikingly different from the years of stagnant progress on migration policy and the notable divisions among eastern and southern member states regarding the distribution of asylum seekers throughout the EU. The study further argues that the activation of the TPD in 2022 was related to rights-based norms and the responsibility to prevent (Bosse 2022, 539). The article also argues that considering that the duty to protect refugees did not trigger the activation of the TPD in relation to earlier equally large-scale refugee crises, values-based norms related to European unity and that the EU must stand united, also played a crucial role in generating agreement (Bosse 2022, 540).

The existing literature lacks a thorough examination of the reasons behind the activation of the TPD for Ukrainian refugees in 2022, and its non-activation for Syrian refugees in 2015. Hence, this study aims to bridge this gap by conducting a comparison to shed light on the factors that influenced the different outcomes.

4.   Theoretical and conceptual framework

To be able to understand why the Temporary Protection Directive was activated in response to the Ukrainian crisis in 2022, as well as its absence during the Syrian refugee crisis in 2015, an examination of European integration theory is relevant. European integration theory provides a valuable framework for comprehending the broader context of this thesis. Applying integration theories will allow me to see whether the events I analyze are in line with established integration theories or whether they reveal potential shortcomings within them.

In this chapter, I will first provide an overview of integration theory, highlighting its general aspects. Subsequently, I will give a brief exploration of two prominent European integration theories extensively discussed in scholarly literature: neo-functionalism and liberal intergovernmentalism (LI). These theories provide comprehensive explanations of EU integration and how it moves forward. However, recent research on the EU has introduced new and impactful approaches to EU integration. Therefore, this chapter will also delve into post-functionalism, which incorporates an identity politics aspect, as well as state-building theory, which emphasizes the role of state institutions and policies in the integration process. These newer theories are more concerned with the outcome of integration rather than the process itself. By applying these theories, I can gain a broader understanding of the policy outcomes arising from the 2015 Syrian refugee crisis and the 2022 Ukrainian refugee crisis. Later discussions on the activation of the TPD, will incorporate these theoretical approaches.

4.1   European integration theory

The European Union and its subsequent enlargements undoubtedly exemplify a significant instance of voluntary institutional change (Campos, Coricelli, and Moretti 2019, 88). Theorists of European integration have tried to explain this development.

European integration is described by one of the most prominent European integration theorists, Ernst B. Haas in "The Uniting of Europe" (2004, 16) as the process,

> whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre-existing national states (Haas 2004, 16).

Haas thus claims that integration includes both a social process, where loyalties change, and a political aspect, where new institutions are established with authority over member states' affairs (Wiener, A. Börzel, and Risse 2019, 3). The social aspect is an important factor in neo-functionalism, as it claims functionally defined actors are core promoters of integration (Wiener, A. Börzel, and Risse 2019, 3).

On the other hand, intergovernmentalists, focus on government interests and power as drivers of integration and the creation of political institutions (Schimmelfennig 2020, 62). Andrew Moravcsik developed the theory of liberal intergovernmentalism, and in his book "The Choice for Europe" (1998), he describes European integration as follows:

> EU integration can be best explained as a series of rational choices made by national leaders. These choices responded to constraints and opportunities stemming from the economic interests of powerful constituents, the relative power of each state in the international system, and the role of international institutions in bolstering the credibility of interstate commitments (Moravcsik 1999, 18)

Furthermore, European integration has two dimensions: deepening and widening. Widening refers to the process of expanding the EU with more member states, while deepening entails increased cooperation on policy (Berglof et al. 2008, 133). In the context of the Temporary Protection Directive, the deepening dimension relevant. The TPD represents a form of deepened integration as it involves further cooperation within the EU's Area of Freedom, Security and Justice. Member states agreed to incorporate the TPD into EU law, granting the Commission authority to propose its activation. Furthermore, the implementation of the TPD delegated decision making authority to the EU Council to activate the directive, requiring member states to comply with EU law that superseded national legislation on asylum. Therefore, both the incorporation and activation of the TPD constitute integration.

Both the Ukrainian and Syrian refugee crises unfolded within the EU's Area of Freedom, Security, and Justice (AFSJ), which addresses immigration issues. The AFSJ is a policy area that places significance on state sovereignty and national identity, diverging from the economic-centric focus of neo-functionalism and liberal intergovernmentalism (Schimmelfennig 2020, 1586). It is also worth noting that both liberal intergovernmentalism and neo-functionalism emerged during a period of progressive EU integration and have

primarily been employed to theorize and explain the big steps of EU integration (Riddervold, Trondal, and Newsome 2020, 52). Nonetheless, these theories have also found extensive application in theorizing crises, making them relevant and applicable in understanding both the activation and non-activation of the TPD in regard to the Syrian and Ukrainian refugee crises (Biermann et al. 2019; Börzel and Risse 2018; Schimmelfennig 2018).

I will now give a brief overview of neo-functionalism and liberal intergovernmentalism and discuss their empirical implications for the later analysis.

4.2   Neo-functionalism

Neo-functionalism emerged as one of the early theories of European integration in the late 1950s and mid 1960s, aiming to explain the shift away from the anarchic state system (Niemann 2021, 115). Ernst B. Haas, through his influential work "The Uniting of Europe" published in 1958, laid the foundations for neo-functionalism, which became one of the most prominent paradigms of European integration (Börzel 2006, 1). Haas developed neo-functionalism in a response to the establishment of the European Coal and Steel Community (ECSC) and later the European Economic Community (EEC) (Niemann 2021, 115).

The key concept of neo-functionalism is spillover, which suggests that cooperation in one policy area creates pressure in a neighboring policy area, placing it on the political agenda and ultimately leading to further integration (Strøby Jensen 2019, 56). It assumes that certain policies are so interdependent and cannot be resolved in isolation but require integration of additional tasks (Niemann 2021, 118; Niemann, Lefkofridi, and C. Schmitter 2019, 49). This functional spillover occurred when cooperation on coal and steel spilled over into the EEC and the European Atomic Energy Community (Euratom), right before the publication of "The Uniting of Europe" in 1958 (Niemann 2021, 115). Haas emphasized that these spillovers were far from automatic and suggested that the process might be guided by actors and institutions with political motives, who had shifter their loyalties to actively demand further integration (Wiener, A. Börzel, and Risse 2019, 9). This process is known as political spillover.

Neofunctionalism also recognizes the role of a wide range of private actors at the national and supranational levels (Niemann, Lefkofridi, and C. Schmitter 2019, 46). Haas argued that if

governments lack an interest in integration, transnational interest groups might advocate for integration to serve their own interests (Strøby Jensen 2019, 56). For instance, multinational companies could argue for economic integration to strengthen their market position. Thus, neo-functionalism is seen as having an elitist approach, driven by national and international political and economic elites, and their technocratic and functional needs (Strøby Jensen 2019, 61; Niemann, Lefkofridi, and C. Schmitter 2019, 46). Moreover, integration follows a pattern influenced by past developments, as earlier events can constrain future choices due to bounded rationality, limited information, and short time horizons of political actors (Hooghe and Marks 2019, 1115).

While the main focus of neo-functionalism is to explain the dynamics and progression of integration, Arne Niemann argues in "The Palgrave Handbook of EU Crises" (2022, 122) that neo-functionalism can also provide valuable insights into theorizing crises (Niemann 2021, 122). Neo-functionalists believe that the integration process tends to be driven by unintended consequences. This might be because political actors are unable to anticipate the long-term consequences of behavior, and instead they turn from one decision to the next as a result of earlier decisions (Niemann 2021, 122).

4.2.1 Neo-functionalism and the 2015 Syrian refugee crisis

Drawing on a neo-functionalist perspective, the theory suggests that the non-activation of the Temporary Protection Directive during the 2015 Syrian refugee crisis attributes to the influence of past development on EU decision-making. These developments can include the introduction of the Schengen agreement, which aimed to eliminate border controls within the EU's internal borders, and the subsequent Dublin-system, designed to coordinate asylum claims among member states. During the refugee crisis, it became clear that the Dublin Regulation was ill-equipped to effectively respond to the scale of the crisis.

For Greece and Italy as first entry states for migrants arriving in the EU, the Dublin Regulation caused significant pressure on their asylum systems. Moreover, in August 2015, Germany announced a temporary suspension of the Dublin system for Syrian asylum seekers, signaling a departure from the established framework by not returning refugees to border countries (DW News 2015a). Nevertheless, when the number of incoming refugees increased further in 2015,

Germany and other member states who had previously been more open to receiving refugees, eventually also reinstated border controls (Harding 2015; Barigazzi 2015).

These events highlight the limitations and failures of existing mechanisms and agreements within the EU during the Syrian refugee crisis. Considering the significant strain on certain member states' asylum systems, and the major policy crisis that followed during the crisis, neo-functionalism would suggest triggering the TPD as a solution. The existing EU migratory framework proved not to be sufficient in responding to the Syrian refugee wave, which should according to a neo-functionalist perspective, have led to a spillover effect whereby the TPD would be placed on the political agenda.

4.2.2 Neo-functionalism and the 2022 Ukrainian refugee crisis

Similarly, neo-functionalist theory would suggest that activating the TPD would be the right response to the large number of displaced persons arriving in the EU following the Russian invasion of Ukraine in 2022. Already three days after the invasion begun, it was reported that at least 368,000 people had fled the war in Ukraine, and that 4.5 million could follow if the fighting spread (Connolly and Rankin 2022). This influx of refugees put significant pressure on the EU's supranational institutions to find solutions. Given the absence of alternative institutional mechanisms to effectively address the mounting pressure, a neo-functionalist perspective suggests that the activation of the TPD would emerge as the natural solution to alleviate this situation.

4.3   Liberal intergovernmentalism

While neo-functionalists emphasize a set of mutually reinforcing processes that drive integration forward, liberal intergovernmentalists view integration as the result of cooperation and competition among national governments (Hooghe and Marks 2019, 1115). In this section, I will primarily utilize the theoretical framework of liberal intergovernmentalism developed by Andrew Moravcsik (1993), along with the theoretical extensions provided by Frank Schimmelfenning (2018) and Biermann et al. (2019).

Liberal intergovernmentalism has emerged as a significant theoretical framework for understanding European integration since the early 1990s (Cini 2019, 76). Andrew Moravcsik developed this approach as an IR-theory in the 1990s to explain the process and phenomenon of European integration (Moravcsik 1993). Building upon traditional intergovernmentalism, LI places emphasis on the role of government interests and power in shaping the outcomes of European integration (Schimmelfennig 2020, 62).

According to Moravcsik (1993, 481), state action in the international arena is driven by rational decision-making, with governments pursuing goals that are defined domestically. Moravcsik (1993, 481) proposes a three-stage model of integration. The first stage involves preference formation, where states develop a preference for integration in response to external pressures or domestic factors. Whereas regional integration is generally driven by international policy considerations, specific preferences for integration mainly stem from the commercial interests of powerful economic producers (Schimmelfennig 2020, 62). Governments can then secure commercial advantages for producer groups through integration.

The second stage of Moravcik's model revolves around bargaining among states or governments to achieve their integration preferences. During this stage, governments engage in negotiations regarding further integration and the formulation of integrated policies' rules (Schimmelfennig 2020, 63). These two stages shape the demand and supply for international co-operation, as Moravcsik (1993, 481) explains:

> A domestic preference formation process identifies the potential benefits of policy co-ordination perceived by national governments (demand), while a process of interstate strategic interaction defines the possible political responses of the EC political system to pressures from those governments (supply). The interaction of demand and supply, of preference and strategic opportunities, shapes the foreign policy behaviour of states.

The third step involves the establishment of EU-level institutions and decisions on the institutional design (Schimmelfennig 2020, 63).

Liberal intergovernmentalism has primarily been used to theorize and explain significant advancements in EU integration (Riddervold, Trondal, and Newsome 2020, 52). Ultimately, Andrew Moravcsik developed the theory of liberal intergovernmentalism in the 1990s, a period when European integration was heading forward (Riddervold, Trondal, and Newsome 2020, 52). While LI is not inherently a theory of integration crisis, it can be applied, as argued by

Frank Schimmelfenning in the Palgrave Handbook of EU Crises (2018, 61), to explain disintegration and crisis within the EU.

According to Schimmelfenning, Liberal intergovernmentalism is formulated in sufficiently abstract terms and outlines general drivers and conditions of European integration that apply to both regular and crisis negotiations and decisions (Schimmelfenning 2018, 61). For instance, according to liberal intergovernmentalism's assumption about state rationality, the theory does not claim that governments are capable of foreseeing or preventing crises. Additionaly, integration crises involve international negotiations, which align with the focus of the intergovernmentalist explanatory program (Schimmelfennig 2020, 65).

4.3.1 Liberal intergovernmentalism and the 2015 Syrian refugee crisis

From a liberal intergovernmentalist perspective, the activation of the TPD during the 2015 Syrian refugee crisis, was hindered by the preferences of certain member states who were reluctant to receive refugees. Member states, primarily in Central Europe, showed a strong preference for not wanting to receive refugees. The European Commission, responsible for proposing the TPD, likely assessed the political landscape and concluded that the proposal would not gain sufficient backing from the member states.

Similarly, if one of the member states that faced the greatest impact from the refugee crisis were to consider requesting the activation of the TPD, they might have refrained from doing so due to their belief that it would not receive the necessary support. Furthermore, Central European member states like Poland, Slovakia, and Czechia, which were among the least affected by the crisis, would withhold their support for the TPD, as they would perceive no direct consequences or losses resulting from the lack of integration. This dynamic of asymmetric interdependence, coupled with variations in state preferences and bargaining power, as emphasized by liberal intergovernmentalism, presented significant obstacles to the advancement of further integration agreements like the TPD.

4.3.2 Liberal intergovernmentalism and the 2022 Ukrainian refugee crisis

Although the member states faced significant challenges in coordinating a unified response to the 2015 Syrian refugee crisis, they managed to reach an interstate deal regarding Ukrainian

refugees in 2022, through activating the TPD. From a liberal intergovernmentalist perspective, this activation can be attributed to a shared interest among the member states to activate it, driven by their national interests. Notably, member states in Central Europe were also clear in this response. LI can explain that the TPD was activated this time, because the Central European member states were largely impacted by the refugee crisis.

However, the liberal intergovernmentalist approach falls short in explaining the sudden change in acceptance of refugees by certain member states in 2022. To potentially address this gap, post-functionalist theory and state-building theory will be presented.

4.4   Post-functionalism

Post-functionalism places a significant emphasis on identity politics. In contrast to neo-functionalism, which highlights the spillover effect, post-functionalism argues that politicization can be a constraining, rather than solely a driving force, for integration (Börzel and Risse 2018, 86). For instance, Eurosceptic attitudes of citizens during national elections and debates on EU policies can limit the room for national governments and EU authorities to find solutions to policy challenges (Börzel and Risse 2018, 86). This occurs because issues become highly politicized, causing cultural cleavages related to identities, which, in turn, constrain member states' ability to delegate national sovereignty to the EU. As exemplified by Liesbet Hooghe and Gary Marks (2019), the 2015 Syrian refugee crisis struck a chord with national identity as it confronted the European population with the task of hosting culturally dissimilar people (Hooghe and Marks 2019, 1122). Consequently, debates on member states' capacity to receive refugees intensified, leading to nationalist parties gaining increased support.

As a result of rising support for challenger parties, mainstream parties found their options for finding a solution to be significantly narrowed. This resulted in not only restrictive member states but also initially positive states such as Germany and Sweden implementing migration restrictions (Hooghe and Marks 2019, 1122). From a post-functionalistic perspective, the activation of the TPD during the 2015 refugee crisis would not have been expected due to the exacerbation of cultural divisions across Europe, pitting proponents of a multicultural and open Europe against opponents. Right-wing political parties played a role in constraining a common European response to the refugee flows, including the activation of the TPD.

In contrast, when the war in Ukraine broke out in 2022, the question of how to coordinate a response was not subject to intense politicization. The focus shifted more towards the practical and humanitarian aspects of managing the influx of displaced individuals. Viewing this situation through a post-functionalist lens, the absence of significant cultural divisions meant that the issue of coordinating a response did not become politically contentious. Consequently, this lack of politicization facilitated the activation of the TPD.

4.5   State-building theory

In understanding the activation of the TPD for the Ukrainian case and the lack of activation for the Syrian case, state-building theory might provide valuable insights, particularly with its emphasis on the security dimension.

While the modern EU differs significantly from state-building experiences, exploring state-building theory can still prove valuable insights into the process of political authority development in the EU. According to Roger Daniel Kelemen and Kathleen R. McNamara (2022), adopting a state-building lens helps explain the uneven development of migration policy in the EU, which they argue is driven more by market logics rather than collective security logics (Kelemen and McNamara 2022, 977). From the early stages of EU involvement in migration issues, economic imperatives played a central role (Lavah 2004, 39; Kelemen and McNamara 2022, 979). European leaders approached border management from a legalistic perspective, establishing common rules without granting the EU authority to control or defend external borders. Migration policy was linked to maintaining the freedom of movement within the internal market. The EU later introduced common asylum rules, such as the Dublin agreement to prevent forum shopping. However, yet again with a with a legalistic approach without establishing executive capacity to for their implementation. While free movement and migration policies were developed, they did not grant EU authorities executive power or coercive capacities (Kelemen and McNamara 2022, 977). Consequently, national governments retained almost exclusive control over their borders, as well as the reception and approval of asylum seekers (Kelemen and McNamara 2022, 972). Thus, the theory suggests that a security threat needs to be present for the member states to transfer authority to the EU on these matters.

The state-building perspective helps understand the imbalanced nature of EU migration policy, and this issue was exemplified during the 2015 Syrian refugee crisis, when the limitations of EU border and asylum policies became apparent. Building on the state-building lens, the theory suggests that the TPD was not activated during the 2015 refugee crisis, because the perceived collective security threat was not sufficient to persuade member states to transfer authority over their borders to the EU level. The civil war in Syria was not perceived as a direct threat to Europe. Therefore, member states were not willing to transfer authority over their borders. Instead, many reintroduced border controls to restrict migration and others disregarded the Dublin regulation to accommodate more refugees.

Moreover, the state-building lens points to that the activation of the TPD in 2022 for refugees from Ukraine was driven by a collective security threat. The Ukrainian refugee crisis was perceived as a potential threat to Europe, particularly in neighboring countries, due to fears of becoming the next target of Russian aggression. As a result of the perceived security threat, member states were willing to transfer authority to the EU on migration through the activation of the TPD.

4.6   Rounding off the theoretical section

This chapter has presented and discussed several theoretical approaches to EU integration, including liberal intergovernmentalism, neo-functionalism, post-functionalism and state-building theory. Each of these approaches offer distinct perspectives on the driving forces and processes of EU integration, as well as insights into the factors that explain the activation and in-activation of the TPD.

Liberal intergovernmentalism posits that EU member states are rational actors who pursue their objectives through negotiations and carefully assess the outcomes of different proposals to determine the best result. EU integration is thus understood as the outcome of actions driven by the preferences of rational actors.

Neo-functionalism emphasizes the interplay of mutually reinforcing processes that propel further integration. Past developments, reinforces a spillover effect, and guides integration process.

State-building theory highlights the dominance of market logics over collective security logics in shaping the EU's asylum and migration policies. Although the EU has introduced a regulatory framework on migration and asylum, the theory argues that EU authorities lack executive power and coercive capacities in these areas. According to this perspective, a security threat must be present for member states to transfer authority to the EU on asylum and migration matters.

Post-functionalist theory contends that integration is either driven forward or constrained by identity politics, through increasing politicization of EU politics in many member states, fostered by the rise of (mostly right-wing) populist movements and parties.

Liberal intergovernmentalism and neo-functionalism can shed light on the negotiation processes, while state-building theory and post-functionalism can offer insights into the origins of preferences. In the discussion section, I will employ these theoretical approaches to discuss which of them that can explain and which of them maybe fails to explain, why the TPD was activated in regard to Ukrainian refugees in 2022 and why TPD was not activated in regard to Syrian refugees in 2015.

4.7   Conceptual framework

In the analysis, the 2015 Syrian refugee crisis and the 2022 Ukrainian refugee crisis will be examined by applying the policy cycle framework. The policy cycle breaks down the policymaking process into different phases to analyze how policies are made and implemented. These phases are agenda setting, policy formulation, policy adoption, implementation, and evaluation. The implementation- and evaluation stage will not be considered in this study's analysis because the goal of it is to assess the policy making process that led up to the implementation of the TPD in regard to the Ukrainian refugee flow, and the policy process that did not lead up to the activation of the TPD in regard to the Syrian refugee flow.

The first stage of the policy-making process is *agenda setting*, which involves the identification of a societal problem that requires state intervention (Knill 2020, 365; Howlett and Ramesh 2003, 121). Those problems that are recognized by the decision makers constitute the political agenda (Knill 2020, 365). In most cases, the policy agenda is set by four types of actors (i) public officials, (ii) bureaucracy; (iii) mass media; and (iv) interest groups (Knill 2020, 366). However, the actual agenda setting is influenced by power dynamics and ideological conflicts

within and between the government and parliament. The emergence of an issue on the policy agenda depends on factors such as the existence of a policy window and the reception the issue receives (Howlett and Ramesh 2003, 141). Governments can also practice different strategies not only of agenda-setting but of agenda denial (Howlett and Ramesh 2003, 141).

The second stage is *policy formulation*, where policymakers must decide on the course of action to address the identified problem (Howlett and Ramesh 2003, 143). This stage involves defining, discussing, accepting or rejecting feasible policy options problem (Knill 2020, 367). Available options are evaluated and narrowed down to those that policymakers can accept (Howlett and Ramesh 2003, 143). The elaboration of alternatives of action can be constrained by political or technical factors, and the process brings the relationship between executives and legislatures to the forefront (Knill 2020, 367). In the context of this analysis, the executives are the Commission and the European Council, while the legislatures are the European Parliament and the Council. However, importantly, in the specific context of the activation of the TPD, the European Parliament's role is limited to being informed rather than actively participating in the decision-making process.

Policy adoption is the final stage, where a specific policy alternative is officially adopted by government institutions (Knill 2020, 367). The set of policies can be influenced by the need to build majorities for governmental approval, as well as considerations of values, public opinion, constituency interests, deference, and decision rules (Knill 2020, 367).

By applying the policy cycle framework, I am able to gain valuable insights into how the TPD was adopted concerning refugees from Ukraine in 2022, as well as why the TPD remained in the policy-formulation stage in 2015 concerning Syrian refugees.

5. Research design and case selection

In this chapter I will present the research design and method applied in this thesis. This study is case orientated as its objective is to provide a comprehensive and analytical answer to the research question.

The case study is based on a qualitative document analysis, involving the examination of official EU-documents, newspaper articles, and other relevant documents. These documents will serve as the primary source of data for the analysis. Additionally, two semi-structured interviews have been conducted with representatives of the European Commission and the EU Council, providing additional insights and enhancing the overall value of the study.

5.1 Comparative case study

The research design chosen for this thesis is a comparative case study. The cases that will be studied and compared are: (1) the 2015 Syrian refugee crisis and (2) the 2022 Ukrainian refugee crisis, which constitute events observed over some period of time. The rationale behind the case selection will be discussed in chapter 5.2.

In political science, the archetypal case is the nation state. However, as described by John Gerring (2007) "a case may be created out of any phenomenon so long as it has identifiable boundaries and compromises the primary object of an inference." (Gerring 2007, 19). Furthermore, as described by Alexander L. George and Andrew Bennett (2005), the case study approach is "the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events" (Bennett and George 2005, 5). For this study, a case-oriented study is an appropriate method as it allows for an in-depth analysis of both the Syrian and Ukrainian refugee crises, facilitating an exploration of the factors that led to the activation of the TPD in the Ukrainian refugee crisis while it remained inactive in the Syrian refugee crisis. The comparative case study will also be used to test whether the European integration theories presented earlier, accurately explain the processes and outcomes of the cases. Alex Bitektine (2008, 162) calls this the "alternative theoretical templates" strategy, which allows for the examination of different theoretical perspectives through a falsification test, using real-life cases. The advantage of this approach lies in its ability to foster knowledge growth by identifying and rejecting theories that are less effective in

explaining the case, rather than solely through the "proof" of a single theory (Bitektine 2008, 162).

The two cases will be studied conducting the "Most Similar Systems Design" (MSSD). The MSSD involves choosing cases that are nearly identical in every aspect, except for the phenomenon under investigation – the effects we are interested in assessing (Anckar 2008, 389). The effects I am assessing in this study are (1) the activation of the TPD in regard to the Ukrainian refugee flow in 2022, and (2) the non-activation of the TPD in regard to the Syrian refugee flow in 2015. The advantage of applying a comparative design is that it gives me the opportunity to gain a deeper understanding of the analysis that is almost never available to large-N analysis (Tarrow 2010, 243). The intimacy of the analysis can provide a detailed understanding of the relationship between the two cases that I am going to compare.

A Most Similar Systems Design however faces a principal problem of being a comparative method: many variables, small number of cases (Lijphart 1971, 685). It is difficult to isolate the effects of the variable of interest because there may be other factors at play that are not being accounted for (Tarrow 2010, 234). As described by Andrew Bennet (2004, 34), when studying a smaller number of cases, you prioritize the quality of measurement (construct validity) over the ability to apply the findings to a large population of cases (external validity) (Bennett 2004, 34). However, at the same time, a comparison of two cases provides a well-balanced approach, offering descriptive depth and analytical challenge which decreases if more cases are added (Tarrow 2010, 246).

5.2   Case selection

In the purest form of the most similar method, the chosen pair of cases is similar on all the measured independent variables, except the dependent variable of interest (Seawright and Gerring 2008, 304). However, achieving perfect similarity across all independent variables may not always be feasible, especially in complex real-world scenarios. Nonetheless, by selecting cases that share substantial similarities and conducting a rigorous comparative analysis, valuable insights can still be gained from applying the most similar method to understand the different outcomes regarding the activation of the TPD.

The 2015 Syrian refugee crisis and the 2022 Ukrainian refugee crisis share important similarities that make them suitable for comparison. In both cases, there was a significant increase in the number of refugees arriving in the EU within a short period of time. In 2015, the number of Syrians seeking international protection in the EU doubled, in comparison with the previous year to reach 362 800 (Eurostat 2016). Syria was also the main country of citizenship of asylum seekers in twelve EU member states (Eurostat 2016).

In 2022, before the TPD was activated, and in the beginning of March, 650,000 people had fled to Ukraine's neighboring EU member states, and the EU had prognosis that the number would sharply increase (European Commission 2022c). Importantly, these numbers indicate that the increase in displaced persons coming from Ukraine in 2022 was more sudden and larger than the number of arrivals from Syria in 2015. In addition, the fact that most refugees from Ukraine fled to neighboring member states are important factors for the further discussions. Nevertheless, I will argue that the cases can be compared, because the number of refugees was significant in both cases.

In addition, most displaced persons both from Ukraine in 2022, and Syria in 2015, fled to a limited number of member states. In 2015, most displaced persons applied for asylum in Germany (35%), Hungary (14%), Sweden (12%), Austria and Italy (7%). Initially in 2022, before the TPD was activated 2022, most displaced persons from Ukraine fled to Poland, Hungary, Slovakia and Romania (UNCHR 2023).

Furthermore, both Syrian refugees during the refugee crisis in 2015 and Ukrainian refugees during the refugee crisis in 2022, were guaranteed protection under international law (UNCHR 2015). This means that the two nationalities were both eligible for temporary protection under the TPD, as it can be activated with respect to persons fleeing political situations such as persecution, armed conflict, endemic violence, or human rights violations.

For the sake of the discussions, it is also important to control for the geo-political differences between the two cases. In the Ukrainian refugee crisis, displaced individuals from Ukraine had access to a legal route through neighboring countries, which facilitated their movement. Additionally, Ukraine has a Visa deal with the EU, allowing Ukrainians with biometric passports to enter the EU without a Visa for a period of 90 days (EEAS 2017). In contrast, Syrian refugees faced a different situation. With the exception of quota refugees, the primary

means of reaching Europe was through illegal and risky boat journeys across the Eastern or the Central Mediterranean route (Wagner 2015, 1).

Acknowledging and controlling for these similarities and differences, allows for a more nuanced analysis of the factors contributing to the activation and non-activation of the TPD.

5.3   Conceptualization and operationalization

In this thesis, I categorize the two cases as refugee "crises". The Syrian refugee crisis is considered a crisis due to the severe humanitarian situation. Furthermore, when the numbers of refugees and migrants arriving in the EU increased in 2015, the EU encountered substantial difficulties in formulating a collective response. In that way, the refugee crisis was also a crisis within the EU itself.

The Ukrainian refugee crisis did not generate a crisis within the EU, as the quick activation of the TPD ensured a collective response to address the situation. However, it is designated as a crisis due its significant humanitarian impact and the substantial number of refugees resulting from the invasion of Ukraine.

Furthermore, the 2015 Syrian refugee crisis is categorized as a "refugee" crisis due to the fact that the majority of Syrians arriving in Europe were fleeing conflict and persecution, making them eligible for protection under international law (UNCHR 2015). Similarly, in the case of the Ukrainian refugee crisis, the term "refugees" is used for the same reasons, even though most individuals from Ukraine have applied for temporary protection status instead of seeking asylum (Eurostat 2023).

When it comes to the temporal scope of the cases, in the case of the Syrian refugee crisis, the focus is on the year of 2015. The choice is justified by the fact that 2015 witnessed the largest influx of Syrian refugees ever recorded in the EU. Thus, during this period it would be most relevant to activate the TPD.

Regarding the Ukrainian refugee crisis, the analysis encompasses events starting from the onset of the Russian invasion of Ukraine on 24 February 2022, up until the activation of the TPD on 4 March 2022. This time period captures the immediate response to the escalating crisis and the decision-making process leading to the activation of the TPD. Additionally, certain

statements and events following the activation of the TPD are also included for the sake of the discussion.

5.4   Document analysis and semi-structured interviews

The analysis will rely on a comprehensive range of sources, including official EU documents, newspaper articles and other relevant documents, to ensure a thorough and well-rounded examination of the Syrian and Ukrainian refugee crises.

Furthermore, to enrich the analysis, qualitative interview data will be incorporated from two individuals who possess relevant experience and expertise. The first interviewee works in the "Unit for Migration and Management Response" in the European Commission. The second interviewee is a counselor from one of the member states' permanent representations to the Justice and Home Affairs Council. Both interviewees worked with the negations of the Temporary Protection Directive. Because these interviewees did not occupy their current positions during the 2015 refugee crisis, their perspectives do not encompass experiences from the negotiations in the EU during the 2015 refugee crisis, which presents a potential shortcoming of this study. Therefore, ideally, I would have conducted an interview with someone who worked with migration in one of the EU institutions during the Syrian refugee crisis. However, I find that the interviewees included in this study provide valuable knowledge on migration and asylum policy that will enhance the analysis of the Syrian refugee case in this study.

Originally, the plan was to include an additional interview with the director of the European Council on Refugees and Exiles, which is an alliance of NGOs on asylum in Europe. However, due to unforeseen circumstances, this interview was cancelled. If I had gotten the chance to do this interview, the analysis would have gained a perspective from outside the EU, and from someone who has extensive expertise on the asylum issue. However, it was always understood that the interviews would primarily give added value to the analysis, which I find the two interviews conducted will give. The interviewees provide valuable perspectives from both the EU-side, represented by the European Commission, and the member states' side, represented by the EU Council. Therefore, the insight gathered from these interviews will include perspectives from the two institutions in the EU that have decision-making power on the Temporary Protection Directive.

The interviews conducted followed a semi-structured approach, allowing for flexibility and adaptability during the interview process. This method involves using a set of open-ended questions, while also allowing for exploration based on the interviewee's expertise and experience. The semi-structured format also enabled me to ask follow-up questions, allowing for a deeper understanding of the interviewee's perspectives.

The interview with the Commission interviewee was conducted in person, facilitating a personal and immediate exchange of ideas and deeper level of engagement.

The interview with the Council representative was, due to geographical distance, conducted digitally. This format was crucial in overcoming physical barriers and ensuring the interview could take place.

I formulated a set of 10 questions addressing the Syrian and the Ukrainian refugee crisis, as well as the EU's responses to them. While the majority of the questions were similar in both interviews, some were tailored to accommodate to their different experiences.

The interviewee from the EU Council will be referred to as the "Council interviewee", and the interviewee from the Commission will be referred to as the "Commission interviewee".

6. Analysis

One of the key distinctions in the EU's response to the 2015 Syrian refugee crisis and the 2022 Ukrainian refugee crisis lies in the provision of temporary protection for Ukrainian refugees, whereas Syrian refugees did not receive such protection. With the recent activation of the Temporary Protection Directive for the Ukrainian refugee flow, new perspectives can be gained regarding the reasons behind the non-activation of the TPD in 2015. This analysis aims to explore the research question: 'Why was the Temporary Protection Directive activated in regard to the refugee flow from Ukraine in 2022, and why was the same directive not activated in regard to the refugee flow from Syria in 2015?".

This analysis will utilize document analysis and interview data to examine the decision-making process within the EU and delve into the various stages of the policy cycle during the two refugee crises. Additionally, the analysis will encompass an assessment of significant events that took place at the member state level during the respective refugee crises. The analysis will be conducted in two parts. First, the 2015 Syrian refugee crisis will be analyzed, followed by an analysis of the 2022 Ukrainian refugee crisis. By closely examining these cases, valuable insights can be gained into the factors that influenced the activation and non-activation of the TPD.

6.1 The Syrian refugee crisis

In this section, I will provide a brief overview of the origins of the Syrian refugee crisis. I will then discuss what was on the political agenda in the EU. Furthermore, the subsequent policy that was formulated in the EU will be analyzed. In this part, the Temporary Protection Directive becomes relevant, as an alternative policy. Understanding the issues that were on the political agenda during the 2015 Syrian refugee crisis is crucial to be able to investigate why the TPD was not ultimately chosen as a course of action.

The political agenda in the EU varied throughout the 2015 Syrian refugee crisis. Initially, the EU focused on addressing and preventing the tragedies in the Mediterranean. Subsequently, negotiations were undertaken to establish a plan for the relocation of refugees and to address the increasing number of arrivals through the Western Balkans route. This was followed by a notable shift in priority towards securing EU's external borders.

6.1.1 First phase: Trying to handle the events in the Mediterranean

The origins of the 2015 Syrian refugee crisis can be traced back to several points. During March 2011, pro-democracy protests erupted throughout Syria demanding an end to the authoritarian Assad regime (Britannica 2023). The Syrian government extensively used military and police forces to violently suppress the demonstrations, and opposition militants began to form (Britannica 2023). The UN Security Council condemned the Syrian government for its use of violence against protesters, and the EU imposed sanctions against Syrian officials and the Assad regime (Britannica 2023). While the Turkish president Abdullah Gul had prepared "for a worst-case scenario" in case of a possible influx of Syrian refugees, EU member states remained fairly impassive to the looming refugee crisis (Dimitriadi 2015, 1).

In July 2012, the escalation of violence eventually culminated in a full-fledged civil war in Syria (Britannica 2023). Concurrently, a refugee crisis began to unfold, with neighboring countries such as Jordan, Lebanon and Turkey becoming the primary destination for Syrian refugees (IOM 2016). In May 2012, Jordan was the first of the neighboring countries to open a refugee camp, which became the home for tens of thousands of Syrians (Unicef 2023; Dimitriadi 2015, 1). In August 2012, the first boat carrying Syrian refugees arrived in Italy, marking the beginning of their arrival in Europe (Dimitriadi 2015).

Over the following years, several tragic incidents occurred along the Mediterranean route, as thousands of Syrian refugees embarked on perilous journeys in search of safety and a better future in Europe. One such event took place on October 3, 2013, when a boat carrying refugees and migrants capsized near the Italian island of Lampedusa, resulting in the loss of 360 lives (Uçarer 2019, 334).

In 2014, around 69 000 Syrians arrived in Europe by sea, accounting for 32 percent of all arrivals (UNCHR 2015, 6). By this time, the total number of Syrian refugees worldwide had surpassed 3 million, making Syrians the largest group of refugees globally (Unicef 2023). In response to the increasing numbers of arrivals by sea, Italy introduced a rescue operation called Mare Nostrum, which made significant efforts to rescue people at sea, resulting in the rescue of thousands of individuals (UNCHR 2015, 14).

In 2015, the number of refugees arriving by sea in Europe witnessed a significant and alarming increase. During the first half of the year, 43,900 Syrians reached European shores, constituting to the single largest group, accounting for 34 percent of all arrivals (UNCHR 2015, 6). The infrastructure and economies of Syria's neighboring countries, which had already been strained for years, struggled to accommodate the growing influx of refugees, and it became challenging for refugees to access shelter, healthcare and employment (UNCHR 2015, 7). Consequently, more refugees resorted to desperate measures, such as paying exorbitant amounts to smugglers and risking their lives by taking illegal routes to Europe (UNCHR 2015, 7). During the first three months of 2015, 479 refugees and migrants drowned or went missing (UNCHR 2015, 8).

The situation reached a devastating climax in April, as an unprecedented 1,308 refugees and migrants drowned or went missing in a series of concurrent wrecks (UNCHR 2015, 8). One of the deadliest incidents occurred on 19 April 2015, when over 600 people drowned in the Mediterranean after their boat capsized in Libyan waters 180 kilometers south of Lampedusa (Spindler 2015).

On the same day as the Lampedusa incident, the former Italian Prime Minister Matteo Renzi, described it as a tragedy and called for an urgent meeting with the EU leaders that same week (Kingsley, Bonomolo, and Kirchgaessner 2015). Renzi emphasized the importance of solidarity among European nations and expressed his concern over the trafficking of human beings, urging the EU not to leave Italy alone in addressing the crisis (BBC 2015c).

The severity of the Lampedusa incident pushed the EU leaders to react. The political agenda in the EU during April 2015 was heavily focused on addressing and preventing the events in the Mediterranean. The former High Representative of the Union for Foreign Affairs and Security, Federica Mogherini, who is Italian, said in the aftermath of the Lampedusa incident that the wave of migrant boat disasters was "unacceptable" and that it was time for the EU to tackle the tragedies without delay (BBC 2015c).

On April 20, one day after the tragedy outside Lampedusa took place, the European Commission proposed a 10 Point Action Plan on Migration (European Commission 2015d). In that way, the political agenda was formally set simultaneously as policy was formulated. The

10 Point Action Plan involved among other things reinforcing operations in the Mediterranean[1], destroying vessels used by smugglers, and strengthening the role of FRONTEX and cooperation's with Libya (European Commission 2015d). It also consisted of considering options for an emergency relocation scheme, to share the responsibility of hosting refugees across EU member states (European Commission 2015d). The plan received full backing from the Council (European Commission 2015d).

The European Council also had the events in the Mediterranean on its political agenda. On 23 April 2015, a special meeting of the European Council was held. A statement was published declaring the situation in the Mediterranean as a tragedy, and that the EU would "mobilize all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency that we face" (European Council 2015d). In the statement, concrete actions very similar to the ones described in the Ten Point Action plan was also specified (European Council 2015d). This involved considering "options for organizing emergency relocation between all Member States on a voluntary basis" (European Council 2015d).

The political agenda in the European Parliament had, in comparison to the European Commission and the EU Council a stronger focus on the issue of migration. The European Parliament made a resolution on 29 April 2015, which *also* largely addressed the situation in the Mediterranean, but it had a more comprehensive approach refugee distribution (European Parliament 2015f). The resolution advocated that the Council should, either consider the possibility of applying a temporary relocation scheme, or the Temporary Protection Directive, in which both would offer a mechanism for solidarity in the case of influx of suddenly displaced people (European Parliament 2015f). In addition, the resolution stated, in comparison to the Commission and the Council, that the relocation scheme should be binding (European Parliament 2015f).

---

[1] The year before, the EU had decided not to replace an Italian-led rescue-operation called "Mare Nostrum" which had saved around 100,000 lives and it is argued that it might have resulted from a fear that it would create a pull-factor for migrants to organize more trips to Europe (Lima and Jumbert 2023; Taylor 2015). The operation was replaced by the EU-led Operation Triton in November 2014 which was criticized for being less effective than Mare Nostrum, because it would not involve rescue operations. However, with the European Agenda on Migration, the EU decided to triple the funding for Triton, however its mandate was still not extended to become a real search and rescue operation (Jumbert 2022). Yet, their ships were obliged like all other ships at sea to carry out search and rescue if they come across people in distress at sea (Jumbert 2022).

In the European Parliament's preceding debate to the resolution, there were also mixed views on the European Council's Special meeting's performance on the refugee crisis. A majority of the European Parliament welcomed their overall performance, however, many also considered the results to not be ambitious enough (Anghel, Drachenberg, and Finance 2016). One member of the European Parliament, Ska Keller, strongly criticized the European Council's priorities of: «fighting smugglers with the military and, secondly, stopping refugees even from reaching European shores» (European Parliament 2015e). She further stated:

> Is that really the answer of the European Union, winner of the Nobel Peace Prize: drowning in the Mediterranean? You cannot be serious. Where is the humanitarian rescue mission that we need? Italy started it, but the other Member States refused and even said that it helps smugglers. Where are the safe and legal access points for refugees? These are people in dire need of international protection. Where are the real answers from the Heads of State? I think what was decided at the Council was a disgrace. It was unfortunately a waste of time. Even though it was good that you sat together, nothing came out of it (European Parliament 2015e).

In the subsequent Parliament resolution, the Parliament deplored "the lack of fair division of responsibilities of the European Council in favor of setting up a credible and binding mechanism of solidarity at the Union level" (European Parliament 2015f). Thus, it seemed like the European Parliament at the time had the most comprehensive approach to the migration issue.

In response to the tragic incidents that took place in the Mediterranean, there was a collective agreement within the EU to take immediate action. However, among the EU institutions, the European Parliament stood out with a heightened emphasis on tackling the migration issue. Notably, it was also the only EU institution to suggest the Temporary Protection Directive as a potential policy response to manage the migration flow. Thus, the European Parliament formally put the TPD on the policy formulation stage.

6.1.2 Second phase: Quest for the relocation schemes

As the influx of Syrian asylum applicants increased significantly from May 2015, the question of how to deal with the large influx of Syrians arriving in Europe increasingly became the focus on the EU policy makers agenda (European Asylum Support Office 2016).

On 13 May 2015, building on the 10-Point Action Plan, the European Commission presented the "European Agenda on Migration" (European Commission 2015e). The focus was still on measures to respond to the crisis situation in the Mediterranean, but it also consisted of a proposal for "a permanent EU system for relocation in emergency situations of mass influxes" (European Commission 2015e). The Commission therefore went from considering options for a relocation scheme to proposing a permanent one. The plan assigned each member state quotas, based on their economic strength, population and unemployment (European Commission 2015e).

The agenda strongly emphasized that migration is a shared responsibility of all member states (European Commission 2015e). The High Representative, Federica Mogherini stated:

> With this bold agenda, the European Union has proven itself ready to address the plight of those escaping from wars, persecution, and poverty. Migration is a shared responsibility of all Member States and all member States are called now to contribute to tackling this historical challenge. (European Commission 2015e).

In other words, the Commission had now formulated more concrete policy on migration, and had a more comprehensive approach to it, demanding that all member states take part. It also then became clear that the EU had chosen relocation schemes as the alternative of action to deal with the large influx of refugees, and not the Temporary Protection Directive.

The Commission outlined the content of the relocation scheme on 27 May 2015 (European Commission 2015b). It put forward a proposal calling for the relocation of 40 000 Syrian and Eritrean nationals from Greece and Italy to other member states (European Commission 2015b). Additionally, it proposed a resettlement scheme to offer 20,000 places distributed in all member states to displaced persons in clear need of international protection in Europe (European Commission 2015b). This proposal attracted varying responses from the EU member states. At a press conference in connection to the proposal, the EU Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, addressed that the figure of 40 000 was decided by the Commission as the minimum needed to be able to help Greece and Italy, but also the maximum figure acceptable to EU governments (Traynor 2015). The receiver states Germany, Sweden, and Austria, which took in a large share of refugees in Europe along with the front-line member states Italy and Greece, were in favor of the plan (Traynor 2015).

Hungary's Prime Minister, Viktor Orban, called the proposal "mad and unfair" (Laurence 2015). As the Unted Kingdom was exempted from EU asylum policy, they could decide if they wanted to take part (Traynor 2015). A British spokesperson made the message clear stating: "We do not oppose resettlement in principle, but we believe such schemes are best decided at national level and have no plans to contribute to an EU quota" (Traynor 2015). Moreover, Germany and France later, on 1 June 2015, urged the Commission to make corrections to the relocation schemes (Robert et al. 2015). They did signal for approval but called for the burden to be more fairly shared among the member states (Robert et al. 2015).

The European Commission president at the time, Jean Claude Juncker, responded to the opposition from some member states on 3 June 2015 stating:

> I notice that the enthusiasm among member states about the proposal to share the burden is not great, but the Commission won't change its ideas regarding legal and illegal migration (Gotev 2015).

Despite the varying responses, the relocation scheme and resettlement plan was agreed on in the European Council on 26 June 2015 (European Council 2015b). The conclusions stated that all member states will participate in the relocation and resettlement. However, according to BBC, the scheme was made voluntary on the demand of some Eastern European member states (BBC 2015b). It was also agreed that the United Kingdom would not participate (European Council 2015b).

This came at a time when Hungary had revealed their stringent plans to keep refugees out. On 17 June 2015, Hungary unveiled their plan to build a four-meter-high fence along its 175 km border with Serbia (Dunai 2015). Justifying the move, Peter Szijjarto, argued that Hungary could not afford to wait any longer for a solution from the EU countries (Dunai 2015). The announcement was met with stark criticism from the U.N. Refugee Agency's regional spokesperson Kitty McKinsey, who expressed concern that building a fence would place too many barriers to the human right of seeking asylum (Dunai 2015).

During that period, Hungary faced a growing influx of refugees who had traveled through the Western Balkans route and subsequently sought to reach Western Europe (Dunai 2015). The numbers of people arriving in Europe using this route, increased throughout the summer of

2015. Until June, just as many refugees and migrants were taking the Central Mediterranean Route from Libya to Italy, as the Eastern Mediterranean route from Turkey to Athens and further to Balkan (Wagner 2015, 1). However, in July, there was a large increase in refugees using the Western Balkan route (Wagner 2015, 1). This was partly due to the fact that the sea crossings in the Eastern Mediterranean route were shorter and the prices for smugglers were lower (Wagner 2015, 1). Furthermore, scholars argue that the European Agenda on Migration, with its emphasis on 'destroying vessels', resulted in a shift of the primary route (Sardelic 2017). The Western Balkan route was mainly used by Syrians and Afghanis, who made up more than 70% of the flows, while the sea arrivals in Italy showed a more mixed composition of arrivals, and was not a popular route among Syrians (Wagner 2015, 2).

As the main route of entry shifted from the Central Mediterranean route to the Eastern Mediterranean route, Greece was also experiencing a sharp increase in arrivals as a first-entry country, which pushed an already faltering reception system to breaking point (Dalhuisen 2015).

In July, Hungary started building the steel and barbed wire fence along its border with Serbia (Byrne 2015). Observers said at the time that Hungary's government's rhetoric had hardened the public's attitude toward migrants, and opinion polls indicated that ever since Orban planned the building of the border fence, support levels for his party rose and ended a long trend of declining approval ratings (Byrne 2015).

This came alongside expressions in August 2015 from Poland, Slovakia, Hungary and Czechia for a strong preference for non-Muslim refugees (Wasik and Foy 2015; O'Grady 2015; Rettman 2015). The Slovakian interior minister said that Slovakia will only accept Christian arrivals, and warned that Muslims should not move to the country because they cannot easily integrate with the country's majority Christian population (O'Grady 2015). In Poland, the head of the foundation that arranged migration in the country stated that non-Christian refugees can be a threat to Poland, and that "it is a great way for Isis to locate their troops, all around Europe" (Wasik and Foy 2015).

Germany on the other hand, took a remarkably open approach to refugees, by suspending the Dublin Regulation for Syrian refugees on 21 August 2015 (Dernbach 2015). This meant that

Syrian refugees did not have to undergo the obligatory examination to determine whether they had first entered the EU in another member state and therefore should be returned to that country (Dernbach 2015). The initiative was supported by a spokeswoman for the European Commission, stating that: "We welcome this act of European solidarity» (Dernbach 2015). The spokeswoman further stated: «For the Commission, the German decision is a recognition of the fact that the member states at the external borders cannot be left alone to deal with the large number of asylum seekers» (Dernbach 2015).

On 2 September, a heart-braking photo of a drowned Syrian boy washed up on a beach in Turkey made the headlines around the world (Reuters 2015). The tragedy occurred in the wake of an incident where at least 12 presumed Syrian refugees lost their lives trying to reach the Greek island of Kos (Reuters 2015). The incident became a pledge to Europe's responsibility to help. A few days after, as thousands of migrants were desperate to leave Hungary and westward to Germany and Austria, Germany's chancellor Angela Merkel said: "The right to political asylum has no limits on the number of asylum seekers", and expected to take in at least 800,000 refugees that year (Jordans 2015).

Stronger public support for Syrian refugees also became evident in the aftermath of the tragic incident. In Germany, the Guardian reported acts of kindness from the public, who greeted refugees with provisions and toiletries at Munich central station, while holding up signs saying "Welcome" (Connolly 2015). Online, the phrase "Refugees Welcome" gained traction, with over 40,000 tweets and its popularity was echoed in German football stadiums (BBC 2015a).

Meanwhile, the EU continued its efforts to negotiate relocation measures. On September 9, in response to the significant number of refugees who had taken the Balkan route, with up to 400,000 people traveling this path during the summer of 2015, the European Commission put forth a proposal to relocate an additional 120,000 individuals from Italy, Greece, and Hungary (European Commission 2015f; Pluim 2015). This was in addition to the previous proposal of 40,000. However, the Council had yet to reach an agreement on the relocation of the initial 40,000 individuals.

The European Parliament on the other hand, remained committed to the idea of applying the Temporary protection Directive. On 4 September, the European Parliament published a briefing

on possible responses to the refugee crisis (Bąkowski, Poptcheva, and Ivanov 2015). One of them was to trigger the TPD, and they stated that it may be argued that the necessary conditions of triggering were present (Bąkowski, Poptcheva, and Ivanov 2015, 8).

Furthermore, following up on the resolution the European Parliament made on 29 April 2015, three Parliamentary questions were addressed to the Council and the European Commission regarding the TPD. On 7 September 2015, five members of the "European United Left–Nordic Green Left"-party in the European Parliament, addressed a Parliamentary question to the EU Council:

> What are the Council's objective reasons for not having adopted a decision acknowledging a mass influx of displaced persons? What are the Council's objective reasons for not yet having applied the aforementioned EU directive (*the TPD*) swiftly and effectively? Is the Council going to adopt a decision to implement the directive and bring in immediate temporary measures to protect the displaced persons involved? (European Parliament 2015b)

However, a reply was not given before 29 January 2016, when the Council replied:

> According to Article 5 of Council Directive 2001/55/EC, the Council may adopt a decision establishing the existence of a mass influx of displaced persons on a proposal from the Commission. The Commission has not submitted such a proposal to the Council and the Council has therefore not dealt with this issue. (…) (European Parliament 2016b)

On September 24, 2015, Biljana Borzan from S&D asked both the Commission and the Council:

> Is the Commission considering proposing the activation of temporary protection?
> Is the Council considering the activation of temporary protection? (European Parliament 2015c, 2015a)

On January 26, the Council replied with the same answer as they did to the question addressed to the Council on September 7, 2015 (European Parliament 2016a). The European Commission replied on December 17, 2015:

The Commission is currently not considering the activation of the temporary protection mechanism under Directive 2001/55/EC[1]. To address the current refugee crisis the Commission took a series of other measures, (...) (European Parliament 2015d).

The response from the Council indicates that they relied on a proposal from the Commission to activate the TPD. However, the response from the Commission indicates that they did not consider such a proposal as a viable option to address the refugee crisis.

6.1.3 Third phase: Securing the EU's external borders

The number of Syrian asylum applicants in the EU member states reached its highest number in September, with almost 63 000 applicants in that month alone (European Asylum Support Office 2016). Death tolls also continued to rise as tragedies marked the Mediterranean with more boats capsized in Greek waters (Bergman 2015). As a response, EU member states, even those that had initially displayed openness, began implementing stricter border controls (European Asylum Support Office 2016).

In public, it became evident that the migration issue was deeply polarized, as the reactions of the refugee crisis showed wide differences within Europe's population. In the UK, tens of thousands of people marched in support of refugees and urged the government to give more assistance and protection to refugees (DW News 2015d). Pro-refugee demonstrations also gathered many people in Copenhagen, Stockholm, Helsinki and Lisbon (DW News 2015d) At the same time, several Central European countries, such as Czechia, Poland and Slovakia were planning anti-immigration events (Graham-Harrison, Davies, and Scmidt 2015). In Poland, nearly 5000 people marched through Warsaw and protested against refugees, where many shouted anti-Islamic slogans (DW News 2015d).

On 13 September 2015, Germany, in an attempt to reduce the number of asylum seekers arriving, introduced temporary controls along its border with Austria (Bergman 2015). Syrians increasingly applied for asylum in the country, with over 40% of the EU total (European Asylum Support Office 2016). The decision sparked a domino effect, with Austria and Slovakia also introducing identity checks at their borders (Euractiv 2015). The moves by Germany and Austria were approved by the European Commission, stating that:

> The temporary reintroduction of border controls between Member States is an exceptional possibility explicitly foreseen in and regulated by the Schengen Borders Code, in case of a crisis situation (European Commission 2015c).

On the EU-level, signs of cooperation with external countries started becoming evident. On 14 September 2015, a JHA Council was held, where one of the conclusions stated that Turkey, as a major first reception and transit country, is a main partner for the EU in the management of migratory flows, and that the EU stands ready to increase cooperation with Turkey (Council of the EU 2015d). In addition, progress was made on the relocation schemes, although reluctance from some member states continued to make the negotiations difficult. The JHA finally adopted the Decision to relocate 40 000 (Council of the EU 2015d). However, the ministers failed to reach an agreement on the Commission's proposal to relocate the additional 120 000 (Barigazzi and Baume 2015b). According to Politico, this was because Slovakia and Czechia wanted it to be carried out on a voluntary basis (Barigazzi and Baume 2015b).

The decision was however eventually adopted by the JHA Council on 22 September, but they had to force through the deal using an extraordinary EU rule (Barigazzi and Baume 2015b). Instead of applying the consensus rule, they applied qualified majority voting that can overrule the opponents, which is usually applied for less controversial issues (Barigazzi and Baume 2015a). The decision sparked strong reactions from the states that voted against it - Slovakia, Hungary, Romania and Czechia (Traynor and Kingsley 2015). Slovakian and Czechia politicians claimed the decision "would alter the fabric of European society" (Traynor and Kingsley 2015). The Slovakian prime minister, Robert Fico, stated: "As long as I am prime minister, mandatory quotas will not be implemented on Slovak territory." (Traynor and Kingsley 2015). Hungary stated they accepted the decision but questioned the feasibility (Traynor and Kingsley 2015).

On the other side, the French interior minister, Bernard Cazeneuve, had a much more positive take on the decision, who stated it was a: "testament to the capacity of Europe to take responsibility and progress" and Germany thanked Poland for not voting with their fellow central Europeans (Traynor and Kingsley 2015).

During October, it became clear that securing borders was a high priority on the EU-level. At a Justice and Home Affairs Council meeting on 8-9 October 2015, an "overwhelming majority of member states were in favour of strengthening the collective responsibility for external border controls and stressed the need to reinforce the role and capacity of Frontex" (Council of the EU 2015b). Luxembourg's immigration minister stated that the future of Schengen depended on the "credible and effective control of the EU's external borders", and that it was a high priority in the European Agenda on Migration (Council of the EU 2015b). Relocation was however also on the agenda, and the JHA ministers welcomed the first relocations adopted on 14 and 22 September (Council of the EU 2015b). On October 9, a first group of 19 asylum seekers were relocated from Italy to Sweden (Savary 2015).

On 15 October, the European Council welcomed EU Council discussions on future management with Turkey, through an 'EU-Turkey joint action plan" (European Council 2015a). In the conclusions of the meeting, it is stated that the plan was "based on shared responsibility, mutual commitments and delivery" and as a part of a plan on "cooperating with third countries to stem the flow" (European Council 2015a). Turkey was at the time hosting more refugees than any other country in the world, and hosted 2.2 million Syrian refugees (Bajekal 2015). According to Time (magazine), the action plan was pushed forward "behind the scenes" by Germany, France and Italy, and Angela Merkel had travelled to Istanbul just before the European Council meeting to negotiate it (Bajekal 2015). This was happening at a time when Merkel was facing growing backlash over the refugee crisis (Bajekal 2015).

The plan was criticized by Amnesty International's Turkey researcher, Andrew Gardner, who stated that a deal premised on keeping refugees in Turkey "fundamentally ignores both the challenges they face there and the obvious need for the EU to offer protection to a greater share of the world's burgeoning refugee population" (Amnesty International 2015).

The EU's emphasis on its external dimension on migration was evident in the latter months of 2015 (Council of the EU 2015c; European Council 2015c; European Commission 2015a). On 11 and 12 November, a "Valletta summit on migration" was held between European and African Heads of State and Government, to strengthen cooperation and address challenges and opportunities of migration (European Council 2015e). Reports from the summit clearly emphasized that migration is a "shared responsibility of countries of origin, transit and

destination" (European Council 2015e). They agreed on a European Commission plan to spend up to €1.8 billion aimed to help foster stability in African regions and to contribute to better migration management (European Commission 2015a).

Right after the summit, in a European Council meeting on 12 November, the European Council president, Donald Tusk, warned that the Schengen agreement was on the brink of collapsing unless more was done to stop the flow of refugees coming into EU (Barigazzi 2015). As the leaders were meeting at the Valetta summit, Sweden announced it would reinstate border controls, right after Slovenia started building a barbed-wire fence along its border with Croatia (Barigazzi 2015).

The disagreements on the distribution of refugees were further fractured after the terrible terrorist attack that took place on 13 November 2015 in Paris. In regard to the attacks, the High Representative for Foreign Affairs and Security Policy, Federica Mogherini, stated at a Foreign Affairs Council on 16-17 November 2015:

> Challenges in Syria, challenges today in France, in Europe, are common challenges: security there means security here. No confusion must be made between the issue of migration and refugees, and terrorist threats, as those who are seeking the EU protection are escaping from the very same threat we are facing (Council of the EU 2015a).

A public debate about migration and terrorism was however triggered by the attacks, even though there were no clear links. Poland's incoming conservative government announced that in the wake of the attacks, they would only accept refugees if they had security guarantees, and that they would no longer accept relocated refugees (DW News 2015c). Poland's nominee to be European affairs minister, Konrad Szymański, stated:

> The European Council decision criticized by us to relocate refugees and migrants in all EU countries still has the status of binding EU law. But in light of the tragic events in Paris, we see no political possibility of carrying them out. Poland must retain full control over its borders, over asylum and migration policies (Barigazzi and Burchard 2015).

The prime minster of Slovakia stated: "We have been saying that there are enormous security risks linked to migration", and he further stated "Hopefully, some people will open their eyes now" (Koren 2015). The responses by France, Belgium and Italy were to increase security at

their borders (Barigazzi and Burchard 2015). Thus, a pressure was put on both the increasingly fragile Schengen agreement and the relocation schemes.

The pressure on the relocation schemes became clear when updated figures on the relocation schemes 30 November 2015, revealed that only 14 member states had made available 3,346 places for relocation, out of the 160,000 planned places (ICMPD 2015). In addition, on 2 December, Slovakia filed a lawsuit at the CJEU against the EU's decision to redistribute 160,000 asylum seekers among member countries (DW News 2015b). Hungary did the same the day after[2] (DW News 2015b). As of 18 January 2016, only 332 persons in clear need of international protection had been transferred from Italy (240) and Greece (82) to eight member states (UNCHR 2016).

The strenuous and long processes of reaching an agreement on the relocation schemes reflected certain member states' lack of support for receiving refugees. The European Commission on the other hand, and notably the European Parliament, were consistent on showing support to burden sharing and had a much more comprehensive approach to the distribution of refugees.

In a question asking why the TPD was not activated in regard to Syrian refugees in 2015, the Council referent replied:

> From what I understand, some of the arguments were that the influx wasn't as massive as it was already expected now from the start. There were different countries between the region and the European Union was in a neighboring country. But of course, there's also speculation that it was easier for instance for Poland to accept this time, because they have such strong historical ties and a very big Ukrainian diaspora, for instance in Poland, but also the other neighboring countries. I guess these were elements that played a role then.

The Council interviewee in other words emphasizes that the influx of refugees in 2015 was perhaps not big enough for the EU to believe that the TPD was the right measure to activate. This supports the argument presented in the literature review chapter, that because it was

---

[2] The actions brought by Slovakia and Hungary were dismissed by the CJEU in September 2017 (Court of Justice of the European Union 2017).

difficult to define what a mass influx is, the threshold for activating the TPD becomes higher. In addition, the interviewee emphasizes the Central European countries' shift in interests for accepting refugees from 2015 to 2022.

The Commission interviewee was also asked the same question, and the interviewee emphasized EU's relations with Turkey:

> What did happen, from one day to another, is that Turkey allowed those migrants that were there back then, residing in Turkey, and it's true that Turkey that back then was the highest holder of refugees from Syria, to allow these migrants to move to Europe. Since then, we signed up the EU-Turkey agreement, we provided some financial support for Turkey to make sure that those Syrian refugees that were residing in Turkey would also have some basic facilities, basic rights, basic support, some internal promise to safeguard its borders. But back in 2015, they did not. So, it was one way in another, sort of almost, I don't want to call it cruel, but it was an explicit decision of Turkey to OK, go ahead let's see what happens. So, in a way, if it was not a public perception, it was of course politicians knew that this was going on. So, they knew that there were a lot of factors at play, including geopolitical, also maybe some economic financial factors, that basically caused this to happen. Back then we were not so sure that the situation we are facing right now is actually the one the directive was made for (Commission referent 2023).

This response suggests that the activation of the TPD in 2015 was hindered by several factors. Firstly, Turkey allowing migrants to pass through its borders to reach Europe created a challenge for EU-decision makers, potentially influencing their reluctance to activate comprehensive migration policies, such as the TPD. The response also further points to that the lack of clarity regarding the criteria for defining a mass influx, perhaps hindered the activation of the TPD.

6.1.4 Summarizing of the Syrian refugee crisis

Following the Lampedusa incident, the EU directed its efforts toward addressing the impending refugee crisis. While the European Parliament initiated discussions on the TPD as early as April, there is no evidence to suggest that the Commission or the EU Council took these deliberations into consideration. Instead, alternative policy measures such as the relocation

scheme were adopted. The quest for these schemes reflected the member states', primarily the Central European, reluctancy to accept refugees. As the influx of refugees continued to rise in 2015, the migration issue became polarized, resulting in a fragmented migration response. A number of member states, including those initially more receptive to migration, began implementing border control. To manage the influx of migrants, the EU also embarked on collaborations with external countries, including Turkey. In other words, the TPD only entered the formulation stage in the Syrian refugee crisis, through the European Parliament's initiative.

6.2   The Ukrainian refugee crisis

In the immediate aftermath of Russia's military invasion of Ukraine, the political agenda in the EU consisted of swiftly formulating sanctions against Russia and providing aid to Ukraine's neighboring countries to manage the significant influx of refugees. Initially, the vast majority of refugees entered Ukraine's neighboring countries in the west (Poland, Slovakia, Hungary and Moldova). However, millions of refugees then arrived further west in Europe, causing Europe's largest refugee crisis since the second world war. It quickly became clear that the EU needed to do something to manage the large influx of refugees. In a matter of a week after the military invasion broke out, the Temporary Protection Directive was activated.

In this section, I will first discuss the origins of the Russian invasion of Ukraine. Then I will discuss what was on the political agenda in the EU after Russia had started its military invasion of Ukraine, and the subsequent policy formulation process which ultimately led to the activation of the Temporary Protection Directive.

6.2.1 First phase: EU's immediate reactions to the military invasion of Ukraine

The Russian invasion of Ukraine in 2022 has its origins in the long-going political and military conflict between the two countries (Holm-Hansen and Paulsen 2023). The conflict begun in 2013 with an internal dispute over Ukraine's approach to the EU (Holm-Hansen and Paulsen 2023). On the Russian side, there was a focus on promoting cooperation between the countries that had been part of the Soviet Union, as a counterweight to Western international dominance (Holm-Hansen and Paulsen 2023). The EU offered Ukraine an association deal, but the former Ukrainian president, Viktor Janukovytsj, chose a Eurasian economic deal with

Russia instead (Holm-Hansen and Paulsen 2023). This decision was met with strong protests in Kyiv, where several people were killed in clashes with the police and government snipers (Holm-Hansen and Paulsen 2023; Ray 2023). A deal between Yanukovych and the parliamentary opposition leaders was agreed on, in which the president was supposed to hold office until a new presidential election was supposed to be held (Ray 2023). However, president Yanukovych fled the country in February 2014 (Council on Foreign Relations 2023). One month later, in March, Russian troops seized control of the Ukrainian region of Crimea. The Russian president Putin cited the need to protect the rights of Russian citizens in Crimea and southeast Ukraine (Council on Foreign Relations 2023). Through an unrecognized referendum, Russia then annexed Crimea on 18 March 2014 (Holm-Hansen and Paulsen 2023). The conflict expanded in April 2014 when Russian forces and local proxy groups seized control of territories in Ukraine's Donbas region (Ray 2023). By the end of July 2014, the EU and the U.S. increased sanctions on Russia (Ray 2023). In the course of seven years, over 14 000 people were killed in fighting in the Eastern region of Ukraine (Ray 2023).

Between October and November 2021 Russia began a massive buildup of troops and military equipment along its border with Ukraine (Ray 2023). The conflict then sharply escalated on 24 February 2022, when Russia launched a full-scale invasion of Ukraine (Ray 2023). As Russia indiscriminately targeted civilian populations with rockets and artillery strikes, millions of people fled the war (Ray 2023). The majority of those fleeing the war went to Poland, Hungary, Moldova or Slovakia (Connolly and Rankin 2022). As the ques were getting longer on the borders of Poland, Polish authorities stated they would make the entry as straightforward as possible (Connolly and Rankin 2022). While others, especially those that had relatives elsewhere in Europe tried to reach the EU (Connolly and Rankin 2022).

The EU swiftly responded to the Russian invasion of Ukraine by strongly condemning the military aggression and releasing several packages of sanctions against Russia. On the first day of the military invasion of Ukraine, the Commission president, Ursula von der Leyen made a press statement condemning what she called "a barbaric attack and the cynical arguments to justify it" (European Commission 2022a). The president further stated that the EU and its people stand by Ukraine and its people, and that Russia is not only targeting Ukraine but also the stability in Europe and «the whole of the international peace order" (European Commission 2022a).

The Commission interviewee also described the events on the 24 February, and the sense of urgency that took place in the EU:

> Immediately on the day of 24th, we realized it's a serious breach of international order and the security regime we had on the European continent. We had a massive invasion of Ukraine, that triggered a big movement, first internally displaced people in Ukraine, but then mostly through Poland, but also through Moldova and Romania (…). In a few days, starting on 24th, Kyiv was under attack, and it was not so obvious that the country would sustain, and the magnitude of the refugee wave that we would face (Commission referent 2023).

The European Council also held a Special meeting on 24 February, where they agreed on several conclusions on "Russia's unprovoked and unjustified military aggression against Ukraine" (European Council 2022b). The first conclusion involved the statement that:

> The European Council condemns in the strongest possible terms the Russian Federation's unprovoked and unjustified military aggression against Ukraine. By its illegal military actions, Russia is grossly violating international law and the principles of the UN Charter and undermining European and global security and stability. The European Council underlines that this includes the right of Ukraine to choose its own destiny. Russia bears full responsibility for this act of aggression and all the destruction and loss of life it will cause. It will be held accountable for its actions (European Council 2022b).

The Special European Council also agreed on sanctions against Russia which targeted several sectors, including Visa policy and Russian individuals (European Council 2022b). In addition, the European Council president, Charles Michel, stated that the meeting was an opportunity for them to condemn the war and to affirm the unity of the EU and the member states, and to trigger sanctions (European Council 2022c). The European Council also called for taking forward the work on "preparedness and readiness at all levels" and invited the Commission to put forward contingency measures (European Council 2022b).

As reports emerged of explosions in Kyiv and the Donetsk region and numerous deaths, tens of thousands of people were fleeing their homes, leading to congested expressways and

people seeking shelter (BBC 2022). The UN refugee agency stated on the first day of the Russian invasion, that around 50,000 people had fled Ukraine (UNCHR 2023).

Russia's invasion of Ukraine evoked widespread global condemnation (Al-Jazeera 2022c). The prime minister of Poland, the largest recipient of refugees from Ukraine, demanded immediate reaction to Russia's aggression on Ukraine, stating that the European Council should "approve the fiercest possible sanctions" (Al-Jazeera 2022c). The Guardian interviewed Lithuanian, Slovak, Latvian, Estonian, Romani and Polish citizens who all expressed a concern that their home countries would be the next victims of Russia's invasion (Obordo and Bannock 2022). The security dimension was echoed by NATO's general secretary, Jens Stoltenberg, who that the attack "puts at risk countless civilian lives", describing it as a "grave breach of international law, and a serious threat to Euro-Atlantic security" (Al-Jazeera 2022c). The Russian president, Vladimir Putin, ignored the global condemnation and issued threats warning of unprecedent consequences for any nation attempting to intervene (Al-Jazeera 2022c).

Align with Poland's prime ministers demand, the day after the invasion, an extraordinary Foreign Affairs Council was held, which in sign of immediate support for Ukraine launched "the most hard hitting package" of sanctions that the EU had ever implemented against Russia (Council of the EU 2022b). The sanctions covered several sectors, such as the financial and energy sector (Council of the EU 2022b). At a press conference in accordance to the extraordinary Council, the high representative of the Foreign Affairs Council, Josep Borrell, stated "you have never seen the European Union acting so quickly." (Council of the EU 2022d).

On 27 February, the European Council president, Charles Michel, made an addressment to the Ukrainian people, stating that the Ukrainians are the victims of the war, and that the war is Putin's war and not the Russian people's war (European Council 2022a). Michel further stated that the EU stands by Ukraine, "not just with words, but with concrete and immediate action", referring to sanctions and the delivering of military equipment (European Council 2022a). The president also lauded the Ukrainian people for their bravery to defend their country and made it clear that the democracy of the whole of Europe is under attack

(European Council 2022a). He followed this message up by stating: "that is why we in the EU have a political and moral duty to rise to this historic challenge» (European Council 2022a).

On this day, it was reported that at least 368,000 people had already fled the war in Ukraine, and that 4.5 million could follow if the fighting spread (Connolly and Rankin 2022). The majority were fleeing to Poland, Romania, Hungary, Slovakia or Moldova (Connolly and Rankin 2022). However, at this point in time, people, especially those with relatives in Europe, started to make their way to other destinations across the EU (Connolly and Rankin 2022). As a response, train operators across several European countries started offering free rail transport to Ukrainians (Carroll 2022).

The European civil society also came together in a powerful display of unity to stand in solidarity with Ukraine. All over the world, in cities across the world, from Berlin to Washington, hundreds of protesters took to the streets to demand the end of the war (Al-Jazeera 2022b).

Also on the member states' side, media started reporting on potential 'double standards' in the way Ukrainian refugees were portrayed by European leaders and journalists compared to other nationalities (Al-Jazeera 2022a; Bathke 2022; Hellyer 2022). The Bulgarian President, Rumen Radev, stated, about Ukrainian refugees, that "These are not the refugees we are used to… these people are Europeans. These people are intelligent, they are educated people." (Bathke 2022). In addition, the Hungarian prime minister was accused of double standards, because he considerably changed his response to refugees after Russia's invasion of Ukraine. Just two months after he had stated that Hungary wouldn't let any refugees in, the prime minister told in the wake of Russia's invasion of Ukraine that: "We're letting everyone in», referring to Ukrainian refugees (Bathke 2022).

In the media, the BBC hosted Ukraine's former deputy general prosecutor, David Sakvarelidze, who stated "It's very emotional for me because I see European people with blonde hair and blue eyes being killed every day with Putin's missiles and his helicopters and his rockets" (Al-Jazeera 2022a). On France's most watched cable news channel, journalist Philippe Corbe said: "We're not talking here about Syrians fleeing the bombing of the Syrian regime backed by Putin, we're talking about Europeans leaving in cars that look like ours to

save their lives." (Al-Jazeera 2022a). These statements were heavily criticized in social media (Al-Jazeera 2022a).

This came alongside accusations of discrimination by Ukrainian and Polish authorities, against non-Ukrainians trying to flee the war in Ukraine and make border crossings. Newspapers reported that non-Ukrainian refugees in Ukraine, such as black Africans, Indians and Syrians were being blocked from fleeing to safety (Bathke 2022; White 2022). The events were later, in March 2015 condemned by the UN Special Rapporteur on contemporary forms of racism, Tendayi Achiume, who expressed "grave concerns" about the racist threats and xenophobic treatment against non-white people fleeing Ukraine (United Nations 2022). The events were also addressed at a press conference in the EU on 27 February, when a journalist forwarded a question to the High Commissioner for Home Affairs, Ylva Johansson, asking:

> Isn't it time to step up an add the same standards towards migrants that are white, and
> Christians, and migrants who are non-white and non-Christians? There have been
> racist incidents on borders(...). If you are aware of that, what are the measures you are
> taking to prevent that? (Council of the EU 2022e).

Ylva Johansson however stated that the EU would not discriminate, replying:

> All people that need to flee from the war in Ukraine should be welcome to the
> European Union. There are third country nationals that have been staying as a student
> for example in Ukraine, if they come to the EU, we stand ready to help them to get
> back to the country of origin (Council of the EU 2022e).

6.2.2 Second phase: Formulating policy and activating the TPD

A few days in of the Russian invasion of Ukraine, the issue of addressing the substantial number of refugees arriving in the EU was officially put on the political agenda in the EU. An extraordinary Justice and Home Affairs Council was held on 27 February, where ministers discussed responses to the war in Ukraine. The French presidency decided to fully activate the EU Integrated Political Crisis Response (IPCR) arrangements, "in order to monitor the situation, coordinate solidarity measures and involve all relevant actors" (Council of the EU 2022c). The IPCR was also activated in regard to the 2015 refugee crisis in November 2015. On the matter of reception of refugees, it was stated that "Reception capacity has been made available in several Member States, in particular in the countries bordering Ukraine", and that

"ministers had expressed their readiness provide support, under EU coordination, to member states which request it" (Council of the EU 2022c). The ministers also discussed the possibility of establishing an appropriate temporary protection mechanism for the reception of Ukrainian refugees (Council of the EU 2022c).

In a press conference in connection to the JHA Council, the Commissioner for Home Affairs, Ylva Johansson, stated that they had a good discussion on the TPD, and that it was broadly welcomed by the ministers in the Council (Council of the EU 2022e). She further stated:

> Already around 300 000 are here. Most of them have a biometric passport, meaning they can stay visa-free for 90 days. Most of them are being absorbed by their relatives, and a limited number has applied for asylum, but things will change. We need to be prepared for a much higher number of people trying to come and they should be welcomed to the EU. And that's why I think it's time now to activate the TPD to support the Ukrainians (Council of the EU 2022e).

Johansson also said that the Commission planned on proposing the TPD in a few days (Council of the EU 2022e). Thus, the TPD officially entered the stage of policy formulation.

The European Parliament welcomed the Commission and the Council's commitment to activate the TPD and to provide immediate access to protection "to all refugees from Ukraine", in an extraordinary plenary session on 1 March (European Parliament 2022).

Thus, the TPD was already discussed and broadly supported by both the Commission, the Council and the European Parliament before it was formally proposed (Council of the EU 2022e). It also seemed like the Commission was the main advocate for the TPD and that the support from certain member states was important, as the Council referent stated:

> The Commission was already, right from the start, quite vocal on the fact that this would really qualify as a mass influx, as it is described in the in the directive. I think also there was quite some support already from the neighboring countries as well to do something in this regard. And I think also this political will and also maybe public support from these neighboring states helped getting minds ready to activate.

The European Commission formally proposed the TPD on 2 March 2022 (European Commission 2022b). More concretely the Commission made a proposal for a Council

implementing decision, whereby the Council needed to establish the existence of a mass influx of displaced persons from Ukraine and other third-country nationals and stateless persons legally residing in Ukraine at the time of the conflict, and thereby introduce temporary protection (European Commission 2022b). In regard to the proposal, the president of the European Commission, Ursula von der Leyen, stated:

> Europe stands by those in need of protection. All those fleeing Putin's bombs are welcome in Europe. We will provide protection to those seeking shelter and we will help those looking for a safe way home (European Commission 2022c).

In the proposal, the reasons, and objectives for proposing the TPD is stated. First of all, the proposal of the TPD is presented as the response to the European Council's calls for «work to be taken forward on preparedness at all levels" and its condemnation of Russia's invasion of Ukraine. It is further stated that the EU is directly impacted by the war on its external borders, notably through migration from persons seeking protection in the EU. In addition, Ukraine's Visa deal is highlighted. The proposal states that Ukraine is a Visa-free country for entry into the EU, and that it is expected that half of the Ukrainians coming to the EU, "benefitting from visa-free travel", will join family members or seek employment in the EU, while the other half "may request international protection». Because of this Visa-deal, the proposal emphasized that this regime allows Ukrainian to freely choose the member state they want to apply for temporary protection. The proposal further suggested that the EU would host between 2.5 million and 6.5 million persons and that between 1.2 and 3.2 million "may seek international protection". With these figures, the proposal argues that the EU is likely to face a situation of a mass influx from Ukraine.

The proposal then argues that in response to this situation (the points represented), the TPD was proposed and brought forward to the Council.

Another reason given is that temporary protection would benefit the member states concerned by the mass influx, to prevent the asylum systems to be overwhelmed, by reducing formalities to a minimum because of the urgency of the situation (European Commission 2022b, 3). Furthermore, the proposal argues that the TPD will "promote a balance of efforts between the Member States bearing the consequences of receiving displaced persons from Ukraine» (European Commission 2022b, 3).

The Commission interviewee argued that the TPD was triggered because of the scale of refugees, the military conflict, but also to safeguard the asylum systems in Europe:

> I think was both the scale of the mass influx that was perceived, and also the fact that the reason for the influx being the war, meant that the argumentation to trigger the TPD was easily there, as the actual military conflict leading to this being a direct consequence of this wave (…). When triggering the TPD, you allowed for fast-track procedures and very limited administrative work before the actual status was granted.

When it came to the personal scope of the TPD, this included Ukrainian nationals residing in Ukraine who are displaced as of 24 February 2022; third-country nationals or stateless persons legally residing in Ukraine who are displaced as of 24 February "who are unable to return to their country or region" and TCNs who are long term residents in Ukraine; and family members of the mentioned two categories (European Commission 2022b). The proposal leaves it open for member states whether to consider including people holding refugee status or a pending asylum application in Ukraine. However, non-Ukrainian TCNs or stateless persons who are able to return to their country of origin, and who cannot be considered long-term residents in Ukraine, does not fall under the scope of the proposal. These persons could be students or people working on a short-term basis, and the proposal states they should be admitted by member states into the EU on "humanitarian grounds" without requiring travel documents and should ensure "safe passage" to their country of origin. The duration of TPD was, as stated in the Directive, one year and could be extended automatically by six monthly periods for a maximum of one year.

The Temporary Protection Directive was finally adopted unanimously by the Council only two days after the Commission proposed the TPD, on 4 March (Council of the EU 2022a). Thus, the Council had established the existence of a mass influx of displaced persons into the EU. The UN's High Commissioner for refugees, Filippo Grandi, tweeted that the response from the EU to offer TPD refugees fleeing Ukraine was unprecedent, and encouraged the swift and broad application that would give millions immediate protection (Grandi 2022).

When asked about the process leading up to the Council's decision, the Council emphasized that the negotiations on the TPD went quickly:

It actually went really, really, really fast. And I think a lot of people thought that the activation of the TPD would never happen again, and it was not without reason that the Commission decided to retract the whole directive when they proposed their new pact and their crisis and force majeure regulation. So, I think it, but it always existed, I think in the back of minds of people still (…). We had an extra Coreper in the Council to negotiate the Council decision. It was within, I think in a couple of days it was all fixed.

It also seemed like the process of reaching a unanimous vote in the Council went by without any resistance. The only issue that needed to be discussed before the Council decided to activate the TPD was the personal scope of the directive. In a question to the Council interviewee about whether the Council encountered any challenges when activating the TPD, the referent replied:

No, I'd say it was quite a smooth process. I think I already touched upon two things that were sort of a discussion still and that was the personal scope. So, should it only be Ukrainians, or should there be third country nationals? Should this be persons with a permanent status in Ukraine or also maybe a temporary status. Because there was immediately media coverage that there were foreign or third country national students for instance, blocked at the borders etc. So that sort of made the discussion a little bit more difficult.

The personal scope of the TPD was in fact something that changed from the Commission proposal to the Council Decision. The Council decision extended the personal scope of the TPD to non-Ukrainian third country nationals who benefit from international protection or "equivalent national protection" in Ukraine (Council of the EU 2022a). However, the Council Decision provides an option for member states to either apply temporary protection or "adequate protection under their national law" to stateless persons and non-Ukrainian third-country nationals who can prove legal residence (Council of the EU 2022a).

The Council Decision does however state that it is "appropriate to provide for the protection" to these persons, but the member states are not obliged to, and can therefore exclude third country nationals and stateless persons who have fled Ukraine from the scope of temporary protection. The decisions on the personal scope may have been a decisive issue for the Council, as according to Politico, the changes in the Council Decision were made at the

request of Poland "and several other countries" (Barigazzi 2022). However, the High Commissioner for Home Affairs, Ylva Johannson, argued that the unanimous decision on TPD was more important than adopting the original proposal through a qualified majority (Barigazzi 2022). Furthermore, she stressed that non-Ukrainian citizens who have long-term residency permits in Ukraine should still be covered (Barigazzi 2022).

Another change that occurred in the Council Decision was the exclusion of article 11 of the TPD, which meant that the beneficiaries were granted the right to move freely between the member states (Council of the EU 2022f). This was proposed to support the member states who were the main entry points of the mass influx of displaced persons fleeing war from Ukraine, and to promote a balance of effort between the member states (Council of the EU 2022f).

In addition to the support from the Commission and the member states, the Council interviewee, emphasized that the EU-Ukraine Visa deal facilitated its activation:

> (…) And of course, something that was already eminent from the start is that this group of people, they could already enter the union without a visa. So, I think the combination of that also helped in trying to, I don't know regulate a little bit what was coming our way that helped the decision making.

It can be argued that one of the reasons for why the TPD was never activated in regard to other refugee flows, was because it was difficult to secure a qualified majority vote in the Council in the face of an influx which only seriously affected a limited number of member states. In the beginning of the invasion of Ukraine, most displaced persons fled to four member states, Poland, Hungary, Slovakia and Romania. But this did not prevent the activation of the TPD. In regard to this, the Council referent was asked whether this was something that was talked about when the EU negotiated the TPD. The interviewee replied:

> Well, of course it made it already quite clear that since the neighboring countries were starting to get in favor of activating, this would be something they needed most and I think there was I guess, in finding QMV before it was also these four member states, maybe not all but some of these member states that would be not in the qualified majority. So, to have them included already and to have them favor this activation, I think helped finding the needed support in the Council.

This response suggests that the support from specific member states played a crucial role in garnering the necessary support for the activation of the TPD in 2022, and that these states hindered the implementation of migration policies earlier.

The interview with the Council interviewee also made it clear that the TPD is likely to be applied to address similar instances of refugee waves:

> I think we've already had some discussions within the Council. And from what I hear many member states now after activation of the TPD. I think we should at least first evaluate how it worked in practice this time and maybe have some lessons and see if we should perhaps amend the directive, but I think there's a majority within the council that would be in favor of keeping the TPD.

The Commission interviewee echoed this answer and stated: "It's not only that I think it will be used, but I know".

The confirmation of the TPD's importance was reinforced by Home Affairs Commissioner Ylva Johansson's remarks in an interview with Euractiv. On 26 April 2023, Johansson told that "the failure to use the TPD in 2015 was the wrong decision" (Brzozowski 2023). Reflecting on the EUs response to the Ukrainian refugee crisis, she also stated: "if you had asked more than a year ago if we would be able to manage a situation where we have millions and millions of refugees coming into the EU, I would have doubted that – but we did.» (Brzozowski 2023). She further stated:

> When I took office as a commissioner, we were in a situation where the whole migration policy area was blocked and a bit toxic and very difficult to deal with. My main task from Commission President Von der Leyen was to unblock it and to find a way to deal with migration and migration management in an orderly way (…). On Thursday morning, when the invasion started, we woke up to see the scale was larger than what we had expected," she said, recalling that 40-50,000 Ukrainian refugees crossed into the EU on the first day.

Referring to the initial hesitancy of the most affected member states in 2022, who questioned the feasibility of implementing the TPD, Johansson stated: "It was then that I also remember the refugee crisis we had in 2015, where we didn't activate the Temporary Protection Directive,

which I think was a wrong decision". Furthermore, when she was asked whether those solutions could be translated into future migration crises, Johansson said: "Definitely, when all member states work together, with the Commission, with our agencies – God we are strong – we can do a lot, we can handle a lot – this is the most important lesson learned".

Josep Borrell, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the European Commission, also recently reflected on the EU's effective response to the Ukrainian refugee crisis at a State of the Union conference stating that: "The war has united us, and there is nothing that can unite EU more than an enemy, a threat. The feeling of facing a real, existential threat has united us more than any speech, any theoretical approach about the need of integration and has united also the West" (EUI TV 2023). This response highlights that the EU was able to effectively address the Ukrainian refugee crisis due to the presence of a security threat.

6.2.3 Summarizing the Ukrainian refugee crisis

In response to Russia's invasion of Ukraine, the EU swiftly condemned the aggression, implemented stringent sanctions against Russia, and extended support to Ukraine. The escalating influx of refugees arriving from Ukraine into the EU quickly gained attention on the political agenda. In the EU Council, the TPD was formulated and gained widespread support among member states. The analysis of the EU documents and interviews points to that the Commission had a significant role in effectively communicating that the activation of the TPD was the appropriate response to the refugee crisis. In addition, certain member states' shift in responses to migration, also facilitated the activation of the TPD. Subsequently, the Commission put forward a proposal to activate the TPD on 2 March 2022, and it was adopted through a unanimous vote in the EU Council just two days later, on 4 March. The Council's decision to exclude non-Ukrainian third-country nationals and stateless persons from the personal scope of the TPD potentially reflects member states' preference for specific refugee groups.

This analysis has provided a foundation for discussing the reasons behind the non-activation of the Temporary Protection Directive in 2015 for Syrian refugees and its subsequent activation in 2022 for Ukrainian refugees.

7. Discussion – Why is the TPD applied now, and not then?

Building upon the data collected through the document analysis and interviews, I am now equipped to conduct a comprehensive examination of the research question. This chapter will discuss the empirical findings and aim to assess their alignment with this study's theoretical framework, while also identifying any potential shortcomings or gaps within these theories. With this analytical approach, I am able discuss and unravel the interplay between the different factors that have shaped the activation of the TPD in regard to the 2022 Ukrainian refugee crisis, and the non-activation of the Temporary Protection Directive in regard to the 2015 Syrian refugee crisis.

Prior to the activation of the TPD in the EU for individuals fleeing the war in Ukraine, prevailing opinions among scholars, and even within the European Commission itself, suggested that securing support for the activation of the TPD would be challenging. These concerns encompassed issues such as lengthy procedures within the EU, the vague definition of a "mass influx" as stated in the directive, the difficulty of obtaining a qualified majority vote in the EU Council, and the potential for the directive to act as a pull-factor of migration. With the TPD now in effect, I can examine the validity of these arguments and potentially identify additional factors that influenced the decision-making process in the EU in 2015 and 2022.

7.1 The decisive support from Central Europe

The analysis of the Syrian refugee crisis and the 2022 Ukrainian refugee crisis underscores the significant role played by specific member states in shaping migration policies within the EU.

Understanding the European Commission's decision to not propose the Temporary Protection Directive in 2015 for Syrian refugees is a challenging task. However, the Commission were able to observe the initial reluctance of certain member states to accept refugees, which likely influenced their decision not to propose the TPD. They anticipated a lack of necessary majority support due to the stance of these member states.

The 2015 Syrian refugee crisis brought to light the resistance among Central European member states towards accepting refugees, which was particularly evident during the negotiations of the relocation schemes within the EU. As the details of these schemes were specified, it became evident that certain member states, particularly Hungary, were hesitant to accept refugees. The discrepancy between the Commission's position and that of the member states regarding migration became highly apparent when the Commission stated that the figure of 40,000 refugees represented both the minimum assistance required for Greece and Italy and the maximum number acceptable to EU governments. Czechia, Slovakia, Hungary, and Romania and Poland emerged as the strongest opponents to refugee relocation, demonstrating their unwillingness to receive refugees. The breaking point seemed to have been reached when Slovakia and Hungary filed a lawsuit against the EU's relocation schemes at the CJEU.

The power dynamics between the member states and the European Commission significantly influenced the political agenda within the EU. The Commission carefully evaluated the policy window and took into account the reception of the refugee issue. Recognizing the strong reluctance from certain member states, primarily in Central Europe, the Commission did not consider the TPD as a viable policy option. Similarly, if one of the main receiver states, such as Germany, considered the possibility of requesting the proposal of the TPD, they likely evaluated the political climate and determined that the prevailing political window did not align with the necessary backing for the TPD. This interplay of asymmetric interdependence and disparities in state preferences, as emphasized by the liberal intergovernmentalism perspective, created substantial barriers to the progress of further integration agreements, including the TPD.

The role of certain member states in shaping migration decision-making was underscored by Home Affairs Commissioner Ylva Johansson, who emphasized the divergence between the European Commission and the member states during that period. Johansson characterized the migration policy in 2015 as "toxic" and challenging to handle, potentially referencing the reluctance of member states to accommodate refugees. This observation highlighted the significant impact member states had on shaping the overall migration landscape.

In contrast, when addressing the influx of refugees from Ukraine to the EU in 2022, a notable shift occurred in the position of Central European member states, who had previously been hesitant to receive refugees. It became evident that these states were now strongly in favor of accepting refugees. According to the interviewee from the Council, the support from these member states played a pivotal role, as their endorsement facilitated the necessary backing within the Council. The main reservations regarding the TPD stemmed from the most directly affected states, such as Poland, who sought clarification on its practical implementation.

In summary, national preferences played a significant role in shaping migration policies during the Syrian and Ukrainian refugee crises. The preferences of Central European member states posed obstacles to the activation of the TPD in 2015, while their support became crucial for its activation in 2022. These observations align with the principles of Liberal Intergovernmentalism, which emphasize the central role of government interests and power in shaping the outcomes of European integration.

In the theoretical framework discussed in the chapter, liberal intergovernmentalism was utilized to argue that member states' interests during the two crises were shaped by the extent to which they were affected by the refugee crisis. However, upon closer examination, it becomes evident that this explanation only partially accounts for the activation of the TPD in 2022 and its non-activation in 2015. During the Syrian refugee crisis, certain member states such as Poland, Slovakia, and Czechia, which were not directly impacted by the crisis, were able to adopt a passive stance towards receiving refugees. Given their lack of direct consequences, they could oppose accepting additional refugees. However, Hungary, despite being heavily affected as a transit country in 2015, was also one of the strongest opponents against receiving refugees. This suggests that while proximity to migration routes played a role, it was not the sole determining factor.

The activation of the TPD during the Ukrainian refugee crisis reveals potential new factors that shed light on why it was not activated in 2015. These factors will be further explored in subsequent sections of this chapter. One key question that arises is: Why were Central European states more receptive to migration in 2022?

7.2   Different demographic compositions

Upon analyzing the events that unfolded during the Syrian and Ukrainian refugee crisis, it becomes evident that the demographic composition of the two refugee waves likely played a decisive role in the activation of the Temporary Protection Directive in 2022, and its non-activation in 2015.

When around 50,000 people fled Ukraine on the first day of the invasion of Ukraine, there was widespread recognition that those escaping the war needed protection. This was evident through the rapid and unanimous activation of the TPD. The swift procedures implemented underscored the immediate response to provide assistance. In contrast, when a growing number of refugees began seeking refuge in Europe from the war in Syria in 2015, a comparable level of support for giving these refugees protection was not evident. The analysis may reveal that the different demographic compositions played a significant role in shaping this disparity in response between the two crises. I will now highlight examples from the analysis to discuss the role of demographics in understanding why the TPD was activated in 2022 and not in 2015.

During the Syrian refugee crisis, Poland, Slovakia, Czechia and Hungary all expressed a strong preference for non-Muslim refugees, and that they would only accept Christian refugees. One of the arguments from Slovakian authorities was that Muslims cannot easily integrate with the majority population. Polish authorities argued that non-Christian refugees could potentially pose a security threat, because it could provide a way for ISIS to infiltrate Europe. These preferences, considering that a significant majority of the Syrian population is Muslim, indicate a general unwillingness of these states to accept Syrian refugees. These attitudes were further amplified following the terrorist attacks in Paris when Poland and Slovakia implicitly associated migration with the attacks, underscoring their desire for stringent security guarantees. These preferences of Central European member states for Christian and non-Muslim refugees contribute to the explanation for their consistent reluctance to receive refugees in 2015. However, when the Ukrainian refugee crisis unfolded, the Central European member states were faced with the task of receiving refugees who were predominantly Christian. Thus, religion was not a barrier to their acceptance and support for the TPD.

The events that unfolded during the 2022 Ukrainian refugee crisis further bolster this argument and explain why these member states were supportive of receiving refugees in 2022, and not in 2015. Certain member states insisted on modifying the personal scope of the TPD to allow for their discretion in deciding whether it should apply to stateless persons and non-Ukrainian third-country nationals who can prove legal residence. According to the Council interviewee, the personal scope of the TPD was an issue that required discussion before the directive's activation. While the directive acknowledges the appropriateness of providing protection to these individuals, member states are not obliged to do so and can exclude third-country nationals and stateless persons fleeing Ukraine from the scope of temporary protection. Although it is challenging to trace which member states supported those changes, Politico reported that the modifications were at the request of Poland «and several other countries». This again demonstrates a reluctance from certain member states to receive refugees that are perceived as dissimilar.

By examining these examples, it becomes evident that religious biases and preferences for specific groups of refugees significantly influenced the EU policy making during the Syrian and Ukrainian refugee crisis. The preferences for refugees that are perceived as dissimilar, highlight that a comprehensive policy, such as TPD, which would grant all refugees protection, would not gain support from these countries in 2015. However, it is important to note that Ukraine and the mentioned Central European member states share other similar traits, such as historical post-Soviet experiences. These shared cultural and historical ties likely intensified their sense of empathy and duty to assist Ukrainian refugees. Conversely, Syrian refugees were seen as dissimilar, and thus, this same level of sympathy was not present. These examples underscore the substantial impact of demographic compositions on shaping Central European support for migration policies.

These findings align with post-functionalist theory, which argues that highly politicized issues can lead to cultural and identity-based divisions, creating challenges for member states to delegate national sovereignty to the EU. In 2015, Central European Member States displayed reluctance to accept dissimilar refugees, hindering the Commission's proposal of the TPD. However, in 2022, when the invasion of Ukraine occurred, Central European member states faced the responsibility of hosting refugees from neighboring countries with perceived cultural similarities. This absence of a cultural cleavage enabled a more coordinated and

comprehensive response among all member states, preventing the politicization of the migration issue. As a result, the activation of the TPD was facilitated.

7.3 Migration was polarized in 2015, not in 2022

The preceding section provides insight into the factors contributing to the Central European member states' reluctance to accept Syrian refugees in 2015, as well as their lack of hesitation in receiving Ukrainian refugees in 2022. However, it is crucial to acknowledge that while the Central European member states were the staunchest opponents of refugee reception in 2015, it does not necessarily imply that other Member States would have supported the activation of the TPD at that time, especially considering the increasing polarization of the migration issue throughout the year. Furthermore, it is important to note that the overall support for receiving refugees from Ukraine was higher among all Member States in 2022 compared to the level of support for refugees in 2015.

During first phase of the 2015 Syrian refugee crisis, member states that expressed willingness to accept refugees may have viewed the TPD as a viable mechanism to address the influx of refugees. However, as the number of refugees continued to rise, the issue of migration became increasingly polarized throughout Europe. The political landscape became marked by profound divisions and a growing wave of anti-immigrant sentiments. In a climate of such intense polarization surrounding migration, the TPD was unlikely to be considered as a viable policy measure by any of the member states.

The initial signs of migration becoming a polarized issue emerged when countries that had initially shown openness to welcoming refugees began implementing border controls. This shift in policy was driven by a concern among governing leaders about losing support to the rising anti-immigrant populist parties, as migration became a high-salience issue in the public discourse. The controversial nature of migration meant that few political parties explicitly advocated for pro-refugee stances. Consequently, the challenge to government policies came from challenger parties, forcing governing parties to adopt stricter approaches to migration in order to prevent the loss of votes to more anti-immigrant parties.

An illustrative example is Germany, which initially demonstrated one of the most open approaches to refugees in Europe, even suspending the Dublin agreement, eventually started

implementing border controls, after Angela Merkel was faced with growing backlash. Merkel's role as a key initiator of the EU-Turkey deal further exemplifies this response aimed at managing and controlling the influx of refugees.

The polarized debate on migration was also reflected in the public reactions to the refugee crisis. On one hand you had a large part of the public across Europe who were deeply dismayed by the news of migrant deaths and participated in pro-refugee's demonstrations. On the other hand, large anti-migrant demonstrations were also mobilizing.

These developments highlight how the politicization of migration influenced the policy responses of national governments. Faced with the need to maintain public support and counter the rise of anti-immigrant sentiments, governing parties felt compelled to be stricter on migration, and introduced measures to control migration. Consequently, regarding this political landscape, the TPD was not considered an option by the Commission or the member states. This again aligns with the post-functionalist theory, which posits that integration can be constrained by the increasing politicization of EU politics, fueled by the rise of especially right-wing populist movements and parties.

In contrast, during the Ukrainian refugee crisis, migration did not become polarized. Although I have argued that the member states have had the main role in shaping the outcome of migration policies, and the activation of the TPD, the analysis also points to that the Commission had a significant opinion-forming role. From the early stages of the negotiations of the TPD, the Commission was clearly communicating that the TPD was the right measure to respond to the refugee flow. This was also echoed by the Council interviewee who stated that the Commission was already from the start vocal that the Ukrainian refugee flow was a mass influx. Although the member states also showed support from the start, these findings point to that the notion that the TPD was the right measure in 2022, was perhaps reinforced by the Commission. The proactive stance set the tone for the Member States, ensuring a coherent and unified approach to the migration issue. As a result, the migration issue did not have the opportunity to become polarized as it did during the Syrian refugee crisis, which facilitated the activation of the TPD in 2022.

Alongside the Commission, the media played a significant role in setting the agenda during the Ukrainian refugee crisis. The differential treatment and narrative framing by the media might have reinforced the perception that providing protection and activating the TPD for Ukrainian refugees was a more intuitive and acceptable response compared to refugees from other nationalities.

Reputable media outlets such as BBC, highlighted the appearance of Ukrainian refugees as blonde with blue eyes, and that these people were not Syrians being bombed by the Putin-backed Syrian regime, but Europeans leaving "in cars that look like ours". These expressions conveyed the notion that because Ukrainian refugees are similar to Europeans, they were deemed more deserving of protection. While these expressions may not reflect the attitudes of all Europeans and the EU leaders involved in negotiating the TPD, the media plays a crucial role in setting the agenda and shaping the public opinion. Media's coverage may have reinforced the notion among Member States that supporting refugees from Ukraine, and implementing a comprehensive policy like the TPD, was the appropriate course of action.

7.4 Different geo-political situations

Another notable difference between the Syrian and the Ukrainian refugee crisis was the varying perceptions regarding security threats. The perception of a security threat against Europe was strongly emphasized during the initial stages of the Russian military invasion of Ukraine. Both the Commission president, Ursula von der Leyen, and European Council president, Charles Michel, unequivocally stated that Russia was not only targeting Europe, but also the stability and democracy of the entire continent. This sentiment was further echoed by NATO Secretary-General Jens Stoltenberg, who highlighted the invasion as a serious threat to Euro-Atlantic security. The neighboring countries of Ukraine, as described in the interview by the Guardian, particularly felt the threat. Citizens from Lithuania, Slovakia, Latvia, Estonia, Romania, and Poland expressed concerns that their own countries could be the next targets of Russia's aggression. This heightened sense of vulnerability may have fostered a greater level of empathy and understanding towards individuals seeking refuge from the war-torn regions of Ukraine. Consequently, the decision to implement policies, such as the TPD, guaranteeing protection for those fleeing the war in Ukraine perhaps felt like a natural response, especially for Ukraine's neighboring countries that felt the proximity of the threat.

Looking at the 2015 Syrian refugee crisis in comparison, the conflicts and war in Syria that refugees fled from, were not perceived as a direct threat against Europe. Consequently, European civil society and EU policy makers did not experience the same level of insecurity and urgency that would have prompted a strong sense of responsibility to address the situation. Without this heightened sense of insecurity, the motivation among policymakers to implement a comprehensive policy like the TPD, diminished.

Furthermore, in the case of the Ukrainian refugee crisis, the nature of the conflict was perceived as more straightforward and easily comprehensible compared to the Syrian refugee crisis. This clarity was evident in Ursula von der Leyen's statement following the activation of the TPD: "All those fleeing Putin's bombs are welcome in Europe. We will provide protection to those seeking shelter and we will help those looking for a safe way home" (European Commission 2022e). This statement vividly depicted the gravity of the conflict situation. In contrast, although the civil war in Syria was equally perilous for those fleeing, the increased complexity and diversity in understanding the causes and dynamics behind the Syrian conflict might have made it more challenging for some Europeans to develop the same level of sympathy and understanding for the Syrian refugees as they had for the Ukrainian refugees.

Furthermore, the Commission interviewee underscored that the Syrian refugee wave was triggered by a civil war, along with additional influencing factors such as EU-Turkey relations, and the fact that Turkey permitted refugees to freely proceed towards Europe.

These findings highlight the role of perceived security threats and the clarity of the conflict situation in shaping attitudes towards refugees. In 2022, the perceived security threat posed by the situation in Ukraine, along with a clear perception of the conflict, generated sympathy, and support for Ukrainian refugees. This, in turn, facilitated support for comprehensive migration policies like the TPD. On the other hand, the origins of the Syrian refugee wave in 2015 were more complex, and the lack of a direct security threat perception might have contributed to a diminished level of sympathy and a different policy response from the EU. The multifaceted nature of the Syrian conflict, combined with various influencing factors,

made it more challenging for Europeans to develop a unified understanding and response to the crisis.

The argument that the activation of the TPD was dependent on the presence of a security threat against Europe aligns with state-building theory, as proposed by Roger Daniel Kelemen and Kathleen McNamara (2022). According to this theory, the uneven development of EU migration and asylum policy stems from the dominance of market logics rather than collective security logics. While common rules have been established regarding migration, they do not grant EU authorities executive power or coercive capacities. The theory suggests that if a collective security threat arises, member states would be more inclined to transfer authority over their borders at the EU level.

During the 2015 Syrian refugee crisis, the war in Syria was not perceived as a direct threat to the EU. Member states were therefore not willing to transfer authority over their border to the EU level. Instead, member states individually dealt with migration and border management. Several countries reintroduced border controls, others refused to relocate refugees, and Germany disregarded the Dublin regulation to accommodate more refugees. Thus, the EU's lack of coercive powers became evident, because they did not have any coercive capacities to prevent this to happen.

In contrast, when the 2022 Ukrainian refugee crisis unfolded, a security threat against Europe was immediately recognized, which perhaps contributed to the member states' willingness to transfer authority over migration policy and border management to the EU. The activation of the TPD ensured that individuals fleeing the war Ukraine were granted protection in all member states, with the freedom to choose the member state where they preferred to submit their applications for temporary protection.

Building on these arguments, the state-building theory can suggest that the TPD was activated in 2022 because of the presence of a collective security threat, whereas TPD was not activated in 2015, due to the absence of such a threat.

The perception of a threat in 2022 was further emphasized by Josep Borrell, the High Representative of the European Union for Foreign Affairs, when he reflected on the EU's

response to the Russian invasion of Ukraine at a State of the Union conference in May 2023, and stated that nothing could unite the EU more than an enemy or a threat.

Neo-functionalist theory on the other hand, would suggest that the lack of EU's authority and coercive capacities would generate pressure on the EU to implement measures like the TPD. The existing integration efforts in migration and border management, such as the Schengen Agreement and the Dublin Regulation, proved to be inadequate in responding to the Syrian refugee wave. Thus, neo-functionalist theory would suggest this would have led to a spillover effect whereby the TPD would have been placed on the political agenda. Therefore, neo-functionalist theory falls short in explaining why TPD was not activated in 2015.

At the same time, neo-functionalist theory is able to explain why the TPD was activated to Ukrainian refugees in 2022. The large number of refugees arriving from Ukraine in 2022, put a pressure on the member states and the EU to find solutions on how to distribute these refugees. Recent histories of migration negotiations in the EU have shown that other existing measures were inadequate to effectively address large refugee flows. In this context, neo-functionalist theory points to that the activation of the TPD would naturally emerge as a viable solution to alleviate the strain on Europe's asylum systems.

7.5   Visa deal and Turkey agreement

The analysis further highlights the influence of other geo-political factors in the Syrian and Ukrainian refugee crises, particularly the significant role played by the EU's Visa deal, which enables Ukrainian nationals to travel within Europe for up to 90 days without requiring a Visa. Both the Council interviewee and the Commision's proposal for the TPD placed considerable emphasis on this deal in terms of regulating and informing the decision-making process. In addition, by granting Ukrainians visa-free travel, it facilitated more Ukrainians to arrive in Europe, which also facilitated the activation of the TPD. Furthermore, the visa-free entry perhaps played a role in shaping perceptions of Ukrainian refugees as being closely connected to European countries and, consequently, deserving of support and protection.

In contrast, the situation for Syrians attempting to enter EU territories legally is challenging. Syrians travel from war-torn areas, where member states often close down embassies, making

it nearly impossible for them to obtain a visa to enter the EU. Furthermore, EU law and the European Convention on Human Rights do not impose an obligation on member states to grant visas to individuals from conflict areas or stateless persons who are seeking asylum upon arrival (FRA 2020). While third-country nationals are able to apply for protection at the external borders, efforts of the EU to externalize its asylum policy to third states like Turkey, makes it difficult to seek asylum in the EU. This had a direct impact on reducing the number of displaced persons arriving in the EU in 2015, and this further complicated the activation of the TPD. The Turkey deal was also something that was emphasized by the Commission interviewee, who stated that the EU signed the EU-Turkey agreement for Turkey to safeguard its borders. During the Ukrainian refugee crisis however, there was no third country for the EU to negotiate deals with, in order to prevent the arrival of asylum seekers and facilitate their return.

7.6   Matching the findings with previous literature

The discussion in this study is able to shed light on the alignment between the findings and previous literature regarding the Temporary Protection Directive.

One of the arguments presented in the literature review, against the activation of the TPD for previous refugee waves was the Directive's vague definition of a "mass influx". However, the swift acceptance of the TPD by both the Commission and the Council, and its activation just two days after its proposal, suggest that determining what qualifies as a mass influx was not a challenging task (Council of the EU 2022e). Nevertheless, it can be argued that the scale of refugees arriving from Ukraine to the EU was so substantial that there was no doubt it could be classified as a mass influx, surpassing the levels witnessed in 2015.

Another argument against the TPD's activation in previous refugee waves was the high threshold for reaching a Qualified Majority Vote in the EU Council (Beirens et al. 2016, 19). However, this also proved not to be an issue during the Ukrainian refugee crisis, as the Council decided to activate the TPD unanimously, only two days after the Commission proposed it, although only a QMV was required to activate it.

Furthermore, concerns were raised in the European Commission's study on the TPD regarding the level of rights associated with its activation and the potential incentivization of more refugees to travel to the EU. However, the fact that all member states were in favor of activating

the TPD indicates that these concerns were not significant enough to prevent its activation. Moreover, the decision not to activate Article 11 in the TPD, which allowed the beneficiaries of the TPD the right to move freely between the member states, shows that member states were not apprehensive about accommodating additional refugees.

The Ukrainian refugee crisis vividly illustrates that concerns related to defining a mass influx, lengthy procedures, a high threshold for achieving QMV, pull-factors, and the level of rights associated with the TPD are not obstacles when there exists political will in the EU to activate the directive. The discussion presented in this analysis has largely pointed to that the TPD was not activated during the Syrian refugee crisis, because there was a lack of political will within the Council and the Commission to activate it.

8.   Concluding remarks and future considerations

This study has aimed to provide an explanation for the non-activation of the Temporary Protection Directive in 2015 regarding Syrian refugees, as well as the subsequent activation in 2022 regarding Ukrainian refugees. Through a comparative case study of the Syrian and the Ukrainian refugee crisis, several key findings have emerged. Literature published prior to the activation of the TPD in 2022, linked the non-activation of the TPD in 2015 to concerns over lengthy procedures, challenges in reaching a Qualified Majority Voting, pull factors, and the level of rights associated with its activation. However, the swift and unanimous activation of the TPD in 2022 demonstrates that the directive was not activated in 2015 due to a lack of political will.

The national preferences of Central European member states played a crucial role in the activation of the TPD. In 2015, these member states displayed significant reluctance to accept refugees, which posed obstacles to the activation of the TPD. In contrast, in 2022, their willingness to accept refugees facilitated its activation. The differing demographic compositions of the Syrian and Ukrainian refugee waves proved to be important factors influencing this shift in attitudes. Central European member states showed a preference for non-Muslim refugees in 2015, leading to their reluctance to accept Syrian refugees. However, in 2022, when predominantly Christian refugees fled Ukraine, these states were open to accepting them. Furthermore, the politicization of migration in 2015, fueled by the rise of right-wing politicians, likely hindered support for the TPD from other member states as well. The Council implementing decision of the TPD further highlighted a preference for specific demographic compositions, by granting member states the discretion to include or exclude third-country nationals and stateless persons from the personal scope. Importantly, while the political will among member states to activate the directive in 2022 was evident from the beginning, this study highlights the significant role of the Commission in reinforcing the perception that the TPD was the appropriate measure to address the Ukrainian refugee crisis. Additionally, the different geopolitical situations in the two crises facilitated varying levels of support for the TPD. The war in Ukraine was perceived as a direct threat against Europe, which facilitated greater support for the activation of the TPD. In contrast, in 2015, the war in Syria was not seen as a direct threat to Europe which prevented similar support for refugees, and the TPD. Moreover, the EU's visa deal with Ukraine facilitated the acceptance and travel of Ukrainian refugees in 2022, while Syrian refugees faced difficulties due to visa restrictions

and externalization efforts through the EU-Turkey deal. This reduction in the number of Syrian refugees arriving in the EU further complicated the activation of the TPD.

What once was concluded as an obsolete measure to cope with big refugee influxes, proved to be a well-equipped measure to address the large influx of refugees arriving from Ukraine. The activation of the TPD represents a noteworthy step towards greater integration in the EU's migration policy. However, the future of the TPD remains uncertain. If the directive is activated in the future, further comparative analysis of its activation will provide valuable insights into the factors facilitating its implementation. Overall, this comparative case study of the Syrian refugee crisis and the Ukrainian refugee crisis has contributed to a deeper understanding of the factors influencing the activation of the TPD.

9.   Literature

Al-Jazeera. 2022a. "'Double standards': Western coverage of Ukraine war criticised." *Al-Jazeera*, 27 February, 2022a. https://www.aljazeera.com/news/2022/2/27/western-media-coverage-ukraine-russia-invasion-criticism.

---. 2022b. "Huge crowds in Europe, US march in solidarity with Ukraine." *Al-Jazeera*, 27 February, 2022b. https://www.aljazeera.com/news/2022/2/27/thousands-attend-ukraine-solidarity-march-in-berlin.

---. 2022c. "World reacts to Russia's attack on Ukraine." *Al-Jazeera*, 24 February 2022c. https://www.aljazeera.com/news/2022/2/24/world-reaction-putin-orders-military-operation-in-ukraine.

Amnesty International, 17 October 2015, "Turkey: Merkel must ensure rights of refugees not cut out of EU-Turkey deal," https://www.amnesty.org/en/latest/press-release/2015/10/turkey-merkel-must-ensure-rights-of-refugees-not-cut-out-of-eu-turkey-deal/.

Anckar, Carsten. 2008. "On the Applicability of the Most Similar Systems Design and the Most Different Systems Design in Comparative Research." *International Journal of Social Research Methodology* 11 (5): 389-401. https://doi.org/10.1080/13645570701401552.

Anghel, Suzana Elena, Ralf Drachenberg, and Stanislas de Finance. 2016. *The European Council and crisis management: In depth analysis.* European Parliamentary Research Service. https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA(2016)573283.

Bajekal, Naina. 2015. "Why the E.U. Is Offering Turkey Billions to Deal With Refugees." *Time*, 19 October 2015. https://time.com/4076484/turkey-eu-billions-dollars-refugee-slow/.

Bąkowski, Piotr, Eva-Maria Poptcheva, and Detelin Ivanov. 2015. *EU migratory challenge. Possible responses to the refugee crisis.* EPRS | European Parliamentary Research Service (European Parliament). https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2015)568312.

Barigazzi, Jacopo. 2015. "Tusk: Schengen at risk of collapse." *Politico*, 11 November, 2015. https://www.politico.eu/article/eu-asks-for-african-help-to-stem-refugee-flow-malta-summit-migration/.

---. 2022. "EU hails 'historic' deal to protect Ukrainian refugees." *Politico*, 3 March, 2022. https://www.politico.eu/article/eu-ministers-historical-deal-protect-ukraine-refugees/.

Barigazzi, Jacopo, and Maia De La Baume. 2015a. "EU forces through refugee deal: Countries outvote Eastern European opponents of plan that relocates asylum-seekers." *Politico*, 21 September 2015a. https://www.politico.eu/article/eu-tries-to-unblock-refugee-migrants-relocation-deal-crisis/.

---. 2015b. "Ministers fail to agree on migration deal." *Politico*, 14 September, 2015b. https://www.politico.eu/article/migration-crisis-schengen-juncker-refugees-orban-asselborn-ec/.

Barigazzi, Jacopo, and Hans Von Der Burchard. 2015. "Countries rethink commitments to accept refugees." *Politico*, 14 November 2015. https://www.politico.eu/article/countries-rethink-commitments-to-accept-refugees-paris-attacks/.

Bathke, Benjamin. 2022. "Ukraine, eastern EU states accused of discriminating against non-Ukrainian refugees." *Infomigrants*, 28 February, 2022. https://www.infomigrants.net/en/post/38831/ukraine-eastern-eu-states-accused-of-discriminating-against-nonukrainian-refugees.

BBC. 2015a. "Demand to open doors to Syrians spreading online." *BBC*, 2 September, 2015a. https://www.bbc.com/news/blogs-trending-34116381.

---. 2015b. "EU leaders agree to relocate 40,000 migrants." *BBC*, 26 June 2015b. https://www.bbc.com/news/world-europe-33276443.

---. 2015c. "Mediterranean migrants: Hundreds feared dead after boat capsizes " *BBC*, 19 April 2015c. https://www.bbc.com/news/world-europe-32371348.

---. 2022. "Ukraine conflict: What we know about the invasion." *BBC*, 24 February 2022. https://www.bbc.com/news/world-europe-60504334.

Beirens, Hanne, Sheila Maas, Salvatore Petronella, and Maurice van der Velden. January 2016. *Study on the temporary protection directive.* (European Commission and Directorate-General for Migration and Home Affairs). https://home-affairs.ec.europa.eu/system/files/2020-09/final_report_evaluation_tpd_en.pdf

Bennett, Andrew. 2004. "Case study methods: Design, use, and comparative advantages." 1, no. 2: 19-55. https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=7d11098671a75e7b289fd65adab2eb236c5cf580.

Bennett, Andrew, and Alexander L. George. 2005. *Case Studies and Theory Development in the Social Sciences*. Cambridge: Belfer Center for Science and International Affairs.

Berglof, Erik, Mike Burkart, Guido Friebel, and Elena Paltseva. 2008. "Widening and Deepening: Reforming the European Union." *The American Economic Review* 98, no. 2: 133-137. https://www.aeaweb.org/articles?id=10.1257/aer.98.2.133.

Bergman, Marjanna, 15 September, 2015, "Mediterranean: Another weekend of tragedy," https://www.unhcr.org/news/news/mediterranean-another-weekend-tragedy.

Biermann, Felix, Nina Guérin, Stefan Jagdhuber, Berthold Rittberger, and Moritz Weiss. 2019. "Political (non-)reform in the euro crisis and the refugee crisis: a liberal intergovernmentalist explanation." *Journal of European Public Policy* 26 (2): 246-266. https://www.tandfonline.com/doi/full/10.1080/13501763.2017.1408670.

Bitektine, Alex. 2008. "Prospective case study design: qualitative method for deductive theory testing." *Organizational research methods* 11 (1): 160-180. https://journals.sagepub.com/doi/pdf/10.1177/1094428106292900?casa_token=t7-88Ys2HCEAAAAA:_nQzFxhVq74WXF5WKH6dU2hlYeTAb9limpt_13gkjSa_UCk kLiwTNDXfjrZbP5kMdP32oEeqQYY1.

Bosse, Giselle. 2022. "Values, rights, and changing interests: The EU's response to the war against Ukraine and the responsibility to protect Europeans." *Contemporary Security Policy* 43 (3): 531-546. https://www.tandfonline.com/doi/full/10.1080/13523260.2022.2099713.

Brekke, Jan-Paul. 2001. "The Dilemmas of Temporary Protection - the Norwegian Experience." *Policy Studies* 22 (1): 5-18. https://www.tandfonline.com/doi/abs/10.1080/01442870120047695.

Britannica. 2023. "Syrian Civil War." Encyclopedia Britannica. Last Modified 19 May 2023. https://www.britannica.com/event/Syrian-Civil-War.

Brzozowski, Alexandra 2023. "EU should have used Temporary Protection Directive before Ukraine, says Johansson." *Euractiv*, 26 April 2023, 2023. https://www.euractiv.com/section/europe-s-east/interview/eu-should-have-used-temporary-protection-directive-before-ukraine-says-johansson/.

Byrne, Andrew. 2015. "Hungary erects border fence to plug migrant flow." *Financial Times*, 17 July 2015. https://www.ft.com/content/68a8244e-2b92-11e5-8613-e7aedbb7bdb7.

Börzel, Tanja A. 2006. "Mind the gap! European integration between level and scope." *Journal of European Public Policy* 12 (2): 217-236. https://www.tandfonline.com/doi/full/10.1080/13501760500043860.

Börzel, Tanja A., and Thomas Risse. 2018. "From the euro to the Schengen crises: European integration theories, politicization, and identity politics." *Journal of European Public*

Policy 25 (1): 83-108.
https://www.tandfonline.com/doi/full/10.1080/13501763.2017.1310281.

Campos, Nauro F., Fabrizio Coricelli, and Luigi Moretti. 2019. "Institutional integration and economic growth in Europe." *Journal of Monetary Economics* 103: 88-104.
https://www.sciencedirect.com/science/article/pii/S0304393218301648.

Carrera, Sergio, Meltem Ineli Ciger, Lina Vosyliute, and Leiza Brumat. 2022. "The EU grants temporary protection for people fleeing war in Ukraine: time to rethink unequal solidarity in EU asylum policy." *Centre for European Policy Studies*.
https://www.ceps.eu/ceps-publications/eu-grants-temporary-protection-for-people-fleeing-war-in-ukraine/.

Carroll, Sean Goulding. 2022. "EU rail companies offer fleeing Ukrainians free travel." *Euractiv*, 28 February 2022. https://www.euractiv.com/section/railways/news/eu-rail-companies-offer-fleeing-ukrainians-free-travel/.

Carrrera, Sergio, Juan Santos Vara, and Tineke Strik. 2019. *The external dimensions of EU migration and asylum policies in times of crisis*. In *Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis*, ed Sergio Carrrera, Juan Santos Vara and Tineke Strik. Cheltenham, UK: Edward Elgar Publishing.
https://www.elgaronline.com/display/edcoll/9781788972475/9781788972475.00007.xml.

Cini, Michelle. 2019. "Intergovernmentalism." In *European Union Politics*, edited by Michelle Cini and Nieves Pèrez-Solórzano Borrogán, 69-82. New York: Oxford University Press.

Connolly, Kate. 2015. "Germany greets refugees with help and kindness at Munich central station." *The Guardian* 3 September 2015.
https://www.theguardian.com/world/2015/sep/03/germany-refugees-munich-central-station.

Connolly, Kate, and Jennifer Rankin. 2022. "More than 360,000 people have fled war in Ukraine so far, says UN." *The Guardian*, 27 Februrary, 2022.
https://www.theguardian.com/world/2022/feb/27/more-than-360000-people-fled-war-ukraine-so-far-un.

Council of the EU. 2015a. "Foreign Affairs Council, 16-17 November 2015." Last Modified 17 November 2015. https://www.consilium.europa.eu/en/meetings/fac/2015/11/16-17/.

---. 2015b. "Justice and Home Affairs Council, 8-9 October 2015." Last Modified 9 October 2015. https://www.consilium.europa.eu/en/meetings/jha/2015/10/08/.

---. 2015c. "Justice and Home Affairs Council, 9 November 2015." Last Modified 9 November 2015. https://www.consilium.europa.eu/en/meetings/jha/2015/11/09/.

---. 2015d. "Relocation of 40 000 refugees from Greece and Italy agreed by Council." Last Modified 14 September 2015. https://www.consilium.europa.eu/en/press/press-releases/2015/09/14/jha-relocation-refugees/.

---. 2022a. Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection. In *ST/6846/2022/INIT*.

---. 2022b. "Extraordinary Foreign Affairs Council, 25 February 2022. Main results.". Last Modified 25 February 2022. https://www.consilium.europa.eu/en/meetings/fac/2022/02/25/.

---. 2022c. "Extraordinary Justice and Home Affairs Council, 27 February 2022." Last Modified 27 February 2022. https://www.consilium.europa.eu/en/meetings/jha/2022/02/27/.

---. 2022d. "Foreign Affairs Council." Press conference. https://video.consilium.europa.eu/event/en/25548.

---. 2022e. "Photos and videos: Extraordinary Justice and Home Affairs Council. ." [Video of press conference]. https://www.consilium.europa.eu/en/media-galleries/jha/2022-02-27-jha/?slide=1.

---. 2022f. Proposal for a COUNCIL IMPLEMENTING DECISION establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC of 20 July 2001, and having the effect of introducing temporary protection: Statement of the Member States. In *2022/0069(NLE)*.

---. 2022g. "Ukraine: Council unanimously introduces temporary protection for persons fleeing the war." Last Modified 4 March 2022. https://www.consilium.europa.eu/en/press/press-releases/2022/03/04/ukraine-council-introduces-temporary-protection-for-persons-fleeing-the-war/.

Council of the EU, and European Council. 2023. "Infographic - EU temporary protection for displaced persons." Last Modified 23 March 2023.

https://www.consilium.europa.eu/en/infographics/temporary-protection-displaced-persons/.

Council on Foreign Relations. 2023. "War in Ukraine." Last Modified 16 March 2023. https://www.cfr.org/europe-and-eurasia/ukraine.

Court of Justice of the European Union, 6 September 2017, "Judgment in Joined Cases C-643/15 and C-647/15: Slovakia and Hungary v Council " Press release No 91/17, https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-09/cp170091en.pdf.

Dalhuisen, John. 2015. "Greece: Humanitarian crisis mounts as refugee support system pushed to breaking point." Amensty International. Last Modified 25 June 2015. https://www.amnesty.org/en/latest/news/2015/06/greece-humanitarian-crisis-mounts-as-refugee-support-system-pushed-to-breaking-point/.

Dernbach, Andrea. 2015. "Germany suspends Dublin agreement for Syrian refugees." *Euractiv*, 26 August, 2015. https://www.euractiv.com/section/economy-jobs/news/germany-suspends-dublin-agreement-for-syrian-refugees/.

Dimitriadi, Angeliki. 2015. "Europe's dubious response to the refugee crisis." Hellenic Foundation for European & Foreign Policy. https://www.eliamep.gr/wp-content/uploads/2015/09/ELIAMEP-Thesis-1-2015_Ang.Dimitriadi1.pdf.

Dunai, Marton. 2015. "Hungary to fence off border with Serbia to stop migrants." *Reuters*, 18 June 2015. https://www.reuters.com/article/us-hungary-immigration-idUSKBN0OX17I20150618.

DW News. 2015a. "Germany suspends 'Dublin rules' for Syrians." *DW News*, 25 August 2015a. https://www.dw.com/en/germany-suspends-dublin-rules-for-syrians/a-18671698.

---. 2015b. "Hungary sues EU over migrant quotas." *DW News*, 3 December, 2015b. https://www.dw.com/en/hungary-sues-eu-at-european-court-of-justice-over-migrant-quotas/a-18892790.

---. 2015c. "Poland to stop accepting refugees." *DW News*, 14 November 2015c. https://www.dw.com/en/poland-to-stop-accepting-refugees-after-paris-attacks/a-18850522.

---. 2015d. "Rallies expose EU divide over refugees." *DW News*, 12 September 2015d. https://www.dw.com/en/european-rallies-over-refugees-show-clear-divide/a-18711383.

EEAS. 2017. "Visa-free travel for Ukrainians comes into force." European Union External Action. Last Modified 11 June 2017. https://www.eeas.europa.eu/node/27990_en.

EUI TV. 2023. "5 May. Morning. Salone dei Cinquecento – Palazzo Vecchio." YouTube video on the State of the Union conference, 5 May 2023. https://www.youtube.com/watch?v=ry108c5A_CA&t=3190s&ab_channel=EUITV.

Euractiv. 2015. "Hungary, Austria seal their borders as refugee crisis escalates." *Euractiv*, 16 September 2015. https://www.euractiv.com/section/justice-home-affairs/news/hungary-austria-seal-their-borders-as-refugee-crisis-escalates/.

European Asylum Support Office. 2 February 2016. *Latest asylum trends – 2015 overview.* https://euaa.europa.eu/sites/default/files/public/LatestAsylumTrends20151.pdf.

European Commission. 2015a. "A European Agenda on Migration: 2015 Valletta Summit on Migration." Last Modified 12 November 2015. https://www.consilium.europa.eu/media/21933/euagendafor-migration_trustfund-v10.pdf.

---. 2015b. "European Commission makes progress on Agenda on Migration." Last Modified 27 May 2015. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5039.

---. 2015c. "European Commission Statement following the temporary reintroduction of border controls by Austria, particularly at the Hungarian-Austrian border." Last Modified 15 September 2015. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_15_5648.

---. 2015d. "Joint Foreign and Home Affairs Council: Ten point action plan on migration." Last Modified 20 April 2015. https://ec.europa.eu/commission/presscorner/detail/it/IP_15_4813.

---. 2015e. "Managing migration better in all aspects: A European Agenda on Migration." Last Modified 13 May 2015. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_4956

---. 2015f. "Refugee Crisis: European Commission takes decisive action." Last Modified 9 September 2015. https://ec.europa.eu/commission/presscorner/detail/en/IP_15_5596.

---. 2022a. "Press statement by President von der Leyen on Russia's aggression against Ukraine." Last Modified 24 February 2022. https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1322.

---. 2022b. Proposal for a COUNCIL IMPLEMENTING DECISION establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC of 20 July 2001, and having the effect of introducing temporary protection. In *COM/2022/91*

---. 2022c. "Ukraine: Commission proposes temporary protection for people fleeing war in Ukraine and guidelines for border checks." Last Modified 2 March 2022. https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1469.

---. 2023a. "Common European Asylum System." Accessed 23 May 2023. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.

---. 2023b. "Country responsible for asylum application (Dublin Regulation)." Accessed 23 May 2023. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en.

---. 2023c. "European Border and Coast Guard Agency (Frontex)." Accessed 20 May 2023. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/european-border-and-coast-guard-agency-frontex_en.

---. 2023d. "Global Approach to Migration and Mobility (GAMM)." Accessed 23 May 2023. https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/global-approach-migration-and-mobility-gamm_en.

European Council. 2015a. "Conclusions – 15 October 2015 (EUCO 26/15)." Last Modified 16 October 2015. https://www.consilium.europa.eu/media/21693/euco-conclusions-15102015.pdf.

---. 2015b. "European Council Conclusions - 25 and 26 June 2015." Last Modified 26 June 2015. https://www.consilium.europa.eu/media/21717/euco-conclusions-25-26-june-2015.pdf.

---. 2015c. "Informal meeting of heads of state or government, 12 November 2015." Last Modified 12 November 2015. https://www.consilium.europa.eu/en/meetings/european-council/2015/11/12/.

---. 2015d. "Special meeting of the European Council, 23 April 2015 - statement." Last Modified 23 April 2015. https://www.consilium.europa.eu/en/press/press-releases/2015/04/23/special-euco-statement/.

---. 2015e. "Valletta Summit on migration, 11-12 November 2015." Last Modified 12 November 2015. https://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/.

---. 2022a. "Address to the Ukrainian people by European Council President Charles Michel."
     Last Modified 27 February. https://www.consilium.europa.eu/en/press/press-
     releases/2022/02/27/address-to-the-ukrainian-people-by-european-council-president-
     charles-michel/.

---. 2022b. "European Council conclusions, 24 February 2022." European Council
     conclusions on Russia's unprovoked and unjustified military aggression against
     Ukraine. Last Modified 24 February 2022.
     https://www.consilium.europa.eu/en/press/press-releases/2022/02/24/european-
     council-conclusions-24-february-2022/.

---. 2022c. "Remarks by President Charles Michel following the Special European Council on
     Ukraine." Last Modified 25 February 2022.
     https://www.consilium.europa.eu/en/press/press-releases/2022/02/25/remarks-by-
     president-charles-michel-after-the-special-meeting-of-the-european-council-on-
     ukraine/.

European Parliament. 1999. "Tampere European Council 15 and 16 October 1999: Presidency
     conclusions. ." https://www.europarl.europa.eu/summits/tam_en.htm.

---. 2011. "Joint answer given by Ms Malmström on behalf of the Commission. Written
     questions : E-004243/11, E-004245/11, E-004244/11 " [Parliamentary question to the
     Commission]. https://www.europarl.europa.eu/doceo/document/E-7-2011-004243-
     ASW_EN.html.

---. 2015a. "Parliamentary question - E-013091/2015: Refugees — activating the temporary
     protection mechanism." [Parliamentary question to the Council].
     https://www.europarl.europa.eu/doceo/document/E-8-2015-013091_EN.html.

---. 2015b. "Parliamentary question - P-012552/2015: Humanitarian crisis, mass influx of
     displaced persons, implementation of Directive 2001/55/EC." [Parliamentary question
     to the Council]. https://www.europarl.europa.eu/doceo/document/P-8-2015-
     012552_EN.html.

---. 2015c. "Parliamentary question - P-013051/2015: Refugees — activating the temporary
     protection mechanism." [Parliamentary question to the Commission].
     https://www.europarl.europa.eu/doceo/document/P-8-2015-013051_EN.html.

---. 2015d. "Parliamentary question - P-013051/2015(ASW): Answer given by Mr
     Avramopoulos on behalf of the Commission." [Reply by the Commission to
     Parliamentary question]. https://www.europarl.europa.eu/doceo/document/P-8-2015-
     013051-ASW_EN.html.

---. 2015e. "Report of the extraordinary European Council meeting (23 April 2015) - The latest tragedies in the Mediterranean and EU migration and asylum policies (debate)." https://www.europarl.europa.eu/doceo/document/CRE-8-2015-04-29-ITM-003_EN.html.

---. 2015f. "Resolution on the latest tragedies in the Mediterranean and EU migration and asylum policies." https://oeil.secure.europarl.europa.eu/oeil/popups/summary.do?id=1387923&t=d&l=en.

---. 2016a. "Parliamentary question - E-013091/2015(ASW): Reply." [Reply by the Council to Parliamentary question]. https://www.europarl.europa.eu/doceo/document/E-8-2015-013091-ASW_EN.html.

---. 2016b. "Parliamentary question - P-012552/2015 (ASW): Reply." [Reply by the Council to Parliamentary question]. https://www.europarl.europa.eu/doceo/document/P-8-2015-012552-ASW_EN.html.

---. 2022. "European Parliament resolution of 1 March 2022 on the Russian aggression against Ukraine ". https://www.europarl.europa.eu/doceo/document/TA-9-2022-0052_EN.html.

---. 2023. "Asylum policy." [Fact sheet]. https://www.europarl.europa.eu/erpl-app-public/factsheets/pdf/en/FTU_4.2.2.pdf.

European Union. 2001. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

Eurostat. 2016. "Record number of over 1.2 million first time asylum seekers registered in 2015." Last Modified 4 March 2016. https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6?t=1457087311000.

---. 2023. "Temporary protection for persons fleeing Ukraine - monthly statistics." Last Modified May 2023. https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine_-_monthly_statistics#Who_are_the_people_fleeing_Ukraine_and_receiving_temporary_protection.3F.

FRA. 2020. "Fundamental rights of refugees, asylum applicants and migrants at the European borders." European Union Agency for Fundemental Rights. Accessed 14 May 2023.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-coe-2020-european-law-land-borders_en.pdf.

Genc, H Deniz, and N Aslı Sirin Öner. 2019. "Why not activated? The temporary protection directive and the mystery of temporary protection in the European Union." *International Journal of Political Science and Urban Studies* 7 (1): 1-18. https://dergipark.org.tr/tr/download/article-file/669445.

Gerring, John. 2007. *Case Study Research: Principles and Practices*. New York: Cambridge University Press. https://books.google.no/books?hl=no&lr=&id=CbetAQAAQBAJ&oi=fnd&pg=PR9&dq=case+study+gerring&ots=kcF3GQVUxI&sig=pejh10tPGgkx7KY-a8NzyqTHIm8&redir_esc=y#v=onepage&q=case%20study%20gerring&f=false.

Gluns, Danielle, and Janna Wessels. 2017. "Waste of Paper or Useful Tool? The Potential of the Temporary Protection Directive in the Current "Refugee Crisis"." *Refugee Survey Quarterly* 36 (2): 57-83. https://www.jstor.org/stable/48503050.

Gotev, Georgi. 2015. "Juncker: Commission won't change its migration agenda." *Euractiv*, 4 June 2015. https://www.euractiv.com/section/development-policy/news/juncker-commission-won-t-change-its-migration-agenda/.

Graham-Harrison, Emma, Lizzy Davies, and Janek Scmidt. 2015. "'Refugees welcome here': UK marchers take to streets with message of support." *The Guardian*, 12 September 2015. https://www.theguardian.com/world/2015/sep/12/refugees-welcome-uk-marchers-un-warns-war-syria-million-displaced.

Grandi, Filippo. 2022. "Today's decision by the European Union to offer temporary protection to refugees fleeing Ukraine is unprecedented. It will provide protection to millions on the move. We encourage its swift and broad application." 3 March 2022. https://twitter.com/FilippoGrandi/status/1499425620933160962.

Harding, Luke. 2015. "Refugee crisis: Germany reinstates controls at Austrian border." *The Guardian*, 13 September, 2015. https://www.theguardian.com/world/2015/sep/13/germany-to-close-borders-exit-schengen-emergency-measures.

Hellyer, H.A. 2022. "Coverage of Ukraine has exposed long-standing racist bias in Western Media." *Washington Post*, 28 February 2022. https://www.washingtonpost.com/opinions/2022/02/28/ukraine-coverage-media-racist-biases/.

Holm-Hansen, Jørn, and Martin Paulsen. 2023. "Ukraina-konflikten." Store norske leksikon. Last Modified 18 January 2023. https://snl.no/Ukraina-konflikten.

Hooghe, Liesbet, and Gary Marks. 2019. "Grand theories of European integration in the twenty-first century." *Journal of European Public Policy* 26 (8): 1113-1133. https://doi.org/https://doi.org/10.1080/13501763.2019.1569711.

Howlett, Michael, and M Ramesh. 2003. *Studying Public Policy: Policy Cycles and Policy Systems*. 2nd ed. Ontario: Oxford University Press.

Haas, Ernst B. 2004. *The uniting of Europe : political, social, and economic forces, 1950-1957*. University of Notre Dame Press.

ICMPD. 2015. "2015 in review: How Europe reacted to the refugee crisis." Accessed 12 April 2023. https://www.icmpd.org/file/download/59411/file/2015%2520in%2520review_Chronology%2520of%2520events%2520and%2520policy%2520responses.pdf.

Ineli-Ciger, Meltem. 2016. "Time to Activate the Temporary Protection Directive: Why the Directive can Play a Key Role in Solving the Migration Crisis in Europe." *European Journal of Migration and Law* 18 (1): 1-33. https://doi.org/https://doi.org/10.1163/15718166-12342088.

IOM. 2016. "IOM Releases Global Migration Trends 2015 Factsheet." International Organization for Migration. Last Modified 19 April 2016. https://www.iom.int/news/iom-releases-global-migration-trends-2015-factsheet.

Joly, Danièle. 1998. "Temporary protection within the framework of a new European asylum regime." *The International Journal of Human Rights* 2 (3): 49-76. https://doi.org/10.1080/13642989808406746. https://doi.org/10.1080/13642989808406746.

Jordans, Frank. 2015. "Merkel: No legal limit to asylum seekers Germany can take." *AP News*, 5 September, 2015. https://apnews.com/article/01ec319015e5408dbcc9bd88a46e01e6.

Jumbert, Maria Gabrielsen. 2022. "Operasjon Triton." Store norske leksikon. Last Modified 14 April 2023. https://snl.no/Operasjon_Triton.

Kelemen, Roger Daniel, and Kathleen McNamara. 2022. "State-building and the European Union: Markets, War, and Europe's Uneven Political Development." *Comparative Political Studies* 55 (6): 963-991. https://doi.org/10.1177/00104140211047393. https://journals.sagepub.com/doi/abs/10.1177/00104140211047393.

Kienast, Julia, Nikolas Feith Tan, and Jens Vedsted-Hansen. 2023. "Preferential, Differential or Discriminatory? EU Protection Arrangements for Persons Displaced from Ukraine." *EU Responses to the Large-Scale Refugee Displacement from Ukraine,* edited by Sergio Carrea,

Ineli-Ciger Meltem, 383-399.

https://cadmus.eui.eu/bitstream/handle/1814/75377/ASILE%20E-Book.pdf?sequence=7&isAllowed=y#page=397.

Kingsley, Patrick, Alessandra Bonomolo, and Stephanie Kirchgaessner. 2015. "700 migrants feared dead in Mediterranean shipwreck." *The Guardian*, 19 April 2015, 2015. https://www.theguardian.com/world/2015/apr/19/700-migrants-feared-dead-mediterranean-shipwreck-worst-yet.

Knill, Cristoph

Tosun, Jale. 2020. "Policy-making." In *Comparative Politics*, edited by Daniele Caramani.

Oxford: University Press.

Koren, Marina. 2015. "How the Paris Attacks Are Changing the EU's Debate on Refugees." *The Atlantic*, 16 November 2015. https://www.theatlantic.com/international/archive/2015/11/paris-attack-refugees/416175/.

Laurence, Peter. 2015. "Will EU Commission's quota plan for migrants work?" *BBC*, 13 May 2015. https://www.bbc.com/news/world-europe-32693737.

Lavah, Gallya. 2004. "Toward a people's Europe: An institutional analysis of immigration policy in the European Union." In *Immigration and Politics in the New Europe: Reinventing Borders* edited by Gallya Lavah, 26-68. Cambridge: Cambridge University press.

Lijphart, Arend. 1971. "Comparative Politics and the Comparative Method." *The American Political Science Review* 65, no. 3: 682-693. https://www.jstor.org/stable/pdf/1955513.pdf?refreqid=excelsior%3Afa0c2e1e431d63f2288835f656cc0fb8&ab_segments=&origin=&initiator=&acceptTC=1

Lima, Geir, and Maria Gabrielsen Jumbert. 2023. "Mare Nostrum." Store norske leksikon. Last Modified 22 June 2022. https://snl.no/Mare_Nostrum.

Mitrovic, Olga. 2015. "Used during the Balkan crises, the EU's Temporary Protection Directive may now be a solution to Europe's refugee emergency." *London School of Economics and Political Science*. 22 December 2015.

https://blogs.lse.ac.uk/europpblog/2015/12/22/the-eus-temporary-protection-directive-as-a-solution-to-europes-refugee-crisis/.

Moravcsik, Andrew. 1993. "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach." *Journal of Common Market Studies* 31, no. 4: 473-524. https://doi.org/ https://doi.org/10.1111/j.1468-5965.1993.tb00477.x.

---. 1999. *The Choice for Europe: Social Purpose & State Power from Messina to Maastricht*. United Kingdom: Routledge.

Morsut, Claudia, and Bjørn Ivar Kruke. 2018. "Crisis governance of the refugee and migrant influx into Europe in 2015: a tale of disintegration." *Journal of European Integration* 40 (2): 145-159. https://doi.org/10.1080/07036337.2017.1404055.

Niemann, Arne. 2021. "Neofunctionalism." *The Palgrave Handbook of EU Crises*, 115-133. https://ebookcentral.proquest.com/lib/bergen-ebooks/detail.action?docID=6434480.

Niemann, Arne, Zoe Lefkofridi, and Philippe C. Schmitter. 2019. "Neofunctionalism." In *European Integration Theory*, edited by Antje Wiener, Tanya A. Börzel and Thomas Risse. New York: Oxford University Press.

O'Grady, Siobhán. 2015. "Slovakia to EU: We'll Take Migrants — If They're Christians." *Foreign Policy*, 19 August, 2015. https://foreignpolicy.com/2015/08/19/slovakia-to-eu-well-take-migrants-if-theyre-christians/.

Obordo, Rachel, and Caroline Bannock. 2022. "'I'm afraid Russia will invade us next': alarm among Ukraine's neighbours." *The Guardian*, 1 March 2022. https://www.theguardian.com/world/2022/mar/01/ukraine-neighbours-nato-lithuania-poland-slovakia-latvia-estonia-romania.

Pluim, Martijn. 2015. "Six more options for EU-Western Balkans cooperation to manage the migration and refugee crisis." International Centre for Migration Policy Development Last Modified 7 October 2015. https://www.icmpd.org/blog/2015/six-more-options-for-eu-western-balkans-cooperation-to-manage-the-migration-and-refugee-crisis.

Ray, Michael. 2023. "Russia-Ukraine War." Britannica. Last Modified 30 May 2023. https://www.britannica.com/event/2022-Russian-invasion-of-Ukraine.

Rettman, Andrew. 2015. "EU states favour Christian migrants from Middle East." *EU Observer*, 21 August, 2015. https://euobserver.com/rule-of-law/129938.

Reuters. 2015. "Troubling image of drowned boy captivates, horrifies." *Reuters*, 3 September, 2015. https://www.reuters.com/article/us-europe-migrants-turkey-idUSKCN0R20IJ20150902.

Riddervold, Marianne, Jarle Trondal, and Akasemi Newsome. 2020. *The Palgrave Handbook of EU Crises*, ed ProQuest Ebook Central: Springer International Publishing AG. https://ebookcentral.proquest.com/lib/bergen-ebooks/detail.action?docID=6434480.

Robert, Aline, Andrei Schwartz, Angela Lamboglia, Daniel Tost, Eliška Kubátová, Fernando Heller, Georgi Gotev, Krzysztof Kokoszczyski, Lucieand Bednárová, and Martina Dupáková. 2015. "Many EU countries say "no" to immigration quotas." *EURACTIV*, 8 June 2015, 2015. https://www.euractiv.com/section/justice-home-affairs/news/many-eu-countries-say-no-to-immigration-quotas/.

Sardelic, Julija. 2017. "The Western Balkan Route: A New Form of Forced Migration Governance in Europe?". Green Eurpopean Journal. Last Modified 31 August 2017. https://www.greeneuropeanjournal.eu/the-western-balkan-route-a-new-form-of-forced-migration-governance-in-europe/.

Savary, Medea. 2015. "First group of asylum seekers relocated from Italy to Sweden." Last Modified 9 October https://www.unhcr.org/news/stories/first-group-asylum-seekers-relocated-italy-sweden.

Schimmelfennig, Frank. 2020. "Liberal Intergovernmentalism." In *The Palgrave Handbook of EU Crises*, 61-78. ProQuest Ebook Central: Springer International Publishing AG.

Seawright, Jason, and John Gerring. 2008. "Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options." *Political Research Quarterly* 61 (2): 294-308. https://journals.sagepub.com/doi/abs/10.1177/1065912907313077.

Spindler, William. 2015. "2015: The year of Europe's refugee crisis." UNCHR. Last Modified 8 December 2015. https://www.unhcr.org/news/stories/2015-year-europes-refugee-crisis.

Strøby Jensen, Carsten. 2019. "Neo-functionalism." In *European Union Politics*, edited by Michelle

Pèrez-Solórzano Borrogán Cini, Nieves, 55-68. New York: Oxford University Press.

Tarrow, Sidney. 2010. "The Strategy of Paired Comparison: Toward a Theory of Practice." *Comparative Political Studies* 43 (2): 230-259. https://doi.org/10.1177/0010414009350044.

Taylor, Adam 2015. "Italy ran an operation that saved thousands of migrants from drowning in the Mediterranean. Why did it stop?" *Washington Post*, 20 April 2015. https://www.washingtonpost.com/news/worldviews/wp/2015/04/20/italy-ran-an-

operation-that-save-thousands-of-migrants-from-drowning-in-the-mediterranean-why-did-it-stop/.

Traynor, Ian. 2015. "EU countries to take in 40,000 asylum seekers in migration quota proposal." *The Guardian*, 27 May, 2015. https://www.theguardian.com/world/2015/may/27/eu-countries-take-40000-asylum-seekers-migration-quota-syria-uk.

Traynor, Ian, and Patrick Kingsley. 2015. "EU governments push through divisive deal to share 120,000 refugees." *The Guardian*, 22 September 2015. https://www.theguardian.com/world/2015/sep/22/eu-governments-divisive-quotas-deal-share-120000-refugees.

Uçarer, Emek M. 2019. "The Area of Freedom, Security, and Justice." In *European Union Politics*, edited by Michelle Cini and Nieves Pèrez-Solórzano Borrogán, 323-342. New York: Oxford University Press.

UNCHR. 2015. "The sea route to Europe: The Mediterranean passage in the age of refugees." Last Modified 1 July 2015. https://www.unhcr.org/5592bd059.html.

---. 2016. "Building on the Lessons Learned to Make the Relocation Schemes Work More Effectively: UNHCR's Recommendations." Last Modified January 2016. https://www.unhcr.org/media/33234.

---. 2023. "Operational Data Portal. Ukraine Refugee Situation.". Accessed 30 May 2023. https://data.unhcr.org/en/situations/ukraine

Unicef. 2023. "A timeline of the Syrian civil war and refugee crisis." Accessed 15 April 2023. https://www.unicef.ie/stories/timeline-syrian-war-refugee-crisis/.

United Nations. 2022. "Ukraine: UN expert condemns racist threats, xenophobia at border." Last Modified 3 March 2022. https://www.ohchr.org/en/press-releases/2022/03/ukraine-un-expert-condemns-racist-threats-xenophobia-border.

Wagner, Martin. 2015. "2015 in review: how Europe reacted to the refugee crisis." International Centre for Migration Policy Development. Last Modified 21 December 2015. https://www.icmpd.org/blog/2015/2015-in-review-how-europe-reacted-to-the-refugee-crisis.

Wasik, Zosia, and Henry Foy. 2015. "Poland favours Christian refugees from Syria." *Financial Times*, 21 August 2015. https://www.ft.com/content/6edfdd30-472a-11e5-b3b2-1672f710807b.

White, Nadine. 2022. "Ukraine: Concerns mount as Black people report racism while fleeing war zone." *Independent*, 27 February 2022.

https://www.independent.co.uk/news/world/europe/ukraine-refugees-racism-russia-invasion-b2024175.html.

Wiener, Antje, Tanya A. Börzel, and Thomas Risse. 2019. *European Integration Theory*. Third ed. New York: Oxford University Press.