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CHAPTER 7

THE EUROPEAN UNION'S RESPONSE TO THE MEDITERRANEAN 'REFUGEE CRISIS': THE NORMALISATION OF SECURITISATION

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Abstract

The goal of this chapter is to explore the European Union's (EU) response to the Mediterranean 'refugee crisis' mainly from 2013/4 to 2016, as well as beyond this 'peak' period, by means of the triangulation of document and discourse analysis, newspaper articles and secondary scholarly literature. We provide an overview of the main events, the EU's responses (including the Member States), and discuss the consequences of what we identify as the 'normalisation of securitisation'. We conclude that this increasingly common practice is detrimental to the European integration project as well as to the freedoms of its citizens in addition to promoting the exclusion of non-EU citizens.

Keywords: European Union, securitisation, refugee crisis, migration, discourse

Introduction

The mass movement of forcibly displaced persons (including asylum seekers and economic and other types of migrants) around the Mediterranean, primarily from the South to the North, following the Arab Spring uprisings, led to substantial changes in how the European Union (EU) deals with border control – at least in rhetoric (Trauner, 2016) – and its securitisation largely contributed to the rise of far-right political movements in several (if not all) EU Member States (Collyer and King, 2016; Menéndez, 2016; Gattinara, 2017; Rheindorf and Wodak, 2018). The goal of this chapter is to explore, through the triangulation of document and discourse analysis, newspaper articles and secondary scholarly literature, the EU's response to this phenomenon – commonly dubbed as the European or Mediterranean 'refugee crisis' – primarily from 2013 to 2016, even though relevant events after this 'peak' will also be contemplated. We seek to provide an overview of the main events that took place in and around the EU during this period, as well as of the EU's responses (including individual Member States' responses), and to critique and discuss the consequences of the overall tendency to normalise securitisation.

The policy field of migration and home affairs is an area of shared competence between the EU institutional structure and the Member States. At the EU level, the Council adopts legislation along with the European Parliament and ensures coordination between the Member States' internal security. Following constant changes and developments over the last decades – as ensuring external border control has been relevant for Member States since before the EU's actual inception (Loescher, 1989) –, this policy field currently deals with issues such as judicial cooperation in civil and criminal law, the fight against organised crime and terrorism, fundamental rights, asylum and immigration policies, the free movement of peoples and goods (i.e., the Schengen area, which includes all EU Member States except for Bulgaria, Croatia, Cyprus, Ireland, and Romania), border management, police cooperation, as well as civil protection.

The EU agency that is most relevant for our study is Frontex, which has undergone changes in the aftermath of the phenomenon under study, following the attempt of implementing a problem-solving kind of neofunctionalist logic (Niemann and Speyer, 2018). Established in 2004 as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, Frontex subsequently became the European Border and Coast Guard Agency in 2016. This EU agency has, in recent years, been charged with monitoring and managing the EU's external borders. In this sense, and because this is a shared competence policy field, Frontex complements and assists EU Member States' border management systems

by monitoring migration flows, assessing risks and vulnerabilities, training border guards from the Member States (including assisting in the establishment of common training standards for border guards), assisting in search and rescue operations, and ultimately by supporting EU Member States in returning third-country nationals that do not have the right to stay on EU territory. Despite the 2016 'revamping and relabelling' effort, the agency remains highly dependent on the Member States and does not necessarily ensure the latter's compliance with common EU border and asylum standards (Carrera and den Hertog, 2016).

Throughout this chapter, we opted for consistently referring to this phenomenon as the 'Mediterranean' rather than 'European' 'refugee crisis', as the latter Eurocentric discursive choice is limited and problematic, since the phenomenon goes well beyond Europe or the EU. Even though we admittedly chose to study the EU's specific responses, by opting for the former designation, we remove the EU's centrality regarding the phenomenon and its consequences and frame it within a wider geopolitical context that is not bereft of significance for the understanding thereof (Collyer and King, 2016).

In addition, while we recognise that most people arriving in EU shores during the established timeframe are either asylum seekers or economic and other types of migrants, we opted for using the term 'refugee crisis' (between inverted commas), simply because this has been one of the most common and recognisable designations for this phenomenon in recent years. Still, we are aware of a distinction between migrants, asylum seekers, and refugees, at least from a legal standpoint. A migrant is commonly understood as a person who leaves their home to seek a new life in another region or country (it can be a regular or irregular/undocumented migrant); an asylum seeker - which has progressively been replaced with the term 'international protection' – is commonly understood as someone fleeing war, persecution, or natural disasters and who is seeking asylum, i.e., the legal permission to stay as a refugee in the country of arrival. Refugee is thus a legal status conferred to an asylum seeker following a successful application process. It is important to notice that not every asylum seeker will be recognised as a refugee, but every refugee is initially (at least in principle) an asylum seeker, although many do not apply due to a myriad of reasons, which can include not wanting to register due to fear concerning irregularities regarding their means of arrival or lack of documentation, fear of deportation in case of refusal of refugee status, association with criminal activities (e.g., paying to reach a desired country), among others. The problem with these concepts is that the distinction between them is not always entirely clear, it is artificial and often arbitrary,

and ultimately creates exclusion (e.g., where does someone fleeing from extreme life-threatening poverty fit?).

We chose to use the term 'crisis' to refer to this phenomenon because, similarly to 'refugee', it has been the most recurrent and recognisable designation for it. However, we do argue that this term is neither innocuous nor neutral, as it reflects the framing of the phenomenon of displacement of peoples from one place to another considering exceptional security measures. Throughout the chapter, we define the concept of securitisation, and we focus not only on the growing securitisation of this phenomenon, but also on the *normalisation* of securitisation in and around the EU, as a continued and systematic use of the term 'crisis' not only reduces its original meaning of emergency (Jeandesboz and Pallister-Wilkins, 2016) but also helps, simultaneously, to normalise emergency measures (Rheindorf and Wodak, 2018).

The goal of this chapter is to explore the EU's response to the Mediterranean 'refugee crisis' mainly from 2013/4 to 2016, as well as beyond this 'peak' period, by means of the triangulation of document and discourse analysis, newspaper articles and secondary scholarly literature. We will begin by identifying the main events concerning the EU and its Member States' responses to the 'refugee crisis', and by looking at the consequences of these events, following a chronologic sequence. In the subsequent section, we will discuss a phenomenon that we have identified as the normalisation of securitisation, as well as the escalation of 'crimmigration' within the EU and its spread to humanitarian assistance. In the last part of this chapter, we will examine the logic of exclusion encased in the discursive dimension of the 'preservation of European spaciality' (Dalakoglou, 2016) found in the initial designation proposal of a portfolio in the 2019 von der Leyen Commission dealing with migration and security issues – 'Protecting our European way of life'. We finish the chapter with concluding remarks regarding the substantial changes that occurred in the EU as a result of the Mediterranean 'refugee crisis'.

EU responses to the 'refugee crisis'

In light of a substantial increase in migrants and asylum seekers arriving in the EU, an appropriate response could have been a Common European Asylum System. Even though the EU's refugee and border control policies had already been undergoing changes (albeit of questionable efficiency) in previous years (Klepp, 2010), reality during the peak of the 'refugee crisis' in 2015 was rather a patchwork of 28 different asylum systems producing uneven results (Trauner, 2016), in addition to the enforcement of the Dublin Regulation.

Before the peak of the 'crisis', this regulation meant, by and large, that asylum seekers had to register in the first EU country they reached, which privileged EU Member States to the North (the desired destination of many migrants, asylum seekers, and refugees), to the detriment of Southern Member States, where most people first arrived at due to the former's location bordering the Mediterranean Sea.

In the aftermath of a shipwreck that killed around 250 people off the Italian coast in September 2013, in the subsequent month the Italian government launched the search and rescue operation Mare Nostrum (Triandafyllidou, 2018). In 2014, shortly after the launch of this operation, Syrian asylum seekers and refugees became the world's largest internationally displaced group (around 3.9 million people). By the end of the year, the EU, in response to pleas from the Italian government, converted Italian operation Mare Nostrum into a Frontex border control Operation named Triton. Although there were high expectations that the EU could solve the Member States' obstacles and problems in this policy field, the 'refugee crisis' has shown that the EU is not well equipped to act as a unified actor in this area, and that this issue surpasses the area of Home Affairs. While in late 2014, when the Junker Commission was organised, for example, the Directorate-General for Justice and Home Affairs was renamed Directorate-General for Migration and Home Affairs (DG HOME), thus emphasising the importance of the former policy area within the broad field of Home Affairs, the structures and functioning, and especially the institutional fragmentation did not change much, which led to a shift of the focus from domestic issues to the control of the EU's external border.

Despite the effort of Frontex's Operation *Triton*, in April 2015 more than 800 people died (around 350 Eritreans, 200 Senegalese, as well as Syrians, Somalis, Sierra Leoneans, Malians, Gambians, Ivoirians, and Ethiopians) on a vessel that capsized in the Mediterranean Sea off the Italian coast trying to reach Europe (ibid.). In response to this event, two months later the EU launched military operation EU NAVFOR (Naval Force) MED (Mediterranean) to identify, capture, and dispose of vessels and other assets used by migrant and asylum seeker smugglers and traffickers.

There are two aspects of this operation that reflect the EU's strategy for tackling the issue at hand. One aspect is that the operation represents an important instance of the EU's Comprehensive Approach to External Conflicts and Crises, a 2013 Joint Communication to the European Parliament and the Council produced by the High Representative of the Union for Foreign Affairs and Security Policy at the time, Catherine Ashton, and her team at the European External Action Service (EEAS).

This concept – revised in the 2016 EU Global Strategy as the EU's 'integrated approach' – proposed a mobilisation and interconnectedness of all tools and instruments available to the EU with the purpose of maximising coherence and effectiveness in tackling external conflicts and crises. The 'comprehensiveness' of EU NAVFOR MED resides in its location in between the policy areas of Home Affairs (which deals with ensuring domestic security for the EU) and the Common Security and Defence Policy (an externally-oriented security and defence crisis management policy). This, in turn, reflects not only the securitisation of the migrant and refugee 'crisis', but also a growing link between domestic and external security concerns and tools. The second relevant aspect is that the operation EU NAVFOR MED was subsequently renamed Operation Sophia by the EU High Representative at the time, Federica Mogherini, in a discursive effort to humanize the EU's response, as the name stems from a Somali baby who was born on, and named after, a German EU NAVFOR MED taskforce vessel in August 2015 that rescued over 400 people from the Mediterranean.¹

In August of 2015, German Chancellor Angela Merkel declared openness to suspend the Dublin Regulation and, consequently, to temporarily interrupt the obligation of new arrivals to submit their asylum applications in the country of arrival. Even though the European Commission had already decided on a relocation scheme for 60,000 people arriving in Italy and Greece to other EU Member States in May of that year, following Merkel's declaration, this number went up to 120,000 in September. This, in turn, led to the closing of the Hungarian borders, as well as the building of barbed and razor-wire fences in the border with Serbia (ibid.).

In October 2015, the EU started negotiating a deal with Turkey. In this deal, the EU promised Turkey financial assistance with the more than 2 million Syrian refugees therein, and to be more open with the enlargement process as well as to accelerate visa liberalisation between the two parties. Turkey, in turn, would help stop and prevent new routes for irregular migration from Turkey to the EU, and would accept the return of irregular migrants that had gone from Turkey to Greece.

Throughout 2016, some EU Member States' political elites and population in Central and Eastern Europe were openly dismissive of resettling refugees and asylum seekers. Countries in particular from the Visegrad Grup (Czech Republic, Hungary, Poland, and Slovakia) have had a historically difficult relationship with Germany's hegemonic role in the EU, and the response to the 'refugee crisis' was no exception.

¹ https://www.operationsophia.eu/about-us/#story

The focus of these Member States has primarily been the reinforcement of external borders as well as tackling the root causes of migration flows, rather than receiving the migrants, refugees, and asylum seekers.

In January of 2016 Austria temporarily suspended the Schengen agreement and imposed full border controls and considered allowing officials to reject migrants at the border. This eventually became unnecessary because the number of arrivals decreased. In October 2016, Hungary's response to the imposition of quotas was to hold a referendum. While over 98% of participants voted against the imposition of relocation quotas, less than 50% of the Hungarian electorate participated, and the minimum threshold to consider the referendum valid and binding was not reached. Nonetheless, Hungarian Prime Minister Viktor Orbán still presented the result of the referendum as a validation to his anti-immigrant rhetoric.

In March 2016, an agreement between the EU and Turkey was reached. This highly criticised agreement led to a substantial decrease in arrivals in the EU coming from Turkey, but it was also marked by a form of 'coercive bargaining' that sits upon an imminent threat of the release of masses of migrants and asylum seekers (Greenhill, 2016) from Turkey. The Turkish government has often threatened the EU with such releases (Stevis-Gridneff and Kingsley, 2020) leading to a gathering of over 13,000 migrants and asylum seekers at the Turkish-Greek border in early 2020 (IOM, 2020).

The EU's shift to focusing on its external borders by attempting to reinforce Frontex or by striking a deal with Turkey was linked to the perceived risk in the difficulty in getting rid of internal 'emergency' border controls that had been established as a response to the 'crisis', and which ultimately risked the Schengen area of free movement of people and goods – one of the pillars of the EU. Nonetheless, a number of conflicts and normative divergences remain between, on the one hand, EU actors and institutions that claim that offering easier access to the EU through a facilitated visa policy would strengthen EU relations with some third countries and, on the other hand, Member State Home Affairs officials who focus more on security concerns and on preventing the overstay of those who arrive. In other words, there is still fragmentation, lack of coordination, and problems of information exchange between EU institutions and bodies, as well as a frequent 'de-prioritisation' of the area of migration and asylum in the direct relations between the EU and third countries, despite the opposite rhetoric in public diplomacy.

The normalisation of securitisation

The concept of securitisation was most notably developed by the Copenhagen school (e.g., Buzan et al., 1998) with the purpose of capturing a broader understanding of security beyond the traditional political-military milieu. This concept focuses on non-military elements and events that are perceived and labelled as 'emergencies' or 'threats' and thus justify the deployment of whatever means possible to contain them – even if this means supressing some of the freedoms of the community, such as in the case of self-contained surveillance systems, for example. Even though securitisation in the area of migration is not new in the EU context (Huysmans, 2000), this 'crisis' has seen not only the securitisation of asylum seekers and migrants, but also of those that frame it with a humanitarian rather than a security focus – such as in the case of the arrest of Sea-Watch 3 captain Carola Rackete (Al Jazeera, 2019). In addition, we argue that the EU (and its Member States) is not only experiencing, but also actively encouraging a normalisation of the securitisation of this and other policy fields.

Even though the concept of 'crimmigration' – i.e., the association between criminal law and immigration - is hardly new, the 'refugee crisis' and the normalisation of securitisation in the EU context have contributed to the rise in this challenging and exclusion-prone association within EU Member States. Stumpf (2006), discussing the context of the United States of America, refers to this association as "membership theory," arguing that it "provides decisionmakers with justification for excluding individuals from society, using immigration and criminal law as the means of exclusion" (p. 366). While this concept is often associated with external borders, and it also not new in the EU context (Majcher, 2013), van der Woude and van der Leun (2017) bring attention to the increasing application of this association in the context of the allegedly temporary re-emergence of the EU's internal borders in the midst and aftermath of the 'crisis'. Normalisation of the temporary restrictions in the Schengen area (Collyer and King, 2016) feed into the rise of 'crimmigration' within the EU, as "countries are increasingly looking for ways to use the grey areas of supranational and national legislation in such a way that the promise of a borderless Europe applies only to a privileged group of bona fide travellers and not to those who are seen as the crimmigrant 'other'" (Aas, 2011² apud van der Woude and van der Leun, 2017: 41).

The criminalisation of humanitarian assistance providers is also associated with the phenomena of increase in 'crimmigration' and with the overall normalisation of securitisation (Provera, 2016; Carrera et al., 2018).

² Aas, K. F. (2011) 'Crimmigrant' bodies and bona fide travelers: Surveillance, citizenship and global governance. Theoretical Criminology 15 (3): 331–346.

Some of the problems that emerge from "policies that criminalise contact with irregular migrants" include "widespread feelings of subjective insecurity as well as stigma, ill trust and prejudice towards migrants" (Carrera et al., 2018: 92). Moreover, the growing practices of 'policing humanitarianism' and 'criminalisation of solidarity' (Fekete, 2018) "negatively affect wider societal trust and divert the limited resources of law enforcement from investigating more serious crimes" (Carrera et al., 2018: 1).

'Protecting our European way of life'

During the presentation of the 2019 European Commission by President Ursula von der Leyen,³ a new portfolio attributed to one of the Commission's Vice-Presidents (Margaritis Schinas) has garnered substantial media attention for the controversial choice of name: 'Protecting our European way of life'. Von der Leyen proposed a rethinking of the DG HOME portfolio from the previous Juncker Commission with a focus on migration, security, employment, and education.

Critiques stemming from the European Parliament, various NGOs, or civil society organisations have dubbed it a 'far right slogan' and 'an insult to European values' (Rankin, 2019). Notwithstanding, the notion of 'protecting the European way of life' is not necessarily new - it has been used in discourses and narratives related to the normative justification of the EU's crisis management policy, alongside the EU's selfportrayal as not just 'good', but as 'the best,' not as a 'model,' but as an 'ideal,' not just as a norms promoter, but as having the responsibility, as part of its raison d'être to help 'less civilised' actors on the way to progress and development, regardless of its own actual performance as an actor (Ribeiro, 2019). In addition, the increasingly volatile domestic and external environment and the strong securitisation tendency of the policy field of migration - including, as mentioned in the previous section, the criminalisation those who attempt to help migrants and asylum seekers as well as the rise in the association between criminal law and immigration within EU borders – has led to a shift in the EU's understanding of its security as both physical and ontological and to an apparent retraction in its normative ambitions towards external actors (Roccu and Voltolini, 2018).

The issue that has attracted so much controversy is the connection between the expression 'protecting our European way of life' and the portfolio that deals with the policy fields of migration, security, employment, and education.

³ https://www.youtube.com/watch?v=pwbdIDC29GA

In addition, this is arguably the most visible instance of the use of this expression with connection to security and migration in the EU's public discourse in recent times, and, without clarification, it sends a message widely understood as problematic. In fact, the direct association between migration and security in the same portfolio is as telling as the initially chosen name (it has since changed) in that both reinforce the normalisation of securitisation and the logic of exclusion encased in the preservation of European 'spaciality' (Dalakoglou, 2016), mimicking discourses of populist movements and of Member State governments – such as "protecting Austria against the influx of refugees" (Rheindorf and Wodak, 2018).

In her mission letter to Schinas, von der Leyen defines 'the European way of life' as

built around *solidarity*, *peace of mind and security*. We must address and allay *legitimate fears* and concerns about the *impact* of irregular migration on our economy and society. This will require us to work together to find common solutions which are grounded in our *values* and our *responsibilities*. We must also work more closely together on *security*, notably on new and emerging *threats* that cut across borders and policies (Von der Leyen, 2019: 4).

However, the President of the European Commission also argued that the 'European way of life' entails "a strong focus on integration [of migrants]" and "making sure workers are equipped to thrive in our evolving labour market" (ibid.).

This discourse is ultimately being criticised for appearing to establish a distinction between 'our European way of life' (which is, nonetheless, left only vaguely defined) and 'other' ways of life, arguing that the former must be protected (inherently, from the others), thus creating a discursive logic of alterity and exclusion. The EU itself is largely a discursively constructed concept – it is constantly being spoken on behalf of by different actors within its institutional architecture and thus has a fluid and contestable identity. So, the way actors within the EU structure speak about it is fundamentally relevant for the general public's understanding of social and political phenomena around them, and it also matters because it has practical consequences – such as the exclusion of certain groups or the establishment of artificial hierarchies.

Discussion and conclusions

The necessity for the EU to ensure its own (European) physical and ontological security (Roccu and Voltolini, 2018), in a logic of resilience, as articulated in the 2016 Global Strategy (Biscop, 2016; Juncos, 2016; Bendiek, 2017; Colombo et al. 2017)

was fuelled and accompanied by a tendency to increase securitisation the areas of borders and migration due to domestic political pressures and a growth of populist and right-wing political movements in Europe that, in turn, also stem from perceptions of a worsening security environment within and outside Europe. In this chapter, we argued that securitisation has not only marked the EU's response to the Mediterranean 'refugee crisis', but it has also become normalised. The 'normalisation' of actions, discourses, or narratives – i.e., the assumption that they are normal, natural, impartial, accepted – is a common occurrence in the social world. However, when certain ideas (e.g., 'crimmigration' or 'the criminalisation of solidarity') are acquiesced and normalised by the public, they become sustainably powerful and taken for granted to the disadvantage of certain groups that are excluded in this process.

The *nonchalant* manner in which security appears to be integrated with other issues of varying importance and centrality for the European project as such (migration, education, employment) reflects an assumption of its normalisation. While we could argue that this reflects a downgrading or marginalisation of security from the EU's agenda, the centrality of this issue in the EU's public discourse (visible, not least, in the 2016 EU Global Strategy) suggests otherwise. Instead, it seems, everything has become embedded in a security frame – i.e., everything is being *securitised*. And the normalisation of securitisation as an action that is meant to be exceptional in nature in the context of EU policies is the core of the problem, as the exceptional and all that comes with it (including the limitation of certain freedoms – such as the free movement of peoples and goods) becomes acquiesced as normal for the sake of an artificial sense of security, not only fuelling populist and far-right movements but also risking the European integration project itself.

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